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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

**APPROVED**

**AUG 17 1974**

**AUG 13 1974**

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4590 - Relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez  
Sponsor - Rep. Teague (D) California

Last Day for Action

August 19, 1974 - Monday

Purpose

To grant immediate relative status to beneficiaries to facilitate their entry into the United States.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization Service

Approval

Department of State

No objection



Discussion

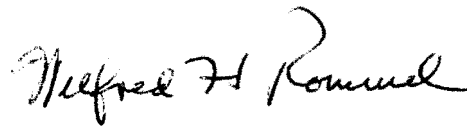
H.R. 4590 would classify the beneficiaries as children for purposes of admission to the United States. They are 11 and 12 year old natives and citizens of the Philippines who reside there with their natural parents. They have been adopted by Mr. and Mrs. Ulpiano F. Gutierrez.

The Gutierrezes are naturalized U.S. citizens who reside in California. They are unable to have children. Mr. Gutierrez is employed as a ranch foreman at about \$5,300 a year, and his wife is a school teacher with a salary of \$5,000 a year. They have assets of approximately \$20,000 and have supported the beneficiaries, in part, since their birth. Mrs. Gutierrez owns real estate in the Philippines valued at about \$50,000.

*Postal 8/17  
To Archive 8/20*

The American Embassy's report quoted in the Report of the Senate Committee on the Judiciary states with respect to the beneficiaries that:

"...since they were legally adopted only on February 14, 1972, they could not yet qualify as the children of the petitioner inasmuch as the two year legal custody requirement of section 101(b)(1)(E) had not yet been met... Unless the beneficiaries acquire the status of children under section 101(b)(1)(E) of the Act, they would be chargeable to the heavily oversubscribed Philippine nonpreference category."



Assistant Director for  
Legislative Reference



Enclosures

UNITED STATES DEPARTMENT OF JUSTICE  
IMMIGRATION AND NATURALIZATION SERVICE  
Washington 25, D.C.

PLEASE ADDRESS REPLY TO

OFFICE OF THE COMMISSIONER

AND REFER TO THIS FILE NO.

AUG 8 1974

A20 518 671  
A20 518 673

TO : OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Private Bill No. H. R. 4590; Office of Management  
and Budget request dated August 7, 1974.

Beneficiary or Beneficiaries Melissa Catambay Gutierrez and  
Milagros Catambay Gutierrez.

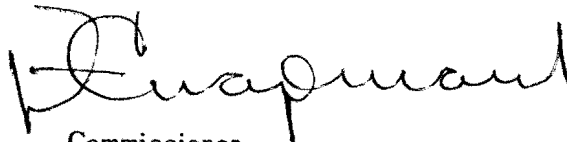
Pursuant to your request for the views of the Department of Justice on  
the subject bill, a review has been made of the facsimile of the bill, the re-  
lating Congressional Committee report or reports, and all pertinent information  
in the files of the Immigration and Naturalization Service.

On the basis of this review the Immigration and Naturalization Service,  
on behalf of the Department of Justice:

- Recommends approval of the bill.
- Interposes no objection to approval of the bill



Sincerely,

  
Commissioner



DEPARTMENT OF STATE

Washington, D.C. 20520

AUG 9 - 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

Dear Mr. Ash:

Reference is made to Mr. Rommel's communication of August 7, 1974, transmitting for comment enrolled bills H.R. 2537 "For the relief of Lidia Myslinska Bokosky", H.R. 4590 "For the relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez" and H.R. 5667 "For the relief of Linda Julie Dickson (nee Waters)".

This Department has no objection to the enactment of these bills.

Sincerely yours,



Linwood Holton  
Assistant Secretary for  
Congressional Relations

THE WHITE HOUSE  
WASHINGTON

ENROLLED BILL

SUBJECT: Enrolled Bill H. R. 4590 - Relief of  
Melissa Catambay Gutierrez and Milagros  
Catambay Gutierrez

| <u>Name</u>          | <u>Approval</u> | <u>Date</u> |
|----------------------|-----------------|-------------|
| <u>Geoff Shepard</u> | <u>Yes</u>      | <u></u>     |
| <u>NSC/S</u>         | <u>Yes</u>      | <u></u>     |
| <u>Fred Buzhardt</u> | <u>Yes</u>      | <u></u>     |
| <u>Bill Timmons</u>  | <u>Yes</u>      | <u></u>     |
| <u>Ken Cole</u>      | <u></u>         | <u></u>     |
| <u></u>              | <u></u>         | <u></u>     |
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| <u></u>              | <u></u>         | <u></u>     |



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Comments:

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 511

Date: August 13, 1974

Time: 5:30 p. m.

FOR ACTION:  Geoff Shepard  
 NSC/S  
 Fred Buzhardt  
 Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 15, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 4590 - Relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

THE WHITE HOUSE  
WASHINGTON

8/13/74

TO: WARREN HENDRIKS

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\_\_\_\_\_

*RLD*

Robert D. Linder



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

AUG 13 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 4590 - Relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez  
Sponsor - Rep. Teague (D) California

Last Day for Action

August 19, 1974 - Monday

Purpose

To grant immediate relative status to beneficiaries to facilitate their entry into the United States.

Agency Recommendations

Office of Management and Budget

Approval

Immigration and Naturalization  
Service

Approval

Department of State

No objection

Discussion

H.R. 4590 would classify the beneficiaries as children for purposes of admission to the United States. They are 11 and 12 year old natives and citizens of the Philippines who reside there with their natural parents. They have been adopted by Mr. and Mrs. Ulpiano F. Gutierrez.

The Gutierrezs are naturalized U.S. citizens who reside in California. They are unable to have children. Mr. Gutierrez is employed as a ranch foreman at about \$5,300 a year, and his wife is a school teacher with a salary of \$5,000 a year. They have assets of approximately \$20,000 and have supported the beneficiaries, in part, since their birth. Mrs. Gutierrez owns real estate in the Philippines valued at about \$50,000.



To  
James H. ...  
8-13-74

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 511

Date: August 13, 1974

Time: 5:30 p. m.

FOR ACTION: Geoff Shepard  
NSC/S  
✓ Fred Buzhardt  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 15, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 4590 - Relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

*No objection  
D.C.*

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE  
WASHINGTON

August 14, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS  
FROM: WILLIAM E. TIMMONS *W.E.T.*  
SUBJECT: Action Memorandum - Log No. 511  
Enrolled Bill H. R. 4590 - Relief of  
Melissa Catambay Gutierrez and  
Milagros Catambay Gutierrez



The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 511

Date: August 13, 1974

Time: 5:30 p. m.

FOR ACTION: Geoff Shepard  
NSC/S  
Fred Buzhardt  
✓ Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 15, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 4590 - Relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez



ACTION REQUESTED:

\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 511

Date: August 13, 1974

Time: 5:30 p. m.

FOR ACTION: ✓ Geoff Shepard  
NSC/S  
Fred Buzhardt  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 15, 1974

Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 4590 - Relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez



ACTION REQUESTED:

\_\_\_ For Necessary Action

XX For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

\_\_\_ For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*Approve*  
*W.C.S.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

## MELISSA CATAMBAY GUITERREZ

FEBRUARY 28, 1974.—Committed to the Committee of the Whole House and ordered to be printed

Mr. FISH, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 4590]

The Committee on the Judiciary, to which was referred the bill (H. R. 4590) for the relief of Melissa Catambay Guterrez, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

On page 1, line 4, strike out the name "Melissa Catambay Guterrez" and substitute the name "Melissa Catambay Gutierrez".

On page 1, lines 6 and 7, strike out the names "Mr. and Mrs. Ulpian F. Guterrez" and substitute the names "Mr. and Mrs. Ulpiano F. Gutierrez,".

Amend the title so as to read:

"For the relief of Melissa Catambay Gutierrez."

#### PURPOSE OF THE BILL

The purpose of this bill, as amended, is to facilitate the admission into the United States of the adopted child of citizens of the United States. The bill has been amended to correct the spelling of the names of the beneficiary and her adoptive parents.

#### GENERAL INFORMATION

The beneficiary of this bill is a 10-year-old native and citizen of the Philippines who resides there with her natural parents and six siblings. She was adopted in the Philippines on February 18, 1972 by her aunt and uncle, citizens of the United States, who have no natural children. They have another adopted child, the beneficiary of H.R. 4591, who is a cousin of the beneficiary of this bill.

The pertinent facts in this case are contained in a report from the Acting Commissioner of Immigration and Naturalization, dated

July 27, 1973, to the Chairman of the Committee on the Judiciary which reads as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C. July 27, 1973.

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 4590) for the relief of Melissa Catambay Gutierrez, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary be classified as a child upon approval of a petition filed in her behalf by Mr. and Mrs. Ulpiano F. Gutierrez, United States citizens. It further provides that the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

It is noted that the beneficiary's and interested parties' true surname is Gutierrez. Also, the male interested party's true given name is Ulpiano F. The Committee may wish to amend the bill to provide the correct spelling.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GRUM,  
*Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 4590

Information concerning this case was obtained from Mr. and Mrs. Ulpiano F. Gutierrez, the interested parties, who are beneficiary's adoptive parents. The beneficiary, Melissa Catambay Gutierrez, native and citizen of the Philippines, was born on October 23, 1963, and is a student. She resides in the Philippines with her natural parents, four brothers and two sisters. Her natural parents are unable to support her and she was adopted by her natural mother's sister and husband on February 18, 1972, in the Philippines. The beneficiary's assets are negligible. She has been supported since birth by Mrs. Gutierrez at \$50 a month.

The interested parties, Ulpiano F. and Ligaya J. Gutierrez, were born in the Philippines on April 3, 1909 and April 22, 1923, respectively. Mr. Gutierrez entered the United States for permanent residence on October 23, 1929. He was naturalized in Bakersfield, California, on November 14, 1967. Mrs. Gutierrez entered the United States for permanent residence on June 27, 1968. She was naturalized at Bakersfield, California, on September 14, 1971. They were married in the Philippines on February 27, 1968, and are unable to have any chil-

dren. Mr. Gutierrez is a field crew foreman on a ranch in Santa Maria, California, where they reside. He earns \$440 a month. His parents are deceased, and his sister resides in the Philippines. Mrs. Gutierrez earns \$400 monthly as a substitute school teacher. She owns three houses and land in the Philippines valued at \$50,000. Her parents are deceased. Her two brothers and a sister reside in the Philippines. The beneficiary, her natural parents, and family reside rent free in one of the houses. The interested parties' assets consist of a \$7,000 equity in a house valued at \$22,000, savings account of \$3,000, checking account of \$1,000, two autos valued at \$4,000, and personal effects valued at \$1,000. They intend to support the beneficiary and provide her with a college education. They are also the interested parties regarding H.R. 4591 in behalf of Milagros Catambay Gutierrez, the beneficiary's cousin.

H.R. 15637, 92nd Congress, introduced in the beneficiary's behalf was not enacted.

A report on this legislation submitted by the Department of State reads as follows:

DEPARTMENT OF STATE,  
Washington, D.C., October 5, 1973.

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary, House of Representatives,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the cases of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez, beneficiaries of H.R. 4590 and H.R. 4591 respectively, there is enclosed a memorandum of information concerning the beneficiaries. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiaries reside. The correct surname of the first beneficiary is Gutierrez.

The bills would provide for the beneficiaries' classification as a child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Ulpiano F. Gutierrez, American citizens. They also provide that the natural parents, brothers or sisters of the beneficiaries shall not be accorded any right, privilege or status under the Immigration and Nationality Act by virtue of such relationship.

Sincerely yours,

MARSHALL WRIGHT,  
*Assistant Secretary for*  
*Congressional Relations.*

SUBMITTED BY THE AMERICAN EMBASSY AT MANILA, PHILIPPINES, MEMORANDUM OF INFORMATION CONCERNING H.R. 4590 AND H.R. 4591, 93D CONGRESS, FOR THE RELIEF OF MELISSA CATAMBAY GUTIERREZ AND MILAGROS CATAMBAY GUTIERREZ, RESPECTIVELY

Melissa Catambay Gutierrez was born in Tanay, Rizal, Philippines on October 23, 1963, while Milagros Catambay

Gutierrez was born in Tanay, Rizal, Philippines on February 23, 1963. In an application for an immigrant visa which an aunt executed in their behalf on June 22, 1973, they stated that they were both residing at Tanay, Rizal and intended to reside with their parents, Ulpiano and Ligaya Gutierrez, at Santa Maria, California.

Both children were the beneficiaries of visa petitions (Form I-130) filed by their adoptive father, Ulpiano Gutierrez, and approved on January 31, 1973 under Section 201(b) of the Immigration and Nationality Act, as amended. During the interview which their aunt had with a consular officer on June 22, 1973, it was discovered that since they were legally adopted only on February 14, 1972, they could not yet qualify as the children of the petitioner inasmuch as the two-year legal custody requirement of section 101(b)(1)(E) had not yet been met. The visa petitions were therefore returned to the Immigration and Naturalization Service, San Francisco on June 26, 1973 for revocation. Unless the beneficiaries acquire the status of children under Section 101(b)(1)(E) of the Act, they would be chargeable to the heavily oversubscribed Philippine nonpreference category.

The results of a medical examination performed by a member of the Embassy's panel of physicians showed no defect, disease or disability. Enclosed are three copies of the beneficiaries' adoption decree.

[From Republic of the Philippines]

PETITION

Petitioner LIGAYA CATAMBAY GUTIERREZ, through her undersigned counsels, alleges:

1. That petitioner is 48 years of age, Filipino citizen, married to Ulpiano Gutierrez, is presently temporarily residing at No. 8 A. Mabini St., Tanay, Rizal, Philippines, where Court and other notices may be sent, although she and her husband has a residence at 3309 Driftwood Drive, Santa Maria, California 93454 U.S.A.;

2. That petitioner, with the written consent of her husband, desires to adopt as her children, the following who are her nieces:

(a) MILAGROS B. CATAMBAY, a minor 8 years of age, residing at No. 8 A. Mabini St., Tanay, Rizal; and

(b) MELISSA C. MATIENZO, a minor, also 8 years of age, residing at 8 A. Mabini St., Tanay, Rizal, Philippines;

3. That the father of the minor Milagros B. Catambay, ARTURO CATAMBAY, who is presently in Wake Island, Pacific, has given his verbal consent, and his written consent to the adoption will be submitted on or before the hearing, while the mother of the said minor, LUALHATI BEL-

MONTE, has given her written consent to the adoption, as shown by an instrument executed and signed by her, copy of which is attached to this petition as Annex "A";

4. That the father as well as the mother of the minor Melissa C. Matienzo, JESUS MATIENZO and GLORIA CATAMBAY, respectively, have given their written consent to the adoption, as shown by an instrument executed and signed by both of them, copy of which is attached marked as annex "B";

5. That petitioner possesses all the legal qualifications and none of the disqualifications of an adopter and her husband ULPIANO GUTIERREZ has given his full and unconditional consent to the adoption by virtue of a Special Power of Attorney signed and executed by him on December 10, 1971, at Santa Maria, California, copy attached, marked as Annex "C";

6. That petitioner or her husband has no legitimate, legitimated, acknowledged natural child or child by legal fiction;

7. That petitioner and her husband own real and personal properties in Santa Maria, California, consisting of a house and lot, a car, a motor vehicle (pick-up), furniture, fixtures and appliances (excluding other personal properties), valued at U.S. \$28,500.00, more or less, and also still undivided real properties in the Philippines, inherited by petitioner; and have an income of U.S. \$16,000.00 a year (U.S. \$8,000.00 per person for two seasons per Annum), more or less;

8. That petitioner has reared and cared for the aforementioned minors since they were barely two years old and has been taking care of and providing for their needs including schooling up to the present, and petitioner has developed a kind of parental and maternal love for the two girls who are her nieces;

9. That this adoption will serve the best interests and well-being of the children;

10. That petitioner's husband, ULPIANO GUTIERREZ, also desires to be a co-adopter but it could not be done in this proceedings because of residence requirements.

WHEREFORE, petitioner prays that, after due notice, publication, and hearing, a judgment be rendered to the effect that thenceforth the children MILAGROS B. CATAMBAY and MELISSA C. MATIENZO, be freed from all legal obligations of obedience and maintenance with respect to their natural parents, and be, to all legal intents and purposes, the children of the petitioner, and that the surname of MILAGROS remain as "CATAMBAY", and that of MELISSA be changed to "CATAMBAY", which is the surname of the petitioner.

Manila for Tany, Rizal, January 29, 1969.

*Counsel for petitioner.*



## VERIFICATION

I, LIGAYA CATAMBAY GUTIERREZ, of legal age, married, Filipino citizen, presently residing at No. 8 A. Mabini St., Tanay, Rizal, after being duly sworn according to law, hereby depose and state: (1) That I am the petitioner in the above entitled case; and (2) that I have caused the above petition to be filed and I have read the contents thereof, and they are true of my own knowledge.

Manila, Philippines, December 29, 1971.

LIGAYA CATAMBAY GUTIERREZ,  
*Petitioner.*

Subscribed and sworn to before me this 29 day of December, 1971, at Manila, Phillipines, affiant exhibited to me her Rec. Certificate No. A-2829136 issued at Tanay, Rizal on Dec. 28, 1971.

\_\_\_\_\_  
*Notary Public.*

My commission expires December 31, 1972.

The late Honorable Charles M. Teague of California submitted the following letter, dated December 10, 1973, in support of this legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., December 10, 1973.*

HON. JOSHUA EILBERG,  
*Chairman, Subcommittee on Immigration, Citizenship, and International Law, Washington, D.C.*

DEAR JOSH: I am delighted to learn that your Subcommittee will consider my bills, H.R. 4590 and 4591 in behalf of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez.

As you know, the two young ladies have been adopted by my constituents, Mr. and Mrs. Ulpian Gutierrez of Santa Maria, California. Although the adoptive parents are responsible members of their community and, undoubtedly, would provide a fine home for their daughters, private legislation is necessary in view of the fact that they have not lived with the girls the necessary two years.

Your sympathetic consideration of my bills will be very much appreciated.

Sincerely,

CHARLES M. TEAGUE,  
*Member of Congress.*

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 4590, as amended, should be enacted and accordingly recommends that the bill do pass.

○

# Calendar No. 892

93D CONGRESS  
2d Session

SENATE

REPORT  
No. 93-920

## MELISSA CATAMBAY GUTIERREZ AND MILAGROS CATAMBAY GUTIERREZ

JUNE 12, 1974.—Ordered to be printed



Mr. EASTLAND, from the Committee on the Judiciary,  
submitted the following

### REPORT

[To accompany H.R. 4590]

The Committee on the Judiciary, to which was referred the bill (H.R. 4590) for the relief of Melissa Catambay Gutierrez, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

#### AMENDMENTS

1. Strike all after the enacting clause and insert in lieu thereof, the following:

That, in the administration of the Immigration and Nationality Act, Melissa Catambay Gutierrez and Milagros Catambay Gutierrez may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Mr. and Mrs. Ulpiano F. Gutierrez, citizens of the United States, pursuant to section 204 of the said Act: *Provided*, That the brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

2. Amend the title so as to read:

An Act for the relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez.

## PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States as immediate relatives of 2 children adopted by U.S. citizens. The bill has been amended to include the beneficiary of H.R. 4591, inasmuch as both beneficiaries have been adopted by the same U.S. citizen couple.

## STATEMENT OF FACTS

The beneficiaries of the bill are 10- and 11-year-old cousins, both natives and citizens of the Philippines residing in that country with their natural parents. On February 18, 1972, they were adopted in the Philippines by their aunt and uncle, citizens of the United States.

Letters, with attached memoranda, dated July 27, 1973, to the chairman of the Committee on the Judiciary of the House of Representatives from the then Acting Commissioner of Immigration and Naturalization with reference to H.R. 4590 and H.R. 4591 read as follows:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., July 27, 1973.

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 4590) for the relief of Melissa Catambay Gutierrez, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary be classified as a child upon approval of a petition filed in her behalf by Mr. and Mrs. Ulpiano F. Gutierrez, United States citizens. It further provides that the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

It is noted that the beneficiary's and interested parties' true surname is Gutierrez. Also, the male interested party's true given name is Ulpiano F. The Committee may wish to amend the bill to provide the correct spelling.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GREENE,  
*Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 4590

Information concerning this case was obtained from Mr. and Mrs. Ulpiano F. Gutierrez, the interested parties, who are beneficiary's adoptive parents. The beneficiary, Melissa Catambay Gutierrez, native and citizen of the Philippines,

was born on October 23, 1963, and is a student. She resides in the Philippines with her natural parents, four brothers and two sisters. Her natural parents are unable to support her and she was adopted by her natural mother's sister and husband on February 18, 1972, in the Philippines. The beneficiary's assets are negligible. She has been supported since birth by Mrs. Gutierrez at \$50 a month.

The interested parties, Ulpiano F. and Ligaya J. Gutierrez, were born in the Philippines on April 3, 1909 and April 22, 1923, respectively. Mr. Gutierrez entered the United States for permanent residence on October 23, 1929. He was naturalized in Bakersfield, California, on November 14, 1967. Mrs. Gutierrez entered the United States for permanent residence on June 27, 1968. She was naturalized at Bakersfield, California, on September 14, 1971. They were married in the Philippines on February 27, 1968, and are unable to have any children. Mr. Gutierrez is a field crew foreman on a ranch in Santa Maria, California, where they reside. He earns \$440 a month. His parents are deceased, and his sister resides in the Philippines. Mrs. Gutierrez earns \$400 monthly as a substitute school teacher. She owns three houses and land in the Philippines valued at \$50,000. Her parents are deceased. Her two brothers and a sister reside in the Philippines. The beneficiary, her natural parents, and family reside rent free in one of the houses. The interested parties' assets consist of a \$7,000 equity in a house valued at \$22,000, savings account of \$3,000, checking account of \$1,000, two autos valued at \$4,000, and personal effects valued at \$1,000. They intend to support the beneficiary and provide her with a college education. They are also the interested parties regarding H.R. 4591 in behalf of Milagros Catambay Gutierrez, the beneficiary's cousin.

H.R. 15637, 92d Congress, introduced in the beneficiary's behalf was not enacted.

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., July 27, 1973.

A 20518673.

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 4591) for the relief of Milagros Catambay Gutierrez, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary be classified as a child upon approval of a petition filed in her behalf by Mr. and Mrs. Ulpiano F. Gutierrez, United States citizens. It further provides that the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

It is noted that the male interested party's true name is Ulpiano F.

Gutierrez. The committee may wish to amend the bill to provide the correct spelling.

Absent enactment of the bill, the beneficiary, a native of the Philippines, would be chargeable to the nonpreference portion of the numerical limitation for immigrants and conditional entrants from countries in the Eastern Hemisphere.

Sincerely,

JAMES F. GREENE,  
*Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 4591

Information concerning this case was obtained from Mr. and Mrs. Ulpiano F. Gutierrez, the interested parties, who are beneficiary's adoptive parents.

The beneficiary, Milagros Catambay Gutierrez, native and citizen of the Philippines, was born on February 23, 1963, and is a student. She resides in the Philippines with her natural parents, five brothers and a sister. Her natural parents are unable to support her and she was adopted by her natural father's sister and husband on February 18, 1972, in the Philippines. She has been supported since birth by Mrs. Gutierrez at \$50 a month.

The interested parties, Ulpiano F. and Ligaya J. Gutierrez, were born in the Philippines on April 3, 1909 and April 22, 1923, respectively. Mr. Gutierrez entered the United States for permanent residence on October 23, 1929. He was naturalized in Bakersfield, California, on November 14, 1967. Mrs. Gutierrez entered the United States for permanent residence on June 27, 1968. She was naturalized at Bakersfield, California, on September 14, 1971. They were married in the Philippines on February 27, 1968, and are unable to have any children. Mr. Gutierrez is a field crew foreman on a ranch in Santa Maria, California, where they reside. He earns \$440 a month. His parents are deceased, and his sister resides in the Philippines. Mrs. Gutierrez earns \$400 monthly as a substitute school teacher. She owns three houses and land in the Philippines valued at \$50,000. Her parents are deceased. Her two brothers and a sister reside in the Philippines. The beneficiary, her natural parents, and family reside rent free in one of the houses. The interested parties' assets consist of a \$7,000 equity in a house valued at \$22,000, savings account of \$3,000, checking account of \$1,000, two autos valued at \$4,000, and personal effects valued at \$1,000. They intend to support the beneficiary and provide her with a college education. They are also the interested parties regarding H.R. 4590 in behalf of Melissa Catambay Gutierrez, the beneficiary's cousin.

H.R. 15638, 92d Congress, introduced in the beneficiary's behalf was not enacted.

A report on this legislation submitted by the Department of State reads as follows:

DEPARTMENT OF STATE,  
*Washington, D.C., October 5, 1973.*

HON. PETER W. RODINO, Jr.,  
*Chairman, Committee on the Judiciary, House of Representatives,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the cases of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez, beneficiaries of H.R. 4590 and H.R. 4591 respectively, there is enclosed a memorandum of information concerning the beneficiaries. This memorandum has been submitted by the American Embassy at Manila, Philippines, in whose consular jurisdiction the beneficiaries reside. The correct surname of the first beneficiary is Gutierrez.

The bills would provide for the beneficiaries' classification as a child and for granting of immediate relative status upon approval of a petition filed by Mr. and Mrs. Ulpiano F. Gutierrez, American citizens. They also provide that the natural parents, brothers or sisters of the beneficiaries shall not be accorded any right, privilege or status under the Immigration and Nationality Act by virtue of such relationship.

Sincerely yours,

MARSHALL WRIGHT,  
*Assistant Secretary for*  
*Congressional Relations.*

SUBMITTED BY THE AMERICAN EMBASSY AT MANILA, PHILIPPINES, MEMORANDUM OF INFORMATION CONCERNING H.R. 4590 AND H.R. 4591, 93D CONGRESS, FOR THE RELIEF OF MELISSA CATAMBAY GUTIERREZ AND MILAGROS CATAMBAY GUTIERREZ, RESPECTFULLY.

Melissa Catambay Gutierrez was born in Tanay, Rizal, Philippines on October 23, 1963, while Milagros Catambay Gutierrez was born in Tanay, Rizal, Philippines on February 23, 1963. In an application for an immigrant visa which an aunt executed in their behalf on June 22, 1973, they stated that they were both residing at Tanay, Rizal and intended to reside with their parents, Ulpiano and Ligaya Gutierrez, at Santa Maria, California.

Both children were the beneficiaries of visa petitions (Form I-130) filed by their adoptive father, Ulpiano Gutierrez, and approved on January 31, 1973 under Section 201 (b) of the Immigration and Nationality Act, as amended. During the interview which their aunt had with a consular officer on June 22, 1973, it was discovered that since they were legally adopted only on February 14, 1972, they could not yet qualify as the children of the petitioner inasmuch as the two-year legal custody requirement of section 101 (b) (1) (E) had not yet been met. The visa petitions were therefore returned to the Immigration and Naturalization Service, San Francisco on June 26, 1973 for revocation. Unless the bene-

ficiaries acquire the status of children under Section 101(b) (1) (E) of the Act, they would be chargeable to the heavily oversubscribed Philippine nonpreference category.

The results of a medical examination performed by a member of the Embassy's panel of physicians showed no defect, disease or disability. Enclosed are three copies of the beneficiaries' adoption decree.

[From Republic of the Philippines]

PETITION

Petitioner Ligaya Catambay Gutierrez, through her undersigned counsels, alleges:

1. That petitioner is 48 years of age, Filipino citizen, married to Ulpiano Gutierrez, is presently temporarily residing at No. 8 A. Mabini St., Tanay, Rizal, Philippines, where Court and other notices may be sent, although she and her husband has a residence at 3309 Driftwood Drive, Santa Maria, California 93454 U.S.A.;

2. That petitioner, with the written consent of her husband, desires to adopt as her children, the following who are her nieces:

(a) Milagros B. Catambay, a minor 8 years of age, residing at No. 8 A. Mabini St., Tanay, Rizal; and

(b) Melissa C. Matienzo, a minor, also 8 years of age, residing at 8 A. Mabini St., Tanay, Rizal, Philippines;

3. That the father of the minor Milagros B. Catambay, Arturo Catambay, who is presently in Wake Island, Pacific, has given his verbal consent, and his written consent to the adoption will be submitted on or before the hearing, while the mother of the said minor, Lualhati Belmonte, has given her written consent to the adoption, as shown by an instrument executed and signed by her, copy of which is attached to his petition as Annex "A";

4. That the father as well as the mother of the minor Melissa C. Matienzo, Jesus Matienzo and Gloria Catambay, respectively, have given their written consent to the adoption, as shown by an instrument executed and signed by both of them, copy of which is attached marked as annex "B";

5. That petitioner possesses all the legal qualifications and none of the disqualifications of an adopter and her husband Ulpiano Gutierrez has given his full and unconditional consent to the adoption by virtue of a Special Power of Attorney signed and executed by him on December 10, 1971, at Santa Maria, California, copy attached, marked as Annex "C";

6. That petitioner or her husband has no legitimate, legitimated, acknowledged natural child or child by legal fiction;

7. That petitioner and her husband own real and personal properties in Santa Maria, California, consisting of a house and lot, a car, a motor vehicle (pick-up), furniture, fixtures and appliances (excluding other personal properties), valued at U.S. \$28,500.00, more or less, and also still undivided real

properties in the Philippines, inherited by petitioner; and have an income of U.S. \$16,000.00 a year (U.S. \$8,000.00 per person for two seasons per Annum), more or less;

8. That petitioner has reared and cared for the aforementioned minors since they were barely two years old and has been taking care of and providing for their needs including schooling up to the present, and petitioner has developed a kind of parental and maternal love for the two girls who are her nieces;

9. That this adoption will serve the best interests and well-being of the children;

10. That petitioner's husband, Ulpiano Gutierrez, also desires to be a co-adopter but it could not be done in this proceedings because of residence requirements.

Wherefore, petitioner prays that, after due notice, publication, and hearing, a judgment be rendered to the effect that thenceforth the children Milagros B. Catambay and Melissa C. Matienzo, be freed from all legal obligations of obedience and maintenance with respect to their natural parents, and be, to all legal intents and purposes, the children of the petitioner, and that the surname of Milagros remain as "Catambay", and that of Melissa be changed to "Catambay", which is the surname of the petitioner.

Manila for Tany, Rizal, January 29, 1969.

\_\_\_\_\_  
*Counsel for petitioner.*

VERIFICATION

I, Ligaya Catambay Gutierrez, of legal age, married, Filipino citizen, presently residing at No. 8 A. Mabini St., Tanay, Rizal, after being duly sworn according to law, hereby depose and state: (1) That I am the petitioner in the above entitled case; and (2) that I have caused the above petition to be filed and I have read the contents thereof, and they are true of my own knowledge.

Manila, Philippines, December 29, 1971.

LIGAYA CATAMBAY GUTIERREZ,  
*Petitioner.*

Subscribed and sworn to before me this 29 day of December, 1971, at Manila, Philippines, affiant exhibited to me her Rec. Certificate No. A-2829136 issued at Tanay, Rizal on Dec. 28, 1971.

\_\_\_\_\_  
*Notary Public.*

My commission expires December 31, 1972.

The late Honorable Charles M. Teague of California submitted the following letter, dated December 10, 1973, in support of this legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., December 10, 1973.

HON. JOSHUA EILBERG,  
*Chairman, Subcommittee on Immigration, Citizenship, and International Law, Washington, D.C.*

DEAR JOSH: I am delighted to learn that your Subcommittee will consider my bills, H.R. 4590 and 4591 in behalf of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez.

As you know, the two young ladies have been adopted by my constituents, Mr. and Mrs. Ulpian Gutierrez of Santa Maria, California. Although the adoptive parents are responsible members of their community and, undoubtedly, would provide a fine home for their daughters, private legislation is necessary in view of the fact that they have not lived with the girls the necessary two years.

Your sympathetic consideration of my bills will be very much appreciated.

Sincerely,

CHARLES M. TEAGUE,  
*Member of Congress.*

The bill, H.R. 4591, will be indefinitely postponed, inasmuch as the beneficiary has been included in the instant bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 4590), as amended, should be enacted.

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# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

For the relief of Melissa Catambay Gutierrez and Milagros Catambay Gutierrez.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Melissa Catambay Gutierrez and Milagros Catambay Gutierrez may be classified as children within the meaning of section 101(b)(1)(F) of the Act, upon approval of petitions filed in their behalf by Mr. and Mrs. Ulpiano F. Gutierrez, citizens of the United States, pursuant to section 204 of the said Act: *Provided*, That the brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.*

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

