

The Crime Story of a Filipino Who Committed Murder in Japan

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In the murder case of Miguel Puyat, the appeal is hereby dismissed," the presiding judge of Osaka High Court slowly but firmly read the sentence. On a warm morning in October 1996, the Filipino was informed of the punishment meted to him; he was sentenced to imprisonment for eight years with forced labor.

This paper aims to understand the social problems of the Philippines as well as Japan through a close analysis of a case of a Filipino who committed murder in his host society, Japan. The case itself, the situation surrounding the convicted person, and the processes of deviant behavior are to be discussed.

I selected this case for discussion for two reasons. First, I

myself became involved in the case as a judicial interpreter on the second day of police interrogation in July 1993; therefore, I had an opportunity to closely witness the case as a participant observer. Second, the case deals with a fairly predictable problem that an undocumented migrant would encounter in the host society; that is, the case contains implications both specific to this situation and universal to migrants in general.

More than 10 years have passed since Japan started to accept foreign workers. Needless to say, we observed a "hot" debate whether we should welcome or restrict their entry to Japan. In the early 1990s, Japan experienced an unforeseen economic boom, and the country suddenly became an "ideal" destination of migration for those

who are from the so-called Third World.

At the same time, Japan's long-aspired for ideal type of "internationalized" society became a reality, although not as a society full of English-speaking people but with the march of laborers of various "minor" languages. Male laborers from Asian countries (excluding Japan itself), the Middle East, and Latin American countries settled in Japan as undocumented aliens, as a natural consequence of the boom, to start constructing Japan's foundational infrastructure. In reality, Japan badly needed foreign labor to push forward the construction master plan drawn up for the real estate boom. Hardworking *sararii-men* (corporate employees who receive a regular salary) needed young and fresh hostesses or nighttime women workers to comfort them after long working hours.

In the controversy of whether Japan should accept foreign laborers or not, one prediction of the consequence was an increase of criminal cases by newly settled foreigners. Naturally, the number of cases would increase as the absolute number of foreign population expanded. It is yet to be empirically verified how and to what extent the foreign population helped Japan's lower society turn into a "ghetto" in the past years. The case of Miguel Puyat is a criminal

case in which an "unwelcomed" alien is involved.

A considerable number of criminal cases involving foreigners has been noted in Japan. In fact, in the mid-1990s, the country faced a large number of foreigners involved in various kinds of crimes. According to statistics of the Osaka District Prosecutor's Office, the number of cases where interpreters were hired doubled from 1994 to 1995. In 1994, they handled only 468 cases of foreign criminals, while in 1995, this increased to a high 1,037. The majority of the suspects were Chinese; only 18 Filipinos were brought to the office in 1994, but this increased to 53 in 1995. According to the officer of the International Investigation Division, around 10 Filipino-Japanese interpreters had been working on a part-time basis to meet the translation needs of the office as of 1996 (Osaka Regional Prosecutor's Office 1996).

However, the writer should point out in this discussion that the foreign "labor" that Japan accepted was made up of individuals with the firm wish to live and better themselves. This was not suddenly pointed out in the 1990s but had been noted as a problem of the internal migrant in the 1960s, when Japan's urban areas welcomed young Japanese boys from rural areas to support the rapid economic progress of that time. Also, in the

case of Miguel Puyat, underlying the physical criminal act of murder are the unremovable stress and emotional conflicts of irregular migrants, concretely manifested in the problems of legal status and "marriage for convenience." Without understanding these conflicts, we cannot understand the criminal acts that migrants commit.

What is "marriage for convenience"? This seems familiar to Filipinos in my personal observation, although it was not familiar to me. Five years ago, when I was in the Philippines, a personal advice column in a newspaper came into my attention, which went as follows:

Dear Bob,

I've had a boyfriend for 3 years. We met in college and before I graduated, he left for abroad to seek greener pastures... Our long distance love affair went okay until he decided to come home last November '91. Everybody expected us to get married. But no wedding took place. I discovered that he had married someone else abroad... he said he married the girl for convenience because he had troubles with his citizenship papers. He was willing to pay the girl to marry him, but the girl agreed to help for free... He swears

he loves me, and that he did that for his papers, and that's the only way to offer me a comfortable life abroad.

This is a quotation from Bob Garon's column from the newspaper *Manila Standard*, dated December 5, 1992, which I frequently read. Every morning, I read different kinds of "problems" of the times and this was very informative as well as stirring up my interest in the problems of migration and "marriage for convenience" entailed in the process.

Is the abovementioned problem a special one? Munesuke Mita, the Japanese sociologist renowned for the analysis of post-war Japanese society, noted that such a personal advice column was like an active volcano.

It will not necessarily be an 'average' sample of the surface of the earth. However, through analyzing the love blown out of the active volcano, we will discover possible clues to understand the internal structure of the earth's crust (Mita 1965:3).

Nevertheless, the contents of the personal advice column did not become real to me at that moment. How could I understand the idea that "marriage for convenience is the only way for a comfortable life

abroad"? Moreover, I felt doubt over why Filipinos unconditionally believed in the comfort of living abroad.

However, this concept came back to mind when I encountered Miguel Puyat's case. "Marriage for convenience" is one of the underlying forms of deviant behavior to be reckoned with in the case of Miguel Puyat. Moreover, "marriage for convenience," here considered as a trigger for the deviance of murder, exists on top of a series of other deviant behaviors which carefully piled up one by one. The internal structure of the active volcano can be read in the life stories of Miguel Puyat and his common-law "wife," Joan.

The main actor, Miguel Puyat, was born in Manila and was 31 years old.¹ He has been in Japan for 11 years starting in 1986, but he has already spent nearly 4 years in jail. Recently, he left his old home, Osaka Detention House, and was transferred to a prison to serve time. One of the two supporting actors was 30-year-old Joan, a Filipino born in Cabanatuan. She worked in Japan as a hostess starting in 1991 and became Miguel's common-law wife soon after they met each other. When Miguel's case occurred, Joan was also arrested and interrogated for violating the Immigration Control

Law. She was therefore deported back to the Philippines. The third actor was a Japanese man, Ueda, who met Joan in a snack bar and offered her marriage.

In the year when Miguel set his initial footsteps in Japan, a total of 867,237 foreigners, including 18,897 Filipinos, were registered in the country as legal migrants regardless of length of stay. In the same year, 85,267 Filipinos came to Japan, including Miguel himself. From that year, the number of Filipinos arriving in Japan steadily increased: 85,267 in 1987; 86,567 in 1988; 88,296 in 1989; 108,292 in 1990; and 125,329 in 1991. Simple observation of the above numbers indicates "going to Japan" boomed in the Philippines during this period. The number of Filipinos coming to Japan in 1991 (when Joan came here) was 2.47 times as many as that in 1987 when Miguel came. We should not, however, ignore the gap between the number of arrivals and that of foreigners who underwent alien registration. In 1987, 25,017 Filipinos were registered when 85,267 entered. The 1993 records of the Immigration Bureau, Ministry of Justice, revealed that in 1988, 32,185 were registered; in 1989, 38,925; in 1990, 49,092; and 1991, 61,837. This shows the significant number of undocumented Filipinos, like Miguel and Joan, living in Japan.

Miguel in the judicial procedure

It was in July of 1993 that I met Miguel for the first time. It was just the second day of his stay in a cell which was called the "custody room in a police station used in lieu of a detention house." He was arrested for being a suspect in a murder case. A Japanese *toban-bengoshi* (lawyer who provides free legal consultation) met him in the small meeting room for lawyers and suspects.² I then accompanied him, upon earlier request of the Osaka Bar Association. There were only three of us in the small room. However, we had to concentrate and listen to Miguel's voice very carefully since there were only small holes in the plastic board between us.

Miguel, who had already been reported in several newspapers as a "foreign murderer," looked like a middle-sized person. His sand-colored face and body showed he worked as a laborer, and only his glaring eyes showed he had "done something." His hair was not abundant; he was slightly bald, which made me sympathize with his uneasy life here. On this point, Miguel stated in the police interrogation record that

compared to my picture on my passport, I look slightly bald. I think this is because I have been engaged in a dangerous kind of job like

being a painter, and I am always worried about when I could continue to work.³

Miguel made some false statements to the investigators at the police station, which even worsened his situation. He told the police he brought the knife he used for the incident from his own house. He was desperate over what he had committed. In the same manner, he refused the appointment of the free legal consultant to serve him before indictment.

The *Yomiri Shimbun* reported the incident in its evening edition last July 4, 1993, as follows:

With regard to the case where Mr. Ueda (not his real name, company employee of XX City, Osaka Prefecture, was stabbed to death, the special investigation task force of the Osaka Prefectural Police Headquarters' First Criminal Investigation Department arrested a Philippine national, Miguel (not his real name), as a suspect of murder last July 13, 1993.

According to the investigation, the suspect Miguel visited Mr. Ueda's house at around 7:20 in the morning, July 12. He and Mr. Ueda started a quarrel at the door entrance of Mr. Ueda's apartment; then the suspect

stabbed the left breast of the victim until he was dead. The suspect came to Japan three years ago with a tourist visa. He worked as a construction laborer or painter in Kyoto and Osaka.

He got to know a Filipina who was working as a hostess at a snack bar in a suburban city in April last year and started cohabitation. Also, Mr. Ueda got acquainted with the Filipina at the snack bar last November. The Filipina told the suspect that she would marry Mr. Ueda in the future. According to the suspect, he "visited the victim's house only to confirm his plan to marry the Filipina, but they started quarreling, which led me to stab the Japanese man. (Translated from the original Japanese by the author.)

Several weeks later, I was informed that Miguel personally appointed a private lawyer, who actually volunteered to defend him without charging a fee.⁴ I became the defense interpreter and went to Osaka Detention House while Miguel was investigated at the police station, with a Filipino-(Tagalog-)speaking Japanese policeman and a civilian Filipina resident in Osaka alternately interpreting. After the indictment, the court appointed a court

interpreter for the hearings. I attended and observed the hearings as a member of the public, and occasionally visited Miguel at the detention house.⁵ We wrote to each other several times a month.

Case outline

The series of interrogations at the police and public prosecutor's offices, as well as court hearings, lasted for more than three years. To summarize the case and facts recognized through physical evidence by the Osaka District Court, the sentence delivered November 20, 1995 went as follows.

The defendant is hereby sentenced to imprisonment for eight years. This is based on the facts recognized at the Court:

Miguel came to Japan in 1986 and met Joan. As Joan met Ueda and was offered marriage by him, Miguel once agreed with his common-law wife's decision to marry the Japanese for convenience. However, Miguel had a doubt perhaps that Ueda was offering marriage only to have sexual intercourse with Joan.

Miguel decided to visit Ueda to ask about the plans for marriage and headed for Ueda's apartment in the early

morning of July 12, 1993. Miguel knocked at the door, and then Ueda appeared. At first, they talked with each other, but the conversation grew into a quarrel. Then Miguel got angry when he was hit by Ueda in his breast. Miguel was pulled into the room. They struggled with each other, which ended when Miguel stabbed Ueda to death.

How then did Miguel become convicted for committing murder? The following is his life story based on my notes during the participant observation in this case, as well as records of the statements at investigating agencies.

Growing up

When Miguel was born in a suburban Manila town in the early 1960s, he was the seventh of nine siblings four of whom had passed away. He graduated from a local high school and worked as a laborer in downtown Manila. Encouraged by a Filipina broker in their neighborhood in 1986 to "challenge his fortune," he decided to go to Japan.

Joan was born in a Central Luzon town in the early 1960s, too. She was the fourth of eight siblings. She gave birth to a baby twice: at age 16 years and at 18. She was not legally married to the children's

father. She tried out various means to support her children, and finally decided to go and live with her eldest sister, Julie, in Japan in 1991.

Meeting each other

Miguel had already spent five years in Japan when he first met Joan. Miguel came to the country in 1986 and immediately was pushed into a *bamba* (a group home of laborers) just beside the work site, to work as *dokata* (in charge of shoveling the earth). However, soon after that, Miguel, as a matter of fact, escaped from the job site because he hated the low salary and heavy work at the *gamba* (job site). He asked the Filipina broker who brought him to Japan to help him by referring him to another employer. He was able to find a job of *toso* (painting) in Osaka to receive a daily wage of ¥5,000 (US\$40). Miguel escaped again from that job and headed for Kyoto to join a group of Filipino laborers. However, he decided to come back to his former job of *toso* when his colleague was arrested for overstaying. Again, he started to work as *toso* under the Japanese *amo* (employer), Mr. Kinoshita.

In his new job, he received ¥13,500 (US\$108) per day.⁶ His monthly income totaled ¥50,000 to 250,000 (US\$1,200-2,000). Receiving a salary of Japanese standard, Miguel imitated a Japanese *salary man* (company employee), going

to an *omise* (snack bar) after duty, where he spent ¥50,000 to 60,000 (US\$400-480) per month. This was double the monthly rent of his small apartment. One day, Miguel found an indispensable place to drop by when he heard that a Filipina hostess, Julie, joined the snack bar, "Cuore," where his *amo* Mr. Kinoshita's wife used to be *mamasan* (female manager). Miguel went to the *omise* and started to court Julie, but the lady refused the Filipino guy. Miguel found another Filipina in the *omise*—Joan, Julie's little sister.

I asked Julie, 'Who is she?', then Julie answered, 'She is my little sister. She just dropped in at this *omise*.' Every time I went to Cuore I saw the lady, hanging out at the snack bar and sometimes waitressing there. I tried to talk to the lady, Julie's little sister, and we asked each other's names. She told me, 'My real name is Joan, but in Japan people call me Mariko.' I told Joan that my name was Miguel.

Since Julie did not accept me as a suitor and even hated me, I came to like Joan. So, I went to Cuore just for Joan. In that *omise*, it cost around ¥15,000 to keep a bottle, which was relatively expensive, so I went there four or five times a

month...⁷ I think it was one week after I met Joan when we made love at my apartment. After that, we came to date outside the *omise*.⁸

In turn, Joan, being an unwed mother, asked her mother to take care of her children while she was working in Japan. Joan would remit money to them in return. That was her minimum obligation to stay in Japan. Joan came to Japan with the assistance of a Japanese broker, Mr. Kato, who made her work as a *deeto-jo* at a snack bar in Mie Prefecture. *Deeto-jo* means a woman who hangs out at the snack bar and goes out with a customer for sex. Joan related the following.

On 1983, I underwent operations of myoma of the uterus twice in the Philippines. I was no longer able to get pregnant. So I decided to work as a *deeto-jo*.⁹

One day, she asked one of her old customers for help to escape from the snack bar and reach Tokyo. After spending two months there, Joan finally found a way to reach her elder sister in Osaka. It was August 1992. Miguel and Joan got to know each other and loved each other not only mentally but also physically. Their relationship became steady "like husband and wife," calling each other "papa" and "mama." Even though they were not

able to legally marry since they were overstaying, they loved each other, trusted each other, and were strongly committed to each other.

At the same time, Joan, working as a hostess, met several Japanese men every day. Some of the regular customers of the *omise* admired Joan; she gave empty compliments to them, frequently called them, and encouraged them to come to the *omise*. Gradually, she built empty quasilove relations with customers. That was her job. One of the frequent comers to the *omise* was Ueda. Thirty-three-year old Ueda was unmarried, an employee of a computer-related company, and spoke English fluently, which made it easy for him to become a regular customer of Joan. For Ueda, Joan was a "foreigner" who knew little about Japan and its language. One day, Ueda invited Joan for a day trip to Kyoto, a tourist attraction of the region.¹⁰ Miguel caught the news only after his "wife" came home. Miguel was slightly offended, but his trust in Joan was still strong.

I believed in Joan. She would not even kiss Ueda, absolutely, never, even when she was invited by Ueda to go out. This is because of this incident. There was a time when Joan confessed that 'Ueda's feeling towards me is no longer like but love already. He offered me

marriage. I told Joan, against my real wish, 'Okay, Joan. Do marry him if you will really be happy.' Then Joan hit me across my face, saying, 'What are you talking about, papa? I love you, only you. I will kill you if you hold another woman.' Through such, I believed that Joan loved me the way I loved her.¹¹

Complicated relationships of Joan and several men

Among hostesses, Joan was one of those who allowed customers to go out with her for sex. She was able to build sexual relationships with several men and received pecuniary reward. Of course, with Ueda, and other men. As Joan recalled:

It was around May 1993 that I personally visited Ueda at his apartment. We had a sexual relationship there. After that, I went to Ueda's house twice or three days a week. Every time he saw me, Ueda wanted to have sex. He really loved sex. When I could not do that because of menstruation, he held my hands and masturbated by himself.¹²

Aside from making love with Ueda, Joan did household chores, such as cooking and

washing clothes in Ueda's room, for which Joan received money. However, Joan did not tell Miguel about her sexual relationship with Ueda, nor of receiving money for that.¹³

Also, Joan had sex with Matsuda, another Japanese man in the same city, and received money from him also. Joan used her body to make money in such a way.

Aside from Ueda, I had a sexual relationship with Matsuda. I received 50,000 to 100,000 yen (US\$400-800) when we had sex with each other. The last time I met Matsuda, I told him that I was going back to the Philippines. Then he gave me as much as 500,000 yen (US\$4,000). I sent all that money to the Philippines.¹⁴

Marriage for convenience

Having sexual relations, Ueda wanted to keep Joan for himself. He publicly announced Joan was his sweetheart when they attended the birthday party of Joan's sister, and he stated his firm wish to marry Joan.

Papa did not stop me from seeing Ueda. Ueda proposed marriage to me when we attended the birthday party of Julie. He told many other

people that I was his steady girlfriend. March 1 was Ueda's birthday. That day, Ueda and I went to Kyoto for pleasure. When we passed by a church, we went into the chapel. Inside the church, Ueda said loudly, 'We are going to marry!', then he turned to me saying, 'Today is my birthday. I want a gift from you.' I was surprised when I heard Ueda's words and there were only two of us inside the chapel. I said 'Yes, okay.' I said so since there was nothing to give him as a birthday present. At that time it became real to me that Ueda was serious about marrying me.¹⁵

Ueda knew it would be attractive for Joan to marry him and obtain the legal status to live in Japan. As a matter of fact, it was not bad news for the Filipina with a number of dependents in the Philippines. This was on the one hand. On the other hand, Joan realized such a marriage for convenience was not necessarily idealistic for her. She knew it would mean a marriage without love. In fact, Joan did not love Ueda. Joan described an ideal married life in her mind as follows.

Ueda told me I could obtain a marriage visa and live in Japan for a long time if only I would marry him. However,

I did not love him. A marriage in my imagination is something like a husband and wife loving each other and living together, giving birth to children, and living in happiness. In fact I did not take my marriage with Ueda seriously in that way. Also, I did not feel such seriousness about marrying Papa. We lived together only because we loved each other.¹⁶

Still, it was acceptable for Joan to marry Ueda if only for the visa. Seeing her parents and children, as well as making money in the country, surpassed all hindrances in front of her.

I did not love Ueda, but I made up my mind to marry him for convenience. If only I would do so, I could have a marriage visa and I could freely go back to the Philippines and come back to Japan. I could see my children and my mother. I could work here and make money if only I stay here for long.¹⁷

Rationalization

When Joan decided to marry Ueda, she quickly rationalized her situation. Only to achieve this marriage for convenience, Joan treated Ueda well enough, taking care of him by washing his clothes, cooking, and arranging his room.

Looking at his common-law wife serving another man in such a way, Miguel was drawn into a complexity of feelings of powerlessness. He could do nothing to obtain a legal right to continue his life in Japan. He only suppressed himself and prioritized the goodness Joan would "win" by marrying Ueda. To react to Joan's confession, Miguel rationalized his real feeling and did not stop his wife from visiting another guy's room because he thought "it would be good for her."

I cannot remember when, but there was one time I discovered Joan was going to Ueda's apartment to do household chores. When I heard of that, I was shocked to discover Joan did that without consulting with me before doing such things. I felt offended for a moment, but I believed in Joan.

I loved her, and I thought it would be good for her. I answered, 'Is that so? It's okay with me if you think you need to do that, Joan.' Joan told me that Ueda was going to help Joan obtain a 'fiancee visa.' As far as I knew, she would get a fiancee visa if she had a plan to marry a Japanese. Based on Joan's story, I believed Ueda would get a fiancee visa for Joan only because of his kindness.¹⁸

Then Miguel understood Ueda's figure as follows.

Maybe he is an ordinary man who approach Joan because she was a Filipina and rare to him. He did anything to attract a woman's attention, and basically he approached Joan for curiosity. At first he felt pity for Joan because she was overstaying, and he offered marriage to obtain a fiancee visa out of kindness.¹⁹

Miguel's nightmare

Gradually, Miguel came to know Ueda sexually harassed Joan. He was told that every time Joan went to Ueda's house, Ueda threw her on to bed and forced her to have sex. Miguel was distressed upon knowing this. Ueda's apartment was only 15 minutes away from Miguel's and Joan's residence. One day, Miguel discovered it to be only exactly in front of the *coin laundry* (laundromat) where he used to wash clothes. Miguel witnessed Joan coming out of a room in the second floor of the apartment, Ueda's place. However, Joan then stopped Miguel from coming near her. Miguel did agree, but from time to time, he went to a nearby place and closely watched Ueda's small apartment. Miguel was worried about what could be going on inside the room.

Joan said to me, 'Ueda likes me very much. He would not help me get the visa if he knew about you, papa. Somebody would watch us and he would know about you and me. So, do not come to Ueda's room.' Therefore, I did not go to Ueda's apartment on the way back to the coin laundry. Still, I was worried whether Joan would be sexually harassed by him inside the room, so I sometimes went to the corner near Ueda's apartment and stared at the room.²⁰

However, Miguel made no action. He could not do anything to break out of this situation. In his handwritten statement originally in Filipino-Tagalog submitted to the appeal court, Miguel expressed his feeling of powerlessness in the following manner.

Nangamba ako sa sinabi ni Ueda, hindi ko alam kung ano ang aking gagawin. Una, hindi ako naging malayo sa aking sarili at ganuon din sa aking kinatatayuan sa bansang ito dahil sa ako ay walang bisa. Isa pa, sa pangangailangan para ma-suportahan ang aming mga magulang sa hirap ng buhay sa Pilipinas, at para na rin huwag magako ang bawat

isa sa amin, akin pinagtiisan na lang ang labat, nagsawalang kibo.

(I had a doubt about Ueda's words and action, but I did not know what to do. One of the reasons was I did not want to lose myself, and the other was because of my standing in this country, in other words, I had no legal status. Another reason was that I needed to support our parents living in poverty in the Philippines. We needed not to be selfish to each other. So, I tolerated all the things and took no action.)²¹

His self-control and legal status as an undocumented migrant impeded his moving forward.

Let's talk about it

Finally, Miguel decided to personally meet Ueda to talk about what he would do with his "wife" Joan. The time came.

In June, Joan told me bad things about Ueda. She said, 'When Ueda was drunk, he pressed me onto his bed and forced me to have sex. He pulled out his penis and forced me to masturbate for him. Also, Ueda said he would kill me if I had another guy.' I got angry with Ueda. I

wondered why he didn't have any common sense while Joan was not his wife.

Also, I thought perhaps Ueda was telling a lie that he would become Joan's guarantor to get a visa. I wondered if he would cheat Joan. I felt like seeing Ueda personally. I wanted to ask Ueda if he was really serious about helping Joan and obtaining a visa for her. Also, I wanted him to make it clear why he forced Joan to have sex with him, even though Joan was not his wife.²²

Although during the court hearing Miguel denied his "anger" at Ueda for taking Joan away, his real feeling was well-reflected in his statement during the investigation:

And in fact, I felt I should not forgive such a man for deceiving another man's wife. Even if Joan and I were not legally married, we were common-law husband and wife, living together for nearly one year. I wanted Ueda to separate from Joan.²³

With such feelings in mind, in the early morning of July 12, 1993, Miguel broke Joan's restraint and headed for Ueda's apartment by bicycle. Miguel committed the

crime, and after that, he was detained and indicted; then the hearing started. It was at the end of 1995 after hearings of over two years and three months when the judge delivered the sentence quoted earlier. Miguel immediately appealed to the higher court. By July 1996, an appeal to the higher court was prepared by a court-appointed defense counsel and submitted to the Osaka High Court. This lawyer defended Miguel in an attempt to lessen the original penalty of imprisonment of eight years. He submitted Miguel's handwritten *salaysay* (statement) and the defense counsel fought to bring the case back to court, although they had no decisive new evidence. Finally, the High Court dismissed the appeal in November 1996.

Soon after his appeal was dismissed, Miguel decided to appeal again to the Supreme Court, but he withdrew his appeal in early 1997. I do not know why. The time came when he decided to stop defending himself. He decided to follow the penalty, to be imprisoned for eight years. While the detailed description and the analysis of the court hearings, defense strategies, and the sentences will have to be made in another paper because of the space limitation here, the following

statement of Miguel will illustrate his state of mind before and after the incident. This is a quotation from the statement written by Miguel himself and submitted to the appeal court.

Aking napag-isip-isip na noong sana ako ay naging mahinahon at muling pinagtiisan ang labat ng mga ginawang kamalian ni Ueda ay hindi sana nangyari ang mga ito. Sa nangyaring ito, ako ay humihingi ng kapa-tawaran sa aking nagawang kasalanan.

Idinaramdam ko ang pagpanaw ni Ueda: lagi kong idinalangin sa araw-araw na sumakanya nawa ang kaluwalhatian ng Diyos magpakailanman. Taimtim sa aking kalooban ang mga pagsisising ito. Mula noong ako ay maaresto hanggang nitong taon na ito, tatlong taon na mahigit ang nakalipas. Ngunit kung kinakailangang ako ay tumigil sa kuwagang ito sa aksidenteng nangyaring naganap ay aking tutumbasan pa. Saka-sakali man ako ay makauwi sa aking bansa at makasamang muli ang aking mga mahal sa buhay, ako ay magtrabaho ng mabuti para sa ikabubuhay.

Ipinapangako ko na hindi-hindi na muling gagawain ang anumang masasamang bagay katulad ng nangyaring ito, at ang mapait na pangyayaring ito ay limutin, hindi man kadalang kalimutan ang mga mapapait na pangyayaring ito, kabit man sa kahulihulian ng aking buhay sa mga nangyayaring ito ay gusto kong mabuhay ng matiwasay.

(I have been thinking that I should have stayed silent. I should have put up with Ueda's mistakes and borne all these things. I wish to ask for forgiveness for what I have done. I always think about Ueda's death, and everyday I pray to God. 'May his soul be with you forever.' This regret will never disappear in my mind. It has been more than three years since I was arrested. I would bear it if I am required to spend more years behind bars. And if ever I am given a chance to go back to my country, I will do my best to live with my loved ones and support them. I promise I will never do wrong things like what I have done. I will never forget this bitter experience—I should not forget it easily—I shall learn from this experience so

that I can live seriously and honestly until the end of my life.²⁴

Discussions and analysis

Robert K. Merton, in his book, *Social Theory and Social Structure*, categorizes types of individual adaptation to cultural goals: conformity, innovation, ritualism, retreatism, and rebellion. In the case story of Miguel, "innovator types" of persons played their roles in this incident of murder. The "innovator type," specifically, migrant workers overstaying their legal status, led to pile up other kinds of deviance, one by one.

Joan, being an unwed mother, decided to escape from poverty and migrated to another country. "Migration" sounded pretty, but in fact, she "escaped" from her home town. Then she sold her own body to make money, thought about marriage for convenience, and maintained sexual relationships with several men, which triggered Miguel to stab Ueda. For his part, Miguel, born in a country with an oversupply of labor and few opportunities for employment, could not achieve his aspiration and was drawn into poverty due to the limited types of jobs and income he could earn. Then he came to Japan as an undocumented worker, took a Filipina lover, but

was brought into a dilemma of his common-law wife being attracted by the "food" offered by a man of the host country. Miguel suppressed himself in the dilemma, but was finally led to stab the man.

Moreover, we shall pay attention to the fact that the characters rationalized their situations and actions in the process of deviant behavior. For example, they excused themselves for doing something deviant just for "obtaining a visa," or "making money in Japan" because they needed to "send money to the family in the Philippines." Nobody blamed them.

Miguel's initial deviance, in other words, overstaying his visa in a foreign country, is a typical sort of "innovator type" adaptation. According to Merton, great cultural emphasis upon the success-goal invites this mode of adaptation through the use of institutionally proscribed but often effective means of attaining at least the simulacrum of success—wealth and power. This response occurs when the individual has assimilated the cultural emphasis upon the goal without equally internalizing the institutional norms governing ways and means for its attainment (Merton 1949:195).

Following Merton, it appears from our analysis that the greatest pressures toward deviation are exerted upon the lower strata. Several researchers have shown that specialized areas of vice and crime constitute a "normal" response to a situation where the cultural emphasis upon pecuniary success has been absorbed, but there is little access to conventional and legitimate means for becoming successful. For our purposes, these situations exhibit two salient features. First, incentives for success are provided by the established values of the culture, and second, the legitimate avenues available for moving toward this goal are largely limited by the class structure and thus unavailable to lower classes (*Ibid.*:1949:199).

Miguel graduated from high school and became a laborer. For him, a high school education did not guarantee stable employment. Also, Joan became an unwed mother at the age of 16, when all the burden of supporting the child pressured her. This made her proceed to other deviations, overstaying her visa as well as prostitution. A shared obligation of the two Filipinos was "making money." Of course, the pressure to earn was heavier on Joan who had her own children.

Also, in the lower classes of the Philippines, there is no logic to stop those people from leaving their home country and "making money" abroad, regardless of legality. You will win as long as you have money, but chances are not equally distributed: people believe education is the only way to climb up the social ladder, but it costs too much. An unwed young mother like Joan cannot expect public assistance to financially support herself and her children.

So, what is "success" for them? Dr. Rosario Piquero Ballescas (1992:88) draws a picture of "successful Filipina" returnees based on interviews with Filipina entertainers in Japan.

Among the returnees, there are the so-called *panalo* (winners). These are those who have successfully bagged much money, jewelry, or other treasured items while in Japan. Even while in Japan, the so-called "panalo" are those entertainers able to attract very rich customers who shower them with love and/or lust, attention and most importantly, their money or whatever can be brought with it.

Never mind if some of these customers are married; never mind also if some of the entertainers are married. The

receive-and-receive arrangement (of gifts, money, jewelry, and sometimes, marriage offers) is very acceptable to the so-called *panalo*. This type of entertainer is the most conspicuous among the returnees. Many envy them for their material success. After seeing them, many parents encourage their daughters to hurry up and apply for Japan. Even some entire communities look up to these *panalo* as their children's models.

The game is simple. You win as long as you make money and become *panalo*. Nobody questions what you did in the process. For Miguel who separated from his family of origin in the Philippines and became financially independent, maintaining the status quo was the reason to stay in Japan. For Joan, to find another set of yen bills to return home as a *panalo* was the reason. However, there was another option for Joan.

Many entertainers think that the highest of being *panalo* in Japan is having a Japanese husband. Love, of course, is one reason why they marry. Practicality is another. Being the spouse of a Japanese entitles a foreigner to have a dependent's visa that is renewable every year (Ballescas 1992:95).

Obviously, Miguel and Joan had internalized the same image of successful returnees. In fact, based on this kind of model of achievement in people's mind, Joan was able to rationalize her plan of marriage for convenience, as a simple means of solving the problem of poverty. The seed of such poverty was originally nurtured when she became an unwed mother, which was not considered a subject of social welfare to be financially supported by the Philippine government. Needless to say, we should not neglect her socially vulnerable status of being a young woman at that time. Although yet to be proven empirically, I noticed that a number of Filipinas married to Japanese nationals were once married and separated from Filipino husbands or had been unwed mothers.

How about Miguel? His feeling of obligation to work in Japan was illustrated in his statement quoted earlier, and in fact, he sent home appliances to his family of origin. When I visited his family in August 1994, his mother, who had not been informed of her son's situation in Japan, proudly showed me the sound system that Miguel sent her from Japan. It was decorated with a lace cover his mother sewed to protect it from dust. Next to Miguel's sound system was a TV that Miguel's

sister, also in Japan, sent to their mother. While his mother did not know anything about Miguel's case, his elder sister secretly cried to me in the fully furnished room.

By the way, how many times has the word "help" appeared in this story? In Bob Garon's column, in the statements of Miguel and Joan, the word frequently appears as a key term. This is the convenient word to rationalize everything: to make money, to marry for convenience, and others. Incidentally, the term was used both in Australia, as quoted from a personal advice column, and in Japan, as in the statements of the two youths. This shows the mechanism of rationalization in the structure of this kind of deviant behavior which, behind the surface, really prevents the complicated problem from being solved.

In this manner, Miguel and Joan, surrounded by the established cultural emphasis on economic success but at the same time faced by the "blocked path" in front of them, could not imagine their future as simple husband and wife. Perhaps the discussion here is yet premature to consider what finally triggered Miguel's stabbing Ueda, but it will be useful to apply Munesuke Mita's prominent work entitled *Manazashi no Jigoku* (The Hell of Being Watched). This is

based on the story of the Japanese youth, "N," who, in the 1960s, was pushed out of a small village of northern Japan at the age of 15 years only. It was this generation of boys who offered their flesh labor force to the rapid economic progress Japan achieved in the following decade. "N," as one of such typical internal migrant workers, felt himself a prisoner through being watched by numerous "others" in the urban area, which led him to kill several people consecutively. The author vividly illustrated and analyzed the youth, "N," through his life story and statements of people concerned.

A youth leaving his hometown behind marked his initial footstep in a megacity with a firm hope of liberating himself, a wish to exist endlessly. While modern Japanese cities needed them and even welcomed them, it was not the "youth" that the city welcomed but "fresh labor force." Nevertheless, such "fresh labor force" was a group of free individuals seeking lives for liberation. Moreover, they were *young* (Mita 1979:10-11).

This analysis of young Japanese internal migrants from rural areas to cities who supported economic progress of past decades still has relevance in reference to current young

migrants from abroad. For Japan's labor market, Miguel was a part of the "labor force" engaged in hard manual work; however, he was a young individual seeking liberation from the poverty he left behind, for the love of others, and for a family of procreation. In reality, his search ended with betrayal by his common-law "wife," Joan, who chose to marry Ueda for convenience. Miguel had no means to discourage Joan who looked for pecuniary success, deeply internalized in both of them as a cultural emphasis. He instead stored in himself the feeling of powerlessness, of having empty hands. At last, Miguel's limit of endurance was exceeded. Then he denied the existence of Ueda, a symbol of accumulated "barriers."

According to the life story of "N" as well as statements of people around him, Mita described the lifestyle of "N" as characterized by a "passion to study in a higher educational institution like a university" as well as "favoring expensive, high-class items (Mita 1979:30). The young "N" saw a closed path in front of him to proceed to senior high school due to poverty; then he joined the flock of boys to go to Tokyo. He felt inferior because of this. When he came to the big city, he fulfilled his dream by bringing with him a fake student ID of a high-ranked university.

Also, he saved money from his small salary just to buy high-class brands of bags or combs. This kind of tendency is well-observed among Filipino workers in Japan. When they get together at churches or various functions, they try to boast about which university they graduated from. Or they bring Lui Vuiton or Gucci bags which cost more than a company employee's monthly salary, or wear a set of necklaces over their white T-shirts. They are scared to remain empty handed. Such a mentality of insecurity and powerlessness nurtured in the process of upbringing and the series of deviant behaviors can be commonly observed in the experiences of both internal and international migrants. What do they symbolize? It is suggested that efforts to find the "exit" from deviant status can be clearly understood if we consider our internal migrants from Japan's rural areas in the 1960s and internal migrants from various Asian countries in the 1980s as a consecutive phenomenon.

Lastly, I quote the telegram that Miguel sent to me on the day he was transferred to a prison in the last week of February 1997. The original telegram was in Japanese. Otherwise, it would not have been allowed to be mailed out of the detention center which kept strict control over such communications. In the three years and several months during which Miguel had

been detained, we, in fact, wrote to each other. Many of Miguel's letters simply mentioned daily happenings, how he regretted what he had done, how many times he prayed to the Lord to forgive his sin. In his last message to me, he showed for the first time his strong wish to fulfill his term inside the prison and come back to society "out from behind bars."

How are you? Today, I am going to prison. Thank you very much for your kindness to me. I do appreciate your assistance. I hope I have a chance to see you again. I will do my best in my new life in prison. Goodbye. Miguel. (Telegram from Miguel to this writer, dated February 27, 1997.)

The first time I met Miguel, I noticed to him to be slightly bald. The last time I saw him after three years had passed, he had absolutely no hair beyond his eyebrows.

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Endnotes

¹For the sake of protecting their privacy, I changed the names, ages, and some other background information on the people who appear in this paper.

²The *toban-bengoshi* (free legal counselor) system is based on the "declaration of Japan Bar Association for further progress of legal consultation for suspects" delivered in November 1991. It started in Ohita Prefecture and expanded to all parts of Japan. The Osaka Bar Association started operation of this system in March 1992.

Under this system, the suspect and people concerned can ask the Bar Association to dispatch a lawyer. The first meeting is arranged for free, as indicated in the "regulations regarding the recommendation of criminal defense counselors" of the Osaka Bar Association (1993). Usually, a court-appointed defense counsel is assigned only after the indictment is prepared. The protection of human rights during investigation is highly promoted through this system.

³This was Miguel's statement at the public prosecutor's office dated July 29, 1993, with a Filipina civilian interpreter in Filipino (Tagalog). Police investigation records quoted in this paper were used with the understanding and permission of

the defense counsel in charge of the case.

⁴The writer was not familiar with how the private lawyer was introduced to Miguel.

⁵The writer or the police investigation interpreters were not appointed as court interpreters for Miguel's case, probably because they were with the free legal counselors as well as with the principle, the court looks for a different person at each stage of the criminal procedure.

⁶This was the average wage for a laborer at that time.

⁷To "keep a bottle" means to buy a bottle of whisky from the snack bar or *omise* and have your name written on the bottle. The bottle is displayed at the *omise*; the customer can consume the whisky each time he goes back there. "I have kept a bottle at the snack bar" implies he is a regular customer.

⁸This quotation was taken from the records of investigating agencies. In the following notes, the person who made the statement, the investigating agency, the date, the interpreter, and the language used are detailed. This was the statement of Miguel to the police (July 20, 1993) with a Filipina civilian interpreter in Filipino (Tagalog).

⁹Statement of Joan to the police (July 13, 1993), with a Japanese police officer-interpreter in Filipino (Tagalog).

¹⁰From Miguel and Joan's place in Osaka, it took less than one hour to reach Tokyo.

¹¹Miguel's statement to the police (July 20, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

¹²Statement of Joan to the police (July 13, 1993), with a Japanese police officer-interpreter in Filipino (Tagalog).

¹³Statement of Joan to the police (July 26, 1993), with a Japanese police officer-interpreter in Filipino (Tagalog).

¹⁴Statement of Joan to the police (July 13, 1993), with a Japanese police officer-interpreter in Filipino (Tagalog).

¹⁵Joan's statement at the public prosecutor's office (August 10, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

¹⁶Joan's statement at the public prosecutor's office (August 10, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

¹⁷Joan's statement at the public prosecutor's office (July 28, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

¹⁸Joan's statement at the public prosecutor's office (July 25, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

¹⁹Miguel's statement to the police (July 19, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

²⁰Miguel's statement to the police (July 20, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

²¹*Salaysay, Hulyo 28, 1996*, written and submitted by Miguel. Original in Filipino (Tagalog).

²²Miguel's statement to the police (July 21, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

²³Miguel's statement to the police (July 20, 1993), with a Filipina civilian interpreter in Filipino (Tagalog).

²⁴*Salaysay, Hulyo 28*, written and submitted by Miguel. Original in Filipino (Tagalog).

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