

Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Dr. Nerissa B. Underwood, Ph.D.  
Member

Senator  
V. Anthony Ada  
Member

Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

AUG 16 2016

The Honorable Judith T. Won Pat, Ed.D.

Speaker

*I Mina' Trentai Tres Na Liheslaturan Guahan*

155 Hesler Place

Hagåtña, Guam 96910

*Rory J. Respicio*

VIA: The Honorable Rory J. Respicio  
Chairperson, Committee on Rules

RE: Committee Report on As Substituted by the Committee Bill No. 326-33 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on *As Substituted by the Committee* Bill No. 326-33 (COR)- "An act to add a new § 11301.1, repeal subsections (b) and (c) of § 11306, repeal § 11306.1, all of Article 3, Chapter 11, Title 7 Guam Code Annotated, relative to the statute of limitations in cases involving child sexual abuse."

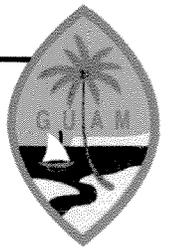
Committee votes are as follows:

- 7 TO DO PASS
- 0 TO NOT PASS
- 2 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Respectfully,

*[Signature]*  
SENATOR FRANK B. AGUON, JR.  
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33<sup>rd</sup> Guam Legislature

2016 AUG 17 PM 3:29  
DANIEL



Senator  
FRANK B. AGUON, JR.  
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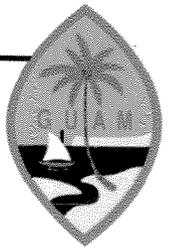
Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

# COMMITTEE REPORT ON

*AS SUBSTITUTED BY THE COMMITTEE*

## **BILL NO. 326-33 (COR)**

**"An act to add a new § 11301.1, repeal subsections (b) and (c) of § 11306, repeal § 11306.1, all of Article 3, Chapter 11, Title 7 Guam Code Annotated, relative to the statute of limitations in cases involving child sexual abuse."**



AUG 10 2016

MEMORANDUM

To: **All Members**  
Committee on U.S. Military Relocation, Public Safety and Judiciary

From: **SENATOR FRANK B. AGUON, JR.**  
Committee Chairperson

Subject: **Committee Report on as substituted by the Committee Bill No. 326-33(COR)**



Transmitted herewith for your consideration is the Committee Report on *as substituted by the Committee Bill No. 326-33 (COR) – "An act to add a new § 11301.1, repeal subsections (b) and (c) of § 11306, repeal § 11306.1, all of Article 3, Chapter 11, Title 7 Guam Code Annotated, relative to the statute of limitations in cases involving child sexual abuse."*

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 326-33 (COR)
- Copy of *as Substituted by the Committee Bill No. 326-33(COR)*
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 326-33 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Related News Reports
- Fiscal Note Requirement

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'ãse'!*

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Chairman

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Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
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Senator  
Rory J. Respicio  
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Member

Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio



COMMITTEE VOTING SHEET

Bill No. 326-33 (COR) - As Substituted by the Committee- "An act to add a new § 11301.1, repeal subsections (b) and (c) of § 11306, repeal § 11306.1, all of Article 3, Chapter 11, Title 7 Guam Code Annotated, relative to the statute of limitations in cases involving child sexual abuse." (Sponsor: F.F. Blas, Jr.)

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Senator Dr. Nerissa B. Underwood, Ph.D. Member

Senator V. Anthony Ada Member

Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat, Ed.D. Ex-Officio

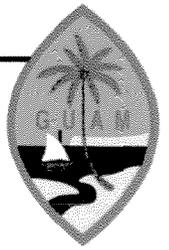
Table with 7 columns: COMMITTEE MEMBERS, SIGNATURE, TO DO PASS, TO NOT PASS, TO REPORT OUT ONLY, TO ABSTAIN, TO PLACE IN INACTIVE FILE. Rows include AGUON, FRANK B. JR., ADA, THOMAS C., VICE-SPEAKER CRUZ, BENJAMIN J.F., RESPICIO, RORY J., RODRIGUEZ, DENNIS G. JR., UNDERWOOD, NERISSA B. PH.D., ADA, V. ANTHONY, BLAS, FRANK F. JR., ESPALDON, JAMES V., MCCREADIE, BRANT T., and SPEAKER WON PAT, JUDITH T. Ed.D.



COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33<sup>RD</sup> GUAM LEGISLATURE



MONDAY, JUNE 27, 2016

**COMMITTEE REPORT DIGEST  
ON**

**AS INTRODUCED**

**BILL NO. 326-33 (COR)**

**“An act to amend § 11306, chapter 11, title 7,  
Guam Code Annotated and to repeal § 11306.1,  
chapter 11, title 7, Guam Code Annotated  
relative to the statute of limitations in cases  
involving child sex abuse.”**

Senator  
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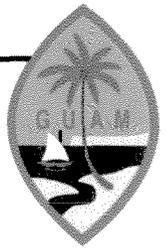
Senator  
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James V. Espaldon  
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Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat Ed.D  
Ex-Officio



**COMMITTEE REPORT DIGEST**

Senator  
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Dr. Judith T. Won Pat. Ed.D  
Ex-Officio

**I. OVERVIEW**

Bill No. 326-33 (COR) was introduced on May 4, 2016, by Senator Frank F. Blas, Jr. and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on May 23, 2016.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 326-33 (COR) on a Monday, June 27, 2016 at 10:00AM in I *Liheslatura's* Public Hearing Room.

**Public Notice Requirements**

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Monday, June 20, 2016 (5-Day Notice), and again on Thursday, June 23, 2016 (48-Hour Notice).

**Senators Present**

Senator Frank B. Aguon, Jr., Chairman  
Senator Tom Ada, Vice Chairman  
Speaker Judith T. Won Pat. Ed.D, Ex-Officio  
Senator V. Anthony Ada, Committee Member  
Senator Frank F. Blas, Jr., Committee Member  
Senator Nerissa B. Underwood, Ph.D.  
Senator Mary Torres

The public hearing was Called-to-Order at 10:00 AM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

**Chairman Aguon:**

Welcome to our people who are watching this particular session. This public hearing sponsored by the Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary is hereby convened. The item on the agenda is Bill 326-33 (COR) which is relative to the statute of limitations in cases involving child sexual abuse.

**Chairman Aguon:**

In compliance with the public notification, the open government law, the initial dissemination of information was provided to our community, and the public hearing notice was sent out on the 20<sup>th</sup> of June, and the second notice was sent out on the 23<sup>rd</sup> of June to the stakeholders as well as to the community. In light of that, I would like to extend my appreciation as the chair to our media partners for disseminating this information with regards to this particular public hearing. We do have, like I mentioned, Bill 326-33, but before I recognized the sponsor of that legislation, I would like to thank the Vice-Chair of the Committee Senator Tom Ada for joining us. To my immediate left is Senator Frank Blas Jr., the sponsor of the proposed legislation. Thank you very much Senator for joining us. Senator Nerissa Underwood to his immediate left, and then Senator Mary Torres to Senator Tom Ada's immediate right. As we proceed, this is going to be the sequence of the format. I will allow the sponsor to be able to provide opening comments with regards to his proposed legislation, and then I will call up witnesses based on the sign in sheet. We do have a good number of witnesses that will be providing testimony today, so I thank you all for your interest in this piece of legislation. So, I would now recognize Senator Frank Blas Jr. who's the primary sponsor of Bill 326. Senator.

**Senator Frank F. Blas, Jr.:**

Thank you sir. Thank you sir, and good morning to everyone. I wanted to bring by thanking the chairman, Senator Frank Aguon, for holding this public hearing to discuss Bill 326, which I introduced last month. I have been working closely with Senator Aguon on the matter, and I am pleased that he is looking at ways, he and I are both looking at ways to strengthen the language of this legislation. I'd like to take a moment to recognize everyone who has shown up this morning to testify, or even just to listen. To the lady groups pushing for change and accountability in our community, I want to thank you for your action's tenacity. Most importantly though, I want to thank the victims of sexual abuse and their families, especially those who have had the courage to come forward and share their stories. Your bravery is inspiring. I will continue to keep all of you in my prayers. As everyone knows, the issues involving statute of limitations have been a particularly pressing problem in light of the delicate nature of child abuse, child sex crimes, considering that victims often need many years to overcome the pain of their abuse and time to obtain the courage needed to speak out about the abuse that they have suffered. Sadly, many victims of child sexual abuse haven't been able to proceed with civil claims against the perpetrators because of those claims have been barred by statute of limitations. Once passed, this legislation would give these victims increased access to the legal system. I look forward to hearing from all of you on this bill that I am ready to work with my colleagues in passing this important piece of legislation. Thank you very much.

**Chairman Aguon:**

Thank you very much Senator Blas. I would like to, before I call up the following individuals, I also would like to, I noticed the several victims in the audience. I would like to personally thank you very much for having the courage to provide testimony during this public forum. I think it's very important that our people understand, and especially, innocent victims, our children, understand that their government, their family, and the system that is in place should be in place to benefit them. If in fact, any incident were to occur to them, and it really speaks volumes in terms of the bravery that Senator Blas has undertaken by introducing this piece of

**Chairman Aguon:**

Legislation because since it's opening, or lifting, a statute of limitation that would allow innocent victims who were at one time affected to step forward and use the system to their benefit so that in fact, the issue is not really any financial retribution or restitution or compensation, it is making sure that future victims, or future youth or children, are not affected in a similar way, and I think that speaks volumes in terms of why we're here to day. I want to thank the sponsor for allowing the chair to be able to work in concert with him, and whatever product comes out of the committee, I assure you is going to ultimately address the objective of this proposed legislation. So as I call up the following individuals, please step forward, take a seat, and I would like to invite Mr. Walter Denton, Mr. Roland Sandia, Ms. Doris Concepcion, and Ms. Sharleen Santos-Bamba. Please if you can join us up front. I'm going to ask all of you, as you speak, you speak into the mic and ensure that the red light is turned on. Identify yourself for the record initially and then provide your testimony. The first individual that was called up is Mr. Walter Denton. Mr. Denton, please if you can pull the mic, then you can begin.

**Mr. Walter Denton:**

Good morning. My name is Walter G. Denton. I was raped by the Archbishop of Agana Guam who at the time was a priest and the pastor in Agat. I trusted him. I worshipped the ground he walked on. He was my mentor. He was my teacher, so I thought. He was like a father to me. He was the priest I wanted to become, but he took all of that away from me. I am here today to tell you, the esteemed senators, my story, and one that had defined my life ever since, and the hope and prayer that you will pass Bill 326-33. I was only 12 years old when I was raped by Father Apuron. I was an altar boy for my village in Agat. Being an altar boy motivated my desires to serve God and to become a priest. I may have been young, but I knew that was my calling. In the evening of April 16, 1977, I spent the night in the rectory with Father Apuron to help prepare the church for Sunday services. Father Anthony and I had dinner in the rectory that evening. After dinner, I helped Father Anthony put away the dishes. After cleaning up the dishes, I went into the living room and sat on the lazy boy and watched a little bit of tv. I started to feel tired and sleepy. I pulled the handle of the lazy boy, and I got it to recline. As I was laying on the lazy boy chair, Father Anthony came into the living room and asked me if I was ready to go to sleep. I told him yes, that I was ready to go to sleep on the chair. He said no. He insisted I sleep with him on the bedroom, and I said "Okay Father". Sometime late that night, or early morning, I woke up feeling something or someone on top of me. He was smothering me, and I felt something going in me, and it was hurting me. I was pinned down to the bed on my stomach with my legs spread apart. I could not move. I could not move my arms or my legs. I was pinned down. I felt something going in me, and it hurt so much. I shouted to please, please stop. I kept shouting out, and I tried to move, but all I could feel was him on top of me thrusting something in me. He told me it would be all right. He finally stopped, and he laid down on me like he was resting. He finally got off me, and I immediately got off the bed. I was crying. I was breathing hard. I could feel my butt was all wet. I asked him why did he do that to me. I kept asking why, and he said if I said anything to anyone, that they would not believe me. That night changed my life forever. It had changed my direction in life where I wanted to be today, but December 24, 1977, right before the Agat midnight mass. I was walking with Father Jack Niland to the front of the church, and as we were walking, that was my opportunity to tell Father Jack what Father Tony did to me. After telling Father Jack what he did to me, he just looked at

**Mr. Walter Denton:**

me, and he said "Well Walter," he said "the priest life is a lonely life." From that moment I knew that nothing was going to get done, and that Father Tony's words started to sink in that nobody would believe me. After that nightmare of my reveal, I never went back to Agat Church to serve as an altar boy. About spring, between 1999 and 2000, I was stationed at Fort Louis, Washington State, and I was assigned to the 47<sup>th</sup> combat support hospital. I lived in base when I was in Fort Louis. One day, I had planned to do some yard work, and I needed a few pieces of equipment. So I went to the self-help store to pick up a lawn mower and a rake, and I met this Chamorro guy there issuing out the equipment. I told him that I was from Guam. We talked for a little bit, and he mentioned to me that the Bishop of Guam was coming over to his mother's house who lived right there in Tacoma, Washington. He told me that they were all related, and he invited me to see Bishop Apuron. I decided to go because I wanted to confront him. After I got to his house, we all waited for Bishop Apuron to arrive. He came in and started greeting everybody. I was in the back of the house waiting for him to make his rounds. Eventually, he made his way up to me, and I asked him, do you remember me, and he looked at me and said "Michael?" I said "No, bishop," I said, "It's me. It's me Walter Denton. Now do you remember me?" His eyes got big like he was very surprised, like with shock, and I told him that I needed to speak to him, and I said "I need to speak to you. Now." So he waited a couple of minutes, made his rounds, and he just, he finally made his way back to me, and then we left the house. So we went to the front of the house, went down the steps, and we went walking around the block. It was probably over an hour that I took my time with him. I asked him "Do you remember what you did to me," and I asked him "Why? Why did you do that to me? Why did you rape me," and I told him that "You took away everything that I... You took my dreams away from me." I started to breakdown, and I told him that I would never forgive him for what he did to me. He started to breakdown as well, but that didn't matter to me. What he was feeling then didn't matter to me because of what he did to me. We eventually made our way back to the house. As we walked inside the house, I told him that I had to leave now. I had to go back to my kids. As I was about to walk out the door, he stopped me for a moment. He said "Wait Walter. I have something to give you." So he turned around and reached into his bag, and he pulled out a picture of himself and a CD and a picture of Mother Mary. He said "I want to give this to you." I took it from him, and I looked at him. I said "Are you serious? A picture of yourself and a CD?" I took the items, and I left the house, and I went home to my children. But I said to myself this wouldn't be the last time you hear from me again. On June 7, I came back to Guam to tell my story of how the archbishop of Guam raped me when I was only 12 years old, when I was an altar boy in Agat, by having a press conference on the steps of the pastoral center. Immediately after the press conference, I turned around and walked towards the front door of the pastoral center to deliver a copy of my statement, but the doors were locked. Although, there was a sign that said the door was open. On the morning of June 12, shortly before I departed with my wife to return back to Arizona, I marched with the CCOG, the Laity Forward Movement, and the Silent No More!, and others to protest Archbishop Apuron to resign. During the protest, I was surprised to see Archbishop Hon and another priest who came out to say a few words to the protesters. I immediately felt I had to reach out to this new Archbishop where they were standing. I was standing to the right, less than 10 feet away. I know they could see me. I reached over and got the attention of the other priest, his assistant to tell him that I would like to speak to Archbishop Hon. I told him my name, and I told him that I was one of the victims. To me, they ignored my request. They turned around and went inside the cathedral. We followed them to see what was going on. What I heard from Archbishop Hon in his opening remarks, something to the effect that these

**Mr. Walter Denton:**

protesters would go away in a couple weeks, or it would die down. I was angry. I grabbed my wife's hand, and I said let's go. We left the Church, and we headed back up to the airport. I was so angry and so hurt from being rejected. It's been more than a couple of weeks when we left, and still to this very day, I have not heard from anyone. Not from Archbishop Hon, even to just simply reach out, to see how we're doing. How long do you think, how long do you think it takes to be raped? For the victims of Agat, the sexual assault or rape could last up to 20 minutes, 10 minutes, even as long as just a mere 5 minutes. For me, it felt like eternity. That's how long it took the attacks to end, but for every rape victim it takes just a moment, a millisecond to cross a threshold from someone who... from not getting raped to getting raped, and to have the most private parts of his mind and body violated in an irreversible way. From before to after, a moment that can never be undone or justified. A moment that will live on within, within me forever. There's not been a single day in my life that I did not relive the things that he did to me. There's not a single day that went by that I don't think about it. You know people asked me why now. "Why did you wait so long to come out? To say something?" Well I did, I did come out a long time ago. I came out when it first happened to me, but no one would listen. Not even the priest that I trusted. So yeah, the bishop's words sunk in that no one was going to listen. I read that more, that most sexual assault survivors don't report the crime right away, especially if the predator is someone they know. This applies to about 4/5<sup>ths</sup> of the cases here in the United States. In this case, it applies to me as well as other victims of Agat. Even when survivors do go to their Church officials or to the police, they routinely fail to fully investigate the claims of sexual abuse. Nationwide, as many as 500,000 rape kits are still waiting to be tested. Years would pass, and the statute of limitations would bar a victim from having his day in court and to confront his accusers. So this victims bury it and suffer in silence just as I have. Bill 326-33 introduced by Senator Frank Blas and now before your committee, Senator Frank Aguon, will give the victims of sexual abuse within or outside the church the opportunity to be silent no more. Because now it gives them some recourse to be heard. It would give victims like myself, Roy, Sonny, Roland, our parents and families, and to those victims too afraid or intimidated to come forward for fear of being called a liar and arrogantly mocked by a powerful Archbishop. His advisors and allies in the Catholic Church some measure of justice and closure to the heinous crimes that was inflicted on them. The scar will never go away, but it can at least start to heal. As it stands, the current law protects the predator from his past crimes. Once the statute of limitations kicks in, it protects these predators who commits these heinous crimes of rape and child sex abuse from being sued or prosecuted. I'm asking each of you, every senator, to please lift the statute of limitations so that people like Anthony Sablan Apuron, and any other person or institution who have aided him or covered up for him, will be held accountable for the crimes they have committed against innocent children like I was then. Moreover, we need to deter future predators from committing these heinous crimes by eliminating any time limitations on the right to sue or prosecute no matter how long ago. So please, give us Agat boys the chance to achieve some measure of justice and closure in our lives. Thank you for your time.

**Chairman Aguon:**

Thank you very much Mr. Denton for your testimony. In light of the nature of your testimony, I'm going to give it a few seconds, and then we'll call up Mr. Sandia to proceed with his testimony. Mr. Sandia, you're recognized.

**Mr. Roland Sandia:**

Hafa Adai and good morning Senators. My name is Roland Paul Lizama Sandia, age 54 of Agat, Guam. I'm here to urge that you pass Bill 326-33. When I was an altar boy at Our Lady of Mount Carmel Church in Agat at the age of 15 years old, I was sexually assaulted and abused by our pastor and priest during sleepover at the Mount Carmel rectory. In the summer of 1977, in the middle of the night, I was sexually molested by then Father Anthony Sablan Apuron. It was around 1 AM in the middle of the week when a couple of altar boys and I were asleep on futons on the living room floor in the Mount Carmel rectory. I was awakened when I felt someone tapping on my shoulder and calling my name. I looked up, and it was Father Anthony Apuron. When he saw that I woke up, he whispered saying "Roland, I need your help with something." He then gestured me to follow him and led me into his bedroom. I didn't think anything of the situation because we were there to help the priest. The room was dark, and as I walked toward him, I asked him if everything was okay, and he motioned me to sit down. He sat next to me and put his hand on my shoulder. His hand was shaking, and I started to feel very uncomfortable. He then said with a trembling voice "Roland I need your help". He then said that of all the altar boys, I was the one that he can trust the most, and I was the one that he could rely on the most. I told him that me and the boys are here to help out in anyway that we can. After a brief silence, he then said to me "Do you want to try me?" I was very surprised and confused at what I thought he said. So I said "Excuse me Father, I didn't quite hear you." He then put his arm around my shoulders and pulled me closer saying "Do you want to try me?" Before I could do anything, he suddenly reached over and started rubbing and groping my privates. I told him to stop, but he didn't. Instead, he continued on, and this time squeezing my penis and kept saying "Just try me." It was painful and shocking. I tried to turn and kept pushing his hand away, but he held me even tighter. He was very strong. I don't know how, but I found the strength in me to break free and ran to the door and out of his room. I grabbed my belongings and ran out of the house. I went home crying. I was in shock, confused, and humiliated. This was a priest that I had always looked up to and was highly respected and revered by his Agat parishioners. I trusted this man. Now, he just abused and assaulted me. I didn't know what to say and do. I was too ashamed to tell my parents or friends. I felt that no one would believe me, especially my parents and the other man'amkos. I had no idea or suspected that there were others. I thought I was the only one. I kept this dark secret with me for 39 years. I just tried to bury it, and I kept it from my wife, my kids, my parents, my siblings, and my friends. Years later, when I was working in the PDN building now the DNA building, I would always pass and look at the cathedral where Father Apuron was to be ordained a bishop. I wondered then how the Catholic Church would make someone like Father Apuron a bishop. It was hurting me and making me mad. I stopped going to mass for a while because of it. I couldn't imagine how a man like Father Apuron could sit up there in that tall chair in the cathedral and pretend to be holy. How can he give out communion and hear confessions? That just disgusted me. It wasn't until I read Walter's statement that I realized that I was not the only one. Then I found out, that Roy was abused as well, after by chance I happened to be talking to him. It was weird how all these events and coincidences kept happening. I realized then perhaps God was asking me to come forward. I was not alone. There were actually others. As you know, I came forward and told my story on June 15, 2016. After my press conference, I tried to submit my statement addressed to the Archbishop, to the pastoral center, but I was locked out even if it was supposed to be open. The same thing that had happened to Walter happened to me. The Church wasn't going to make it easy for me or any other victim to come forward. Instead of reaching out to Roy when he first came out, Archbishop Apuron and his representatives instead called him a liar, saying

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**Mr. Roland Sandia:**

that he was induced to make false statements, false testimonies by a conspiracy to smear and destroy Archbishop Apuron and the Catholic Church. That was the most ludicrous thing I have ever heard, and it made me mad and more determined to come out. Then they said the same thing about Doris, practically mocking the fact that Sonny was dead so he can't testify himself. That was horrible and vicious for our Archbishop Apuron and his representatives to say. How can anyone imagine that a frail and old woman, the mother of a fellow altar boy, would come forward and talk that about her dead son unless it was true? Then Walter came forward, and I expected them, for the Church, to finally acknowledge these victims to take appropriate and decisive action, but nothing again. No retraction. No action. Nothing at all. No one from the Archdiocese of Archbishop Hon reached out personally or informed me that my statement was being forwarded to Rome. I found out through the media. I feel that we do not exist in the eyes of the Church. They are good at press releases, video releases, and telling their victims that they are liars and nothing else. Senators, I never told my wife and my family the details of my sexual abuse by Father Apuron until a few days before I came forward. I know there are others, and not only in Agat, but with the reception that Roy, Doris, Walter, and I received by the hands of the Archdiocese so far, it is no wonder that they are reluctant and fearful to come forward. I support the lifting of the statute of limitation on child sex abuse so that victims of sexual abuse will know and have a tool to fight back and find justice. We need it not only for existing victims but future victims as well. We need to abolish any kind of statute of limitations of sex abuse crimes so that potential perpetrators will know that no amount of time will prevent the victim from coming forward to sue and for the government to prosecute. We pray and hope that upon the passage and signing of this bill, other victims will come forward so that they can begin the long road towards healing and recovery. We have to repair our past, contain the present, and protect our future, our children.

**Chairman Aguon:**

Thank you very much Mr. Sandia, and once again in light of the testimony this morning, I'll be giving just a few seconds, and we're doing this intentionally for everyone in the audience just so that we don't just move on to the next testimony, and that there is a recognition of the testimony that was provided here, especially in light of the courageous effort. Ms. Concepcion, you're recognized.

**Ms. Doris Concepcion:**

Good morning Senators. My name is Doris Yamashita Concepcion. My son is Joseph Anthony Quinata, he was born 7/9/1967. I am here to testify in favor of Bill 326-33 to remove the statute of limitation for child sex abuse. On May 5, 2005, my son, a tech, and I were in the elevator on our way down to surgery. We knew he had 30% chance of living, that he was dying of perforated intestine. He kept saying to me "Mama, am I really the devil's son," and I said "No you're not. What made you... What brought this up?" He said "Mama, I love you, and I'm sorry." I said "I love you too son, but you're not the devil's son." He said "Apuron told me I am the devil's son." He said "Mama please hold me," and just as I bent down he told me "I have to tell you something. Apuron molested me when I was an altar boy in Agat." I'm sorry. Then he looked at me again, and he said "I'm so sorry for being so mean to you mom. Archbishop Apuron said I will never amount to anything in my life unless I read the bible with him and spend the night with him." I trusted Apuron. Whenever he called me,

**Ms. Doris Concepcion:**

he would say "I need you son's help to set up or something. I did stuff for Apuron. The mothers. Roy's mother. My mother and I would cook for him because he wanted things for the altar boys, and he betrayed me." My son said "He hurt me over and over again." I literally fed my son to the wolf, and I didn't know what he was doing to him. As the door was opening, I looked at my son, and I said "Did Apuron rape you?" Before he could answer, the elevator doors opened, and he gave me the thumbs up. That was the last time I saw my son and the last time I spoke with him. This has been weighing for 11 years with me. I didn't know what to do. I didn't know where to go, but as I celebrated his 11<sup>th</sup> anniversary on May 5<sup>th</sup>, the thought of Mount Carmel Church, Apuron, and my son kept coming to mind. I couldn't put the pieces together. I didn't know what was going on. I couldn't connect the dots, and then my sister called me up that evening, and she said "Have you turned on the TV to watch PDN and the internet?" I said "No. Why what's going on?" She said "Roy Quintanilla is on the TV. Turn it on and listen to him." And I knew right then and there that it was my son saying "It's going to be okay mom. Roy and the rest of them are going to take care of it." Nobody knew I was coming forward. I knew I had to do something. I am the mother whose son was molested by Apuron. We need to do something. We need to protect our children. This cannot happen again not only with Apuron but the others who are hiding behind the law. We need to protect them, our victims. I was molested as a child numerous times, and I couldn't say anything to anybody. I suffered over sixty years in silence, and I know what they are going through, and to think I couldn't help my son while he was being molested by Apuron. It just kills me because somehow I thought it was my fault. If I had known I would have done something, but it was too late so now I'm here in front of you to plead my case. Please. Let's help out kids. Let's protect them. We cannot have these people who did this to them... Back then, and I know that at one point in our life, we were molested, but we couldn't say anything. It's a dark, dark secret, but I'm here. We all know what we've gone through. We all know that we could talk about it, but we need to listen to our children. I didn't because I was so into my own self that I wasn't listening. I mean I was brought up thinking you can't talk about it. You can't... Don't let the neighbors know, and then the people whom I trusted, that I really cared for, did this to me, and told me that nobody would believe me. But you know, even though it's been years for me, I am here to plead with you, and I know that you will find it in your heart to pass this bill because I know that if this happened to your children, you would be here on our end pleading your case the same thing we are. So please, we need to do this for our kids. We don't need another Sonny. My son looked at me and, hours before he went into surgery, he said "Mama, I am so sorry I was a bad boy. I tried to be good. I wanted to kill Apuron," and that just killed me to hear that. He tried to burn the house down, the rectory where Apuron was staying, and he wanted to burn Apuron inside the house, but Apuron caught him, dragged him back in the house, and did what he... punished my son in the most horrific way, and then he called me up, and he said "I had to punish Sonny because he was being naughty. He tried to burn me down. He kicked me in the groin." I couldn't understand why my son did all this. I thought he was just being the difficult, aguguat little boy. I left the island. I took my kids. I have three kids. Because I was lost. I didn't know what to do, what else to do. He didn't want to be a catholic anymore. He told everybody he was Jewish, and I said "Why did you say he was Jewish?" "Because they're not mean to their kids. They treasure their kids. They don't call them names. They don't do mean things to them," and little did I know, he became a drug addict. His life was miserable, and I still couldn't understand why until the day he passed away. Hours, he told me on his death bed that Apuron molested him. We cannot allow this to go on. We need to help our kids. When Roy came through, I knew that

**Ms. Doris Concepcion:**

it was Sonny's spirit who prompted Roy to come forward, and I knew that as a mother, I had to support the kids. I had to move forward to let everybody know that we cannot sweep it under the carpet anymore. We need to hear our kids. We need to listen because when we were growing up, we weren't allowed to talk about it. We all know that. At least I knew that. Even if I talked to my mom, she'd probably say "Let's not talk about it. We don't want the neighbors to know. It's embarrassing." I want our kids to know that it's okay for them to come forward and say "He did it to me." These abusers hide behind this law. They know that they're being protected because of the two year limit. What about the victims? What about Sonny? What about Walter? What about Roland and Roy? What about our kids? What about my grandkids? What's going to happen to them if we don't pass this bill? Please I beg you. Pot fabot. Let's do something. We cannot have Apuron or any of these abusers hide behind the law. We need to let them know that it is okay. They are protected, and these abusers no longer have anything to back them. They cannot continue abusing our children. Like I said, I was abused, and after 60+ years, I'm here sitting in front of you pleading this case. I am really grateful that this legislature is looking at this bill. If Apuron had helped these boys 40 years ago, my Sonny would still be alive, but he didn't care about them. He didn't care about any of them. He only cared about himself. He wanted to protect himself. He doesn't care what happens to them. Sonny has two kids, and they don't have a father now. This morning when I was getting ready, Sonny's two kids called me up and said "Mom, do your best. I know you can do it. I know my dad is behind you. I know the guys are behind you, and I know that the legislature, the senators will hear you mom. Plead your case. Not only for them, but for us kids who have lost our dad. So I'm sitting here to please consider passing this bill because Apuron did this to my son. They lost their father, and I blame Apuron for this, and I blame myself for not being able to help my son because I didn't know. I cooked for him. He asked my mom to make titiyas for him and kelaguen and do all these other stuff because he wants to keep the boys overnight, and I trusted him, but he abused that trust, and now I'm without my son. He took advantage of my son and my kids. My grandkids are without their father now. He turned to drugs. He didn't want to live. He was just... He died believing he was the devil's son because that's what Apuron told him. You're no good. You're the devil's son. You'll never amount to anything, and he died down believing that he was not good for anybody. It took the abuse because that's what Apuron was good for, but these kids. He led them to believe that they're not worthy of anything. Apuron accused me of being a liar. If you pass this bill, I want to take Apuron to court. I have nothing to gain, but I want Apuron to be in court so that the truth can come out. I want to see. I want Apuron to look me in the face and say, and look at these guys' faces, and say "You're all liars." Really? I have issues with him. All of us do, but the one thing I can do once you pass this bill is to take him to court. I want the world, I want our island people to know that we're not lying. I'm a mother. Why should I make up a story? My son is dead. I lost my son because of him, and he has the audacity to call me a liar. You're all mothers up there, fathers. You know what it's like. We're not supposed to bury our child, but I did, and I don't even wish that on my worst enemy. And not only have I lost my son, but the guilt it weighs so heavy because I literally fed my son to Apuron. I feel so guilty about it, and he's sitting high and mighty thinking he's above the law. Well, guess what. Once this bill is passed, I can take him to court and see how high he can be because we all want to know the truth, and he can't fight the four of us, and I'm sure there's more out there. That's all we want to hear. We want to hear him admit that, yes, he did wrong. So please, consider this bill. I beg of you. Because I know that if this happened to your children and grandchildren, you would be right here too doing the same thing. Thank you so much for your time.

**Chairman Aguon:**

Thank you very much Ms. Concepcion. Ms. Bamba please identify yourself for the record. Proceed.

**Ms. Sharleen Santos-Bamba:**

Hafa Adai senators. My name is Sharleen Santos-Bamba, and I am here to read my Uncle Roy Quintanilla's statement because he is not able to be here. Uncle Roy was ready to come and testify, but he discovered just last week that his younger brother Peter who has down syndrome, and who has been under his custodial care for 21 years, was diagnosed with stage 3 cancer and requires immediate treatment. In addition, his older brother Michael is in a hospital in Honolulu and is seriously ill. The following is my Uncle Roy's statement.

Hafa Adai senators. My name is Roy T. Quintanilla, and I would like to testify in support, and urge the passage, of bill 326-33. I was a victim of child sexual abuse and was abused when I was 12 years old and an altar boy by a priest that was respected by the community. He was my pastor, Father Tony Apuron. Father Apuron had planned to lure me into his house to sexually assault me. He went to my parents' home and asked their permission for me to sleep at the priests' house with the excuse that he needed my help at the Church in the early morning. My parents gave their permission believing that I would be safe, but instead when the priest and I were alone in his house, he insisted that I sleep with him in his bed, and then he molested me. I was shocked, scared, hurt, alone, and confused with no one to turn to. I didn't know what to do. I didn't tell my parents, my siblings, or friends for fear that no one would believe me, and if I had said anything, that I would be criticized or punished and embarrassed for accusing a priest, our pastor of sexual abuse. That thought terrified me enough to not say anything, so I tried my best to deal with it alone. I thought of suicide many times because the stress was a tremendous weight on me. I felt sorry for myself. I lost my faith and trust in the very person that we all thought would be the last person to ever do such an egregious act to anyone, let alone a child. I told another priest at the same house months later, but nothing was done, so I remained silent thinking I was the only victim. I carried the guilt and shame with me for forty years until I came forward recently. It wasn't until I discovered by chance that other altar boys, friends of mine that I grew up with, happened to share stories of our past that included being sexually abused by the same priest. It was then that we decided to take the risk and confront the person that molested us, and we agreed to accept whatever the consequence would be for coming forward. I came forward because it was the right thing to do for myself, my friends, and especially because I feared that there might be others who were sexually abused by Father Anthony. Even after coming forward in my press conference on May 17, Apuron, now Archbishop, continued to lie about it and hide behind the cloth of the Church and claimed that our coming forward was an attempt to smear his name and divide the Church and the faithful and calling us victims liars. I made sure when I came forward that I was confronting the person, the pedophile, and not the Church. Since May 17, 2016, when I submitted my statement to the Chancery, neither Archbishop Apuron, Apostolic Administrator Hon Tai Fai, nor any representative from the Archdiocese has reached out to me for help or to help, to support, or apologize or to reconcile. Instead, they have called me a liar. The archbishop hides behind the Church and said that I was trying to smear the Church with lies. Their statements have never been retracted. This is evidence that Archbishop Apuron has no remorse for what he did to me and how he hides behind the Church, and as if I was trying to divide the Church it took everything I had in me to confront the person that committed such a deplorable act to me. No one, especially a child, should ever have to go through being sexually abused or be afraid to come forward and tell someone for fear that no one will believe them. Sexual abuse is a traumatic

**Ms. Sharleen Santos-Bamba:**

and horrifying experience for any adult, let alone a child, and when a perpetrator threatens a child if he or she tells anyone is in itself evil and vicious. Any victim of sexual abuse knows that the experience is life changing in the worst way. For many victims and myself, thoughts of suicide were often. They were common, and numerous victims go through with it. Sexual abuse robs societies, families, friends, communities of their loved ones. Lifting the statute of limitations on child sexual abuse encourages and allows victims to come forward in hopes of finding closure and to find justice for their pain and suffering for a crime that caused them tremendous pain and suffering. It will also serve as a deterrent to potential predators by sending a serious message that our people take child sexual abuse very seriously, and that harsh punishments are the consequences in store for all sexual predators. No child should ever be denied the opportunity to seek justice for a heinous crimes based on statute of limitations. Coming forward is not easy, and only victims know when the time is right to come forward. Is it fair that I not be allowed closure or justice for what happened to me as a child? Is it fair that a sexual predator, a pedophile, be allowed to get away with molesting children because they are protected by the statute of limitations? Please do the right thing, and lift or abolish the statute of limitations for child sexual abuse. Thank you.

**Chairman Aguon:**

Thank you Ms. Bamba and please extend our appreciation for Mr. Quintanilla's submission of his testimony.

**Ms. Sharleen Santos-Bamba:**

I will. Thank you.

**Chairman Aguon:**

Before I dismiss the panel, I would like to continue with a silent moment, especially in light of other victims out there who may have experienced similar horrendous situations, and then we'll proceed with opening up for questions from the senators and then continue on with the public hearing. As I open up the line of questioning to my colleagues, to all of you who have presented testimony this morning, I want to thank you very much for not only the courage and the bravery, but Mr. Denton you mentioned something about inside or outside the Catholic Church and the applies directly to the proposed measure. There's absolutely no reason or justification in this world for anyone to have to experience what you all have experienced. I thank you for your testimony this morning. Senator Blas.

**Senator Frank F. Blas, Jr.:**

This has truly been some of the hardest testimony that I've had to sit through, and I just want to say on my behalf I'm sorry that it took this long. I know all of you. We played baseball Roland. And, I thank you for your bravery. I want to thank you for letting us up here recognize and realize that there are things that need to get done. There are things that need to be done. I assure you that things are going to be done not just to give you piece of mind but, as the chairman said, what you went through, nobody should go through. I wasn't intending on speaking, but I just had to. Thank you very much. It's your strength that gave us, gave me, the will and determination to bring this bill forward. Thank you.

**Chairman Aguon:**

Thank you very much Senator Blas. Senator Ada.

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**Senator Tom C. Ada:**

I don't have any questions, but I just wanted to say that I think you have made your decisions known, and you've stated your case real well, and I certainly shall take heed. I guess it's the brave, the courage that you all have demonstrated that causes many of us to draw that line in the sand and step forward and take a position. So thank you.

**Chairman Aguon:**

Thank you very much Senator Ada. Senator Torres. Senator Nerissa.

**Senator Nerissa B. Underwood:**

Yes. I too would just like to thank all of you and others for being the voice for the victims and for those who have yet to have the courage because this, what you've done, has actually caused not only the victims but the parents to take heed, so I just want to really thank you for stepping up and being the voice for the other victims.

**Chairman Aguon:**

Thank you very much Senator Underwood. Senator Tony Ada. Speaker.

**Speaker Judith T. Won Pat:**

Thank you very much Mr. Chairman. I too would like to express my... I thank you very much for coming forward, and you can rest assured that I support this bill 100% in the same way that I supported the original bill 34-31 which became public law. It was unfortunate that it fell short of what it is. We wouldn't be here today if it had passed then in its original form to actually then not have a limitation, and I just want to make sure that although I read the bill, and its intent is to make sure is that additional language be placed to make sure that it's... Although that it alludes to the fact that it would be retroactive, however I think the language to make sure that it is stated so that it be retroactive no matter when it occurred, whether it occurred in the sixties or yesterday, that it would by law be stronger to make sure that it carries through. Thank you so much to you and anyone else out there who, you know, may not feel as comfortable to come forward. Know that you do have our support as well, and I think that I could almost speak for everyone here that this bill then will actually pass. Thank you very much.

**Chairman Aguon:**

Thank you very much Madam Speaker. Before I allow everyone in the panel to step aside, I want to once again thank you very much. Really, thank you for coming out and sharing your story because I'm sure that many individuals who have experienced a similar situation... You laid the groundwork. It is because of you and your testimony and sharing your experiences that I anticipate that they will be able to step forward, and you know this question about timeframe, no one should even question whether someone comes out sixty years later, or someone comes out forty years later. Regardless, the act occurred, and the act was as horrendous as what you all presented and you all experienced. There is absolutely no reason why timeframe should be considered. I think the sponsor Senator Blas alluded to it a little earlier. Sorry that we're only coming out now to extend the support that you and other victims need. I want to also say that there's a lot of people behind each and every one of you, the victims, and I need to make this statement because there are other victims out there who would also like to come out. That your families have always been by your side in the last month and

**Chairman Aguon:**

a half, and they will always be by your side, so if there are other victims out there in the community that feel that it's going to be negative. Unlike 20, 30, 40 years ago, circumstances have changed, and the family will always be there to support, and I want to thank your families for being there for you and holding you up in this time of sharing your story, and Mr. Denton you look like you want to provide additional comments before you're dismissed.

**Mr. Walter Denton:**

No I just wanted to thank everybody for, especially the support we've all received throughout the whole island. Since I came out, it's... The people of Guam have been truly amazing just in expressing their support. I mean it didn't matter where I went. I had people coming up to me just thanking me and just showing their support and hoping that something will get done, and the people of Guam, they are looking forward at change, and I think this is where the change will start. This is the place right here right now. Thank you.

**Chairman Aguon:**

Thank you Mr. Denton. Thank you Mr. Sandia. Senators Torres.

**Senator Mary Torres:**

Guahu un palabra gi fino Chamorro, na ti mamaigu si Yu'os. Ya hunggan ti ma maigu si Yu'os lao hunggan ti sina ta na maolek ya ta na metgot I lai gi tanota pues enao utungot na I checho' hu ya nao nisisita un chogue. And for those that... It took a lot to speak because as you can see we're all choked up here, but there's a phase in Chamorro that God is not sleeping, but that doesn't mean that while we're here on earth that we shouldn't do everything that we can to strengthen our laws and protect our families and going forward here I applaud you for your strength because listening to you took an incredible act of strength, but speaking from your perspective, I just can't imagine myself in that position, so we all know what we have to do, and thank you very much for the courage to be here and for sharing very intimate and heartbreaking testimony. Si Yu'os ma'ase.

**Chairman Aguon:**

Thank you Senator Torres. Mr. Denton, Mr. Sandia, Ms. Concepcion, and Ms. Bamba thank you very much for your testimonies this morning. At this time the committee will continue with hearing testimony of Bill 326-33. If I can invite please the following individuals: Maresa Aguon, Margaret Toves, Joseph Tayama, Mary Lou Garcia Pereda. Folks, if you signed in and you did not anticipate to provide oral testimony, then as I call your name just signify, just let me know. I understand Maresa Aguon has left, then can I invite the additional individuals: John Pereda and Andrew Camacho and Manuel Concepcion. Like I said ladies and gentlemen, if you're hear primarily for support, I thank you for signing in and just let me know. Okay, I take it the others are here specifically to provide support, so we'll continue to go down the list. Is Manuel Concepcion here? Are you going to provide testimony? Okay. Thank you Mr. Concepcion. Antoinette Okada? I understand you're here for support. Okay. Likewise with Jose Okada. Mr. Untalan. Gerald Taitano. Okay, if we can start with my left your right and go towards your left. Please if you can identify yourself for the record and proceed.

**Ms. Mary Lou Garcia-Pereda:**

Good morning Mr. Chairman and senators. My name is Mary Lou Garcia-Pereda. I'm currently a resident of Tamuning and I'm in favor of Bill 326-33 (COR), sponsored by Senator Frank F. Blas, Jr. I submitted my testimony via email, and I am here today to read my testimony into the record. [Written Testimony Attached]

**Chairman Aguon:**

Thank you very much for your testimony. Sir?

**Mr. John Pereda:**

[Written Testimony Attached]

**Chairman Aguon:**

Thank you very much Mr. Pereda. Sir?

**Mr. Andrew Camacho:**

Good morning Mr. Chairman and senators. My name is Andrew Camachbo, and I'm here to testify in favor of the bill to lift the stature of limitations. I'm part of the small group called Silent No More! working with Mr. Joseph A. Santos who was off island, and I was going to speak on his behalf, but he happens to be here. He arrived last night with a bunch of petitions that we have collected over the last several weeks. So, I wrote this testimony thinking he would be off island, but bear with me. [Written Testimony Attached]

**Chairman Aguon:**

Thank you very much Mr. Camacho for your testimony. Mr. Taitano?

**Mr. Gerald A. Taitano:**

[Written Testimony Attached]

**Chairman Aguon:**

Thank you very much Mr. Taitano. Senators, any questions for the panel members? Senator Blas? Thank you again for your testimony this morning. I will call the following individuals, and like I shared with you a little earlier, by any chance you will not be providing oral testimony, just signify by letting me know. Senator Bob Klitzkie, please if you could join us up front. Rita Okiyama. Priscilla Quichocho. Rosa Santos. If I call your name twice and you don't join the panel up front, then I will recognize that, in fact, you are here to provide support for the proposed legislation. Once again, Priscilla Quichocho. Rita Okiyama. Rosa Santos. Cynthia Terlaje. Latisha Cepeda. Clotilde Peredo. Joseph Santos. Britney Torres. Gregory Perez. Sharleen. Sorry, she already provided testimony. Once again, if I could just call the following individuals and if you do not approach the table up front, you will be recognized that you are here primarily for support. Priscilla Quichocho. Rita Okiyama. Rosa Santos. Cynthia Terlaje. Clotilde Peredo. Joseph Santos is up front. Britney Torres. Gregory Perez. And Lourdes Bamba. Okay. We do have one extra seat, so we're going to work to filling that seat. Maria Ada. Josef Portodo. Therese Babauta. Jimmy Castro. Neddy Cruz. Margaret Mesngon. Ignacio Mesngon.

**Chairman Aguon:**

Like I shared with everyone earlier, thank you for signing the sign-in sheet because it does signify the presence of all of you in support of the proposed legislation or stating your position.

Patricia Sajo. Lucia Perez. Alright, okay. So we do have a full panel. Senator Bob Klitzkie, please if you can identify yourself and proceed. Thank you for joining us this morning.

**Senator Bob Klitzkie:**

Thank you very much Mr. Chairman. I'm Robert Klitzkie. I am testifying as - I'm a lawyer but I'm not representing anyone. I am testifying on my own behalf. Mr. Chairman and honorable members of the committee.

**[Written testimony attached.]**

And this is what I thought would have been appropriate. Let's go ahead and sue the abusers. Let their own personal money or whatever respond - but not the institution. And this is what I thought we could do.

**[Written testimony continued.]**

The four people you saw here today. You saw ads in newspapers. Have you seen any ads in newspapers since Hon took over? How about the Umatuna Si Yu'os? Wouldn't you think that given the fact that we've seen the tip of the iceberg that he would be looking for the rest of the iceberg? Speaking in an allegory.

**[Written testimony continued.]**

And I've shown an example of what a section of the law Section 7 GCA Section 11301.1 could look like if it were to retroactively repeal the statute of limitations, and (b) would prospectively do the same thing, making it clearer than the statute would be repealed as you were not applicable to the enablers, aider, abettor, conspirators, whatever. It is very important to take note that the failure of public law 31-07 to be effective at allowing the survivors of child sexual abuse to seek justice. In other words, as well intended as it may have been when it was introduced as it was passed, there were several things, for all practical purposes, would allow me to say that the window was never really open, and I've listed some of those things. A little bit on the technical side, so bear with me if you will. We start out with 7GCA Section 1106.1(g) which says . . .

**[Written testimony continued.]**

So it's very important, I think that, the legislature takes a look at those sections, consider some other things that I have mentioned in my testimony here because I think it has to be clear that what happened in, where the prior law is really, didn't open the window. It apparently opened the window, but no one came forward because of the negative incentives. Now here's one case where legislative intent is really important. I count sometimes have taken a jaundiced view of legislative intent, considering them a sort of institutionalized press release about the bill. But here it's very important. It's very important that the legislature in its intent pick up some of the things that I have put in my testimony to show that we're not doing it again. If you decide to do it in a sense, you're doing it for the first time.

**Senator Bob Klitzkie:**

I provided some other suggestive language here that you may or may not want to consider. Just an aid to the legislative process. But I think the really important thing that I would urge on you is the policy considerations that if cover ups, conspiracies, etcetera have occurred, we need to find out, and the only way that's gonna happen is if you open the statute of limitations for the past - not only for the abusers but for the conspirators, the aiders, the abettors, and the institution itself. And the only way to provide a deterrent effect in the future so that we don't have to deal with this in the future is to extend that same thinking forward, so that every single Catholic on the island - I should say every single person on this island because as has been pointed, this is not just a Catholic phenomenon that everybody knows. That if there is child sexual abuse, you have a responsibility not to just forget about or say, "Well I don't want to get involved," or "I don't want to be embarrassed." You need to come forward, and if you are in a church like a Catholic church, if you don't, the consequences can be extremely severe.

**[Written testimony continued.]**

**Chairman Aguon:**

Thank you very much Senator Klitzkie for your testimony this morning. Miss Perez?

**Ms. Lucia Perez:**

Good morning. Senator, Chairperson Frank Blas Aguon Jr., Senator Tom Ada. Senator Mary Torres. Senator Frank Blas Jr. Senator Nerissa Underwood. Senator Tony Ada. And Speaker Judith T Won Pat. My name is Lucia Reyes Perez. I was raised in a Catholic faith, and I am still a practicing Catholic. My grandfather was known as the oldest altar boy in Agat. I sit before you this morning to verbally express for Bill No. 326-33, relative to the statute of limitation in cases involving child sexual abuse. In fact, I think we should what Maine did in Title 14 subsection 752c where civil or criminal actions may be brought out at any time. When the issue of child abuse by a clergy was first raised, I sat in the background listening and observing how the committee chose to deal with the topic. As names were put to faces, faces to stories, stories to shattered lives, I thought, "Where did we go wrong as a community? How did we allow this to happen to us?" The truth is, we did not cause the harm that was inflicted to the victims. The victims did not instigate it. The victims did not ask for it. The victims did not do anything wrong. Any sexual contact, whether it be overt or not, between a child and someone the child trusts, damages the child in countless ways. Both boys and girls can be victims of child sexual abuse. It is unfortunate that the crime of child sexual abuse are underreported. Statistics will show that 93% of juvenile sexual assault victims know their attacker, and often, it is someone in their family, their clergy, or that circle of trust. There are many reasons that a child may not report sexual abuse. To question a victim as to why they are just coming out to speak about the event is not valid. What is valid is the reasons why the child did not report it such as the victims don't know sexual abuse isn't normal, maybe the victims did not realize there is help, they're afraid of the consequences of making their attackers known, no one will believe them, they're afraid how others will resent them, and they are threatened by the abuser. Believe me when I say that these reasons are not excuses. They are reality. It is just not the boys of Agat, but there are females victims out there. Because of these reasons, there should be no statute of limitation. As a community, we should foster and nourish avenues to help our victims recover.

**Ms. Lucia Perez:**

Abusers will use their position of power over the victims to coerce or intimidate the child. Child sexual abuse is not only a physical violation; it is a violation of trust and authority. Today, as you listen to us, tomorrow, when you ponder on this, and when it comes time to voting, please use the power that was given to you to stand for the victims and send a message to the abusers that we will no longer allow them to hurt another child. With this power, there is a voice that cannot or will not be stifled. Again, my name is Lucia Ray Perez. I was raised in Agat. I went to Catholic schools. I'm a practicing Catholic. Abusers should not be given the opportunity to hide. Victims should be supported, assisted, and allowed to recover in the manner that is correct - not in shame and not behind closed doors. Thank you.

**Chairman Aguon:**

Thank you Ms. Perez for your testimony this morning. Mr. Santos?

**Mr. Joseph A. Santos:**

Good morning Mr. Chairman, honorable senators. My name is Joseph A. Santos, and I apologize if I ramble a little bit. I don't for a living as Senator Klitzkie does.

**Senator Bob Klitzkie:**

It's not that much of a living.

**Mr. Joseph A. Santos:**

I am here in support of Bill No. 326-33. With all the amendments that senator Klitzkie threw at you as well, I started a movement called Silent No More. As I started learning more about the laws of Guam, I didn't realize how the laws favor the perpetrators of crimes, how the laws protect the abusers. A friend of mine even said the Constitution was built and written to protect the criminal. I looked at that, and as I read the statute of limitations on child sexual abuse, I kind of realized, even then, especially with the poison pills were set in place when that first bill was passed. What I'm here to ask you is that everybody else that has been talking here has pushed this measure through. You are either against child sexual abuse, or you're for it. If you vote for the bill, we know where you stand. If you abstain, we know where you stand, and the governor should sign it as fast as he can. Because, and I'm gonna have to use the Healing Hearts statistics that I can remember; I'm over 60 so pardon me if I've missed one. 2013, there were 153 rapes reported by the Healing Hearts. 2014, there were 111. 2015, there were 111. A majority of those rapes were against minors, primarily girls. So this bill is more than just one person; it's about our community. And those are just the reported rapes. There are so many more that are out there because, as Ms. Perez said, family members - there is a reluctance to report. And so, again, as part of the movement of Silent No More, I ask you, on behalf of all the victims of these child sex abuse victims, to please pass this bill. Thank you

**Chairman Aguon:**

Thank you very much Mr. Santos. Mr. Perez?

**Mr. Gregory Perez:**

Good morning Mr. Chairman and members of this committee. My name is Gregory D. Perez, a resident of Tamuning, and I'm here in my personal capacity in support of this bill. I'm also here as the president of Concerned Catholics of Guam who unanimously voted to support this bill. Our testimony is as follows . . .

**[Written testimony attached.]**

**Chairman Aguon:**

Thank you very much Mr. Perez for your testimony this afternoon. Senators, any questions? Senator Klitzkie, you have another comment?

**Senator Frank F. Blas, Jr.:**

I just wanted to make sure sir, with regards to your testimony that we could continue to work with you with the language that you have.

**Senator Bob Klitzkie:**

Say Again?

**Senator Frank F. Blas, Jr.:**

The language that you have.

**Senator Bob Klitzkie:**

Yes.

**Senator Frank Blas Jr.:**

That we, the committee, would be able to work with you.

**Senator Bob Klitzkie:**

Certainly, I would be more than happy to work with the committee on that. Mr. Chairman.

**Chairman Aguon:**

Thank you very much Senator Blas. Any questions for the panel members? Madame Speaker?

**Speaker Judith T. Won Pat:**

Thank you very much Mr. Chairman. Ms. Perez, in your testimony, you've indicated that, in your research, that this Maine statute is not only half criminal action - I mean civil action - but do include criminal actions. Is that something that you're testifying that this committee consider?

**Ms. Lucia Perez:**

Yes ma'am. We should consider it because as stated, it basically puts it at any time that it could be brought up. So, removing it and making it sure that the victims have an area to go back to, so that it no longer just protects the abusers but the victims are taken into consideration.

**Speaker Judith T. Won Pat:**

Thank you. Mr. Klitzkie, I'm going to ask you as an attorney then, that if you read page two section two where it says an action for assault - that's under limitations removed - an action for assault and battery, false imprisonment, seduction of a person under the age of legal consent, would that language be sufficient? I mean I understand the limitations for the seduction of a person; however, on the other parts of the action, such as assault, battery, and false imprisonment, would that then lift the statute of limitations for other crimes other than sexual abuse?

**Senator Bob Klitzkie:**

Madame Speaker, unfortunately I could not listen as fast as you were talking.

**Speaker Judith T. Won Pat:**

Sorry, I'll repeat it then.

**Senator Bob Klitzkie:**

And I didn't have the bill in front of me. Ms. Perez has given me the bill, so could I have a do over?

**Speaker Judith T. Won Pat:**

Yes.

**Senator Bob Klitzkie:**

Okay.

**Speaker Judith T. Won Pat:**

Yes, so it's on page two, line 22. We're on the limitations, but 23 says the limitations will be removed for any action of assault, battery, false imprisonment. Would that lift any other crimes that are based on assault or battery but not necessarily related to sexual abuse?

**Senator Bob Klitzkie:**

Okay, so. You're looking at line 22.

**Speaker Judith T. Won Pat:**

Which is the limitations, lifting the limitations.

**Senator Bob Klitzkie:**

Okay, line 22 is an amendment.

**Speaker Judith T. Won Pat:**

Yes.

**Senator Bob Klitzkie:**

Of section 7 GCA section 11306. And it starts out by amending the first line, which in this first particular case is not title but is an operative part of the statute. So by saying limitations removed, it does in fact remove the statute limitations on assault, battery, false imprisonment, seduction of a person, etcetera, etcetera, etcetera. Yes.

**Speaker Judith T. Won Pat:**

So, my question is then is that if this bill is to address sexual abuse, will we then by lifting this particular section 11306, actually be lifting the limitation as well for assault, battery, and false imprisonment?

**Senator Bob Klitzkie:**

Possibly, and that is exactly why I suggested enacting a new section 11301.1 (a) and (b). And then you could back to 11306 and limit it to its original purpose. Okay.

**Speaker Judith T. Won Pat:**

Okay, thank you very much.

**Chairman Aguon:**

Thank you Madame Speaker. Any other questions for the panels? Senators? If not, thank you very much testimonies.

**Speaker Bob Klitzkie:**

Pretty easy, Mr. Chairman. Thank you. [laughter]

**Chairman Aguon:**

Thank you Bob. Okay, I'm going to continue to proceed down the list and . . .

**Speaker Judith T. Won Pat:**

Wait can I, oops sorry.

**Chairman Aguon:**

Madame Speaker?

**Speaker Judith T. Won Pat:**

Senator Klitzkie, can you come right back please? [laughter]

**Chairman Aguon:**

Senator Klitzkie, please. Oh you mentioned . . .

**Speaker Judith T. Won Pat:**

Okay, in your testimony, I forgot to ask you about this. If the statute of limitations on page 1 of your testimony, second paragraph, if this statute of limitations of child sexual abuse were eliminated prospectively and reopened retroactively, because of most of the laws that we pass are prospectively rarely retroactively, so then earlier in my statement, we wanted to make sure that it is very clear that in this case that we are making it retroactively and not necessarily prospectively.

**Speaker Bob Klitzkie:**

Retroactively, to handle the old claims such as the ones we heard today. Prospectively, and of course statutes of limitations always extend prospectively, perhaps my language wasn't as clear as I would have liked, but I meant prospectively without limitation, that's what I meant. And then also including what you could call the derivative torts to the child sexual abuse, the conspiracy, the cover-up, and all the rest of that. Okay.

**Speaker Judith T. Won Pat:**

Thank you very much.

**Chairman Aguon:**

Thank you again, Senator Klitzkie. I will proceed and call the following individuals, and if by any chance you will provide oral testimony, please join us up front. Pierre Tarreue. Bruce Williams. Jessa Williams. Dolores Camacho. Lou Klitzkie. Jordine Taitano. Ziebler. Soledad Chargulauf. Thank you. Ben Torres. Mark Mafnas. Once again, with the exception of those who have signified that they are here for support. Pierre Tarreue. Bruce Williams. Jessa Williams. Dolores Camacho. Lou Klitzkie. Up front. Jordine Taitano. Ziebler, you're here for support. Soledad Charglauf. Ben Torres. Mark Mafnus. Just so that we can continue to fill the seats. Fred Leon Guerrero. Michele Casimiro. Tupaz. Megan Blas. Mrs. Hernandez, Patti. Jonathan Diaz. Jonathan we'll call you up in the next panel, okay. Thank you very much for joining us this afternoon, and if you can Mrs. Klitzkie, please just identify yourself for the record and proceed with the testimony thank you.

**Ms. Lou Klitzkie:**

[Written testimony attached.]

**Chairman Aguon:**

Thank you very Mrs. Klitzkie for your testimony. Mr. Torres?

**Mr. Ben Torres:**

Good morning. My name is Ben Torres, and I'm here today to read the testimony of Joe R San Augustin.

[Written testimony attached.]

**Chairman Aguon:**

Thank you very much Mr. Torres and please extend our appreciation to Joe R San Augustin. Mr. Williams?

**Mr. Bruce Williams:**

First of all, I didn't plan to give a testimony today, but sitting here in these chambers, I was reminded of my former brother-in-law Senator Pangilinan and the work that he did. And what I wanted to simply say because everything, I believe, has already been said. So I would like to thank you honorable senators, chairperson for what you're doing. I think it's really unfortunate that this is something that we have to do because it should already be common sense that there should be no limitation on this kind of crime. But we are moving forward, and I would like to thank all of you. And I really applaud the victims that have come forward because it has been said many times this is something that is not very easy to do because your conscious haunts you. So please move forward with this bill as quickly as we can because it something that this community needs to heal. Thank you very much.

**Chairman Aguon:**

Thank you very much Mr. Williams for your testimony. Mrs. Hernandez?

**Ms. Patti Hernandez:**

Hafa Adai, senators. My name is Patti Babauta Portodo-Hernandez.

[Written testimony attached.]

**Chairman Aguon:**

Thank you very much Mrs. Hernandez. Thank you for your testimony this afternoon. Senators, any questions for the panel? Thank you again. Continuing down the list for all those who have signed up, and please signify if it's not identified in the signup sheet. Signify if you're in fact here for support and not necessarily for oral testimony. Alright, can I invite the following individuals? Jonathan Diaz. John Wusstig. Joseph Calvo, thank you for signing in. Marie Wusstig. John Quinata. Jose Rigario. Patricia Perry. Viola Salas. Candice. Annie Unpingco. Jane Moore. Marie Espinoza. Carlyne Zieber. Susan Dugan. David Blas. And Jon Junior Calvo. Once again, if by any chance I mention your name, please you're invited up front if you're going to be providing oral testimony. If not, then thank you very much for signing in and signifying your position on the proposal measure. Jonathan Diaz. John Wusstig. Joseph Calvo. Marie Wusstig. John Quinata. Jose Rosario. Patricia Perry. Viola Salas. Candice. Annie Unpingco. Jane Moore. Marie Espinoza. Carlyne Zieber. Susan Dugan. David Blas. And Jon Junior Calvo. I take it that you're all here to extend your position on the proposed measure, so thank you very much again for signing in. Mr. John Tecopa, if you can - I mean, Jonathan Diaz, if you can identify yourself for the record and proceed with your testimony.

**Mr. Jonathan Diaz:**

Si Yu'us Ma'ase Chairman Aguon. Senator Torres. Senator Ada. Senator Blas. Senator Ada. Madame Speaker. My name is Jonathan Frank Blas Diaz, and before I begin this testimony, oral testimony, I would like to ask the chairman of this committee to please, in your committee report, to ensure that the testimonies that you heard today are written verbatim. I noticed that several of the victims that have come forward, they were prepared with a statement but they also adding things to their testimonies. And I would like to ask the chairman if he can promise me that.

**Chairman Aguon:**

Mr. Diaz. My committee reports are reflective of the statements coming directly from those that provide testimony, so there is no need for that particular request. That is the standard in terms of the committee's report, so that particular request to all those that have provided testimony. Just acknowledging that your oral presentation will be inclusive in the committee report and if there is any deviation, then that will also be attached to the committee report. Mr. Diaz you may. . .

**Mr. Jonathan Diaz:**

Thank you so much chairman. I Mina Trentai I Liheslaturan Guahan 2011. First regular session. Bill 34-31(COR) sponsored by B.J.F. Cruz. An act to amend subsection 11306, of Article 3, Chapter 11 of Title 7, Guam Code Annotated, relative to the statute of limitations for civil actions involving child sexual abuse. This bill passed. And for the record, I would like to present to this committee and to this legislature, in the I Mina Trentai Uno. You had 9 yeas and 6 nays. Please allow me to say who these senators are so that we gain clarity as to these statute of limitations that are currently being debated. Senator Thomas C. Ada: yes. V. Anthony Ada: no. Frank F. Blas Jr.: no. Benjamin J. F. Cruz: yes.

**Chairman Aguon:**

Mr. Diaz, with all due respect, that is public law 34-31, and I'm going to be caused. It is a different measure that is being entertained. It has components of it that is different from the public law today.

**Mr. Jonathan Diaz:**

I understand that senator.

**Chairman Aguon:**

Mr. Diaz. I am going to use the prerogative of the chair because the decisions of senators at that time may have changed by virtue of how this provision is written.

**Mr. Jonathan Diaz:**

I understand that senator, but I am also a victim and survivor of Catholic clergy sexual abuse on the Archdiocese of Agana.

**Chairman Aguon:**

I'm just going to request that, in fact, there's no need to mention that Mr. Diaz.

**Mr. Jonathan Diaz:**

Alright thank you.

**Chairman Aguon:**

Because that is already written in the record books of the Guam legislature, so if anyone would like to see the voting records of any of the senators in that previous legislature, then by all means, that can be accessed through the Guam legislature.

**Mr. Jonathan Diaz:**

Okay thank you so much for that clarification. Just one caveat concerning this bill, senator, is that under the bills passed, the section under the guamlegislature.com page as passed, is not working at this moment. So, okay.

**Chairman Aguon:**

Thank you.

**Mr. Jonathan Diaz:**

So I want to preface this that I am the first survivor of Catholic clergy sexual abuse to come forward, and at that time, I sat here. And I testified that I was molested in 1991 by a priest. At that time, he was an older seminarian. He is still a priest today. In the summer of 1991, I was preparing to enter Father Duenas' Minor Seminary. And at that time, there were seminarians that came home for the summer. They were at St. Joseph's College in Mountain View, California. And at that time, I was taken to San Vicente Church, methodically brought in, the priest was out, everybody was out, playing volleyball on the side of the church, and this older seminarian now priest basically took advantage of me. I was only 13 years old. Then, when I was in high school seminary at Father Duenas' Minor Seminary, I was the last of the Mohicans, so to speak. And at that time, he was assigned to San Vicente Catholic Church as well, under his pastoral assignment which is about 4 years into the theologate which is your master's degree program. And at that time, I was again taken advantage of by this person. I wanna tell you a story because it helps to paint a picture that the current that you are presenting to me, re-victimizes me. Because I stood in front in all of you at that time; this is the reason why this bill is important because now you believe the boy that cried wolf. I have been insulted by this community. I have been re-victimized over and over again. It is not just one person that has propositioned me for sex in a Catholic church on Guam by several priests. And at that time, the media asked me for an interview, and they neglected to state that I said, "Please go and see archbishop Apuron." They neglected to put that in. So let me backtrack this because it helps to paint the picture as to how my feelings are and the kind of frustration that has overwhelmed my psyche. As all of you know in 2008, I left my job at Sacred Heart Catholic School - Preparatory School in Atherton, California. This is the school that Governor Eddie Baza Calvo graduated from. I was a campus minister, making over sixty-thousand dollars a year.

**Mr. Jonathan Diaz:**

I received an anonymous phone call from Guam saying that another boy has been molested by the same person. Why try my best to get out of the church - your scandals! I was also the first seminarian they tried to enforce the neocatechumenal way of spirituality on me. They denied me to go to St. Patrick's Seminary even though I was absolutely accepted into that major seminary. So I've been fighting this for a very long time. Nobody believed Jonathan Diaz. No senators came to my help. I went to the lawyers. Nobody wanted to help me. The attorney that's representing these fine individuals that have come forward, I'm still waiting for his phone call back. And the only one that stepped forward to try to assist me. She got disbarred. You want to talk about the pain and suffering that I have had to deal with? Being ostracized by this community. Running away. What do I do? What do I do Jonathan? Do I stay, or do I go? I left. I went and pursued my academic studies. I became the director of recruitment admissions for the Franciscan School of Theology. I have a master's in Systematic and Philosophical Theology from the Graduate Theological Union and Franciscan School of Theology. I applied to come back to Guam, but at that time, the Vice President of the University of Guam, the late Deacon Barcenas, did not allow me a job. As the dean and director of enrollment management and student services. I have vigorously tried my best to come back to Guam to serve my people. I went to the attorney general's office. At that time, it was under Michelle Limtiaco. They allowed me to meet with Assistant Attorney General Bosal Malin, who then assigns Archbishop Apuron's niece to be the investigator in the room. Prior to coming to Guam in 2008, I had written an email to the archbishop requesting and demanding several things that need to be changed within the archdiocese of Agana. I was called mentally ill because I am a bisexual man. Why bisexual? Because I was molested when I was 7 years old by an older cousin and was also molested again when I was 13 years old. And molested again when I was over the age of 16. I have... I tried my best to do it on my own, ran for politics because my family's name was being trashed. Blacklisted by the church that I loved so much. Nobody came to help me. So I ran against your gayu Madeleine Bordallo whose campaign sign stands in front of the Public Defender's office. Illegality. Because we're just renting from that place. Just like how we're just renting from this legislature. I have tried to whistleblow about this government and the illegalities about this government. And I ask Speaker Won Pat to please investigate an ethics report and a resolution, please, about what Vice Speaker Cruz had confided to the news media concerning the archbishop's involvement in that particular legislature session. It is important for the people of Guam to know who were the senators involved in changing this statute of limitations because now such a slap in the face. Then in 2010, I ran as a senator. Remember, my mother is a democrat, and my father is a republican. So I ran again, didn't win. Why? Because I want to serve my people. Because my people donated to Catholic charities that appealed for my education. I have never forgotten that. So in 2012, I broke away from you guys. I broke away from the democrats because I needed to honor my father this time. So I ran as an independent. I don't know how many times I've convened - probably convened more legislatures than the governor himself. And at that time, I was working at the University of Guam, and Doctor McNinch and the Republican Party went after me. Ten dollars and twenty cents an hour. Was called an idiot. Was called so many things by both parties of Guam when all I wanted to do was right the wrongs of the past. The injustices that the Chamorro people have suffered enough. And yet, we sit back and say let's cut and paste this law from Hawaii and California. We think we're a state. Then, obviously. 2014, obviously, I tried to run as a Republican, and your office - your Republican party - denied me.

**Mr. Jonathan Diaz:**

Your governor treated me like a little kid. Revictimized me. Remember when I was standing of Adelup and protesting and holding up the Guam flag? Do you remember that senators? I was protesting so that this does not go through because you manipulated the entire 2 years of statute of limitations without giving teeth so that we could go after our perpetrators. So last year, I came forward in my blog as to who was my perpetrator, and still nothing. I was taken by some people in other blog spheres and was made fun of because I said that the archbishop might be innocent. Do we believe in democracy? That we are innocent until proven guilty? So, what did I do after 2012? I decided to go and get my PhD. So I have PhD all but dissertation in Public Policy and Social Change with the specialization in Dr. Martin Luther King Jr. studies. And I want to be very clear about my position that I am not running for any public office because I am standing up for victims. I am doing this because I knew that these victims existed, and you didn't listen. I was trying to prepare our community for this kind of explosion. And nobody believed Jonathan Diaz. So, what is there to do? I am stuck again because if I say yes to your bill, I'm covering up for your no. If I say no to this bill, then I'm calling these guys a liar. That's not my intention. My intention is that my abuser was also abused by other individuals, and we must target the cycle of abuse. Perhaps, and I don't know. I'm not here to defend the archbishop. But could it be possible that even archbishop was molested when he was a kid? So the Pope, Pope Francis, has come out very strong and indicated that the church does not have any statutes of limitations. You can find that on all news media. You can find that information out if you are afraid to the votes that attached to this kind of thing. Which senators are always going crazy for. But I'm not here to pander votes. I don't need recognition for what I've done. But I cannot, in good conscious, say yes or no to this bill because I already did it. I opened the statute of limitations on Guam. Jonathan Diaz did that for these victims. So don't play God when you're in legislative session, but I want to know who are those senators that were wheeling and dealing behind closed doors with institutions on this island. We have no place - Guam deserves better senators. I'm unemployed right now. I don't have a job. Last year, I only made thirty-two thousand. The amount of money I'm making as a teacher cannot pay and sustain me on this payroll. Look at the injustices, senators. They're all around you. I am a Chamorro teacher. I'm proud of it, but look at the museum. When you stand in front, on the right hand side, you'll see the derogatory. Because they forgot the lunat. The lunat a. So those things need to be corrected. Because how these things need to be aired out so that we know who are the ones that are on the side of the people and who are not on the side of the people. Is my intention to take the church to court? No. It has never been about that. Why would I sue the hand that feeds me? But even at that, the good ole' archbishop sent out a memo to all Catholic school teachers, principals, do not hire Jonathan Diaz. Because I'm a radical. Because I'm a liberal. Because I am a Franciscan. And it hurts. But I stand in front of you as a witness that these things need to change. The double dippers, the triple dippers, all of that. Needs to change senators. And we need to ensure that both parties are held responsible for these decisions that ultimately affect the mental illness of our people. And if we're not targeting the cycle of abuse, then what are we waiting for? Are we waiting for something else to push us? To say yes or no? Or abstain? It takes a lot of courage to come forward, publicly. Testify here at the legislature. I'm wearing the same shirt that I testified in 2011. But now they're here. Right in front of your face. And there are more. Believe me, there are more. And this is not a conspiracy about suing our church or the archdiocese of Agana. This is about righting the wrongs of decisions that affected our island back in 1950 - back in 1970s when we opened immigration up. So what I'm asking the senators to do is don't play God. You have a tough decision ahead of you in this upcoming legislative session, whether to open these things or not.

**Mr. Jonathan Diaz:**

My recommendation is add another year to the window. Let these victims have their day in court because after that, we're survivors. We're all survivors. We survived the war, and we can do it again. So this is not about yes or no. This is about unanimous support for these individuals that have come forward. Believe them. If you didn't believe me, believe them. Open your mouth. Go and ask the former commissioners of Agat. And in closing, I'd like to ask - I'd like to thank the concerned Catholics of Guam as well as the Laity movement and all practicing Roman Catholics. I'd like to thank all individuals that invested their time, talent, and treasure in order to clean up church on Guam. But I'm going to ask the laity and the Archdiocese of Agana to please protest the Vatican's decision concerning the diocese of Chalan Kanoa. And the reason for that, you'll soon find out, but sen dangkolo na si yu'us ma'ase. Ginen I ttdong na korason-hu na nai hamyu and dangkolo na si yu'us ma'ase, saina ma'ase puru I tiempun miyu. Si yu'us ma'ase.

**Chairman Aguon:**

Thank you very much Mr. Diaz for your testimony this afternoon. The committee will for the record continue to receive written testimony ten days, calendar days subsequent to today's public hearing and then we'll finalize the committee report and present it to the legislative body or the Committee on Rules. The committee will also work actively with the sponsor of the legislation Senator Blas in terms of making any amendments to this particular provision should he deem it necessary. We have one more testimony. Okay. Mr. Tim Rohr. Please, if you can join us up front. Thank you Mr. Diaz again.

**Senator Frank F. Blas, Jr.:**

And Tim if you allow me. Just go ahead. Sit down. Just so, for the information that everybody because of the processes here, please understand that the inclusion of new sponsors to the bill can only be done on the floor. Okay. There are some concerns and I'm sure there are some people that have asked, other senators do show their support by asking to become co-sponsors. That can only be done on the floor, when the bill hits the floor okay? Just so you know.

**Chairman Aguon:**

Gentleman, I apologize. We are having technical difficulties and you may have to share the mic. Sir, if I can have you identify yourself for the record and proceed.

**Mr. Pierre Tarreue:**

Sure. Good morning, or good afternoon. My name is Pierre Tarreue. I am a new resident of Guam. I live in Dededo. I am the President of Beautiful Island Trading and also the chairman of the surveillance committee of the PHPT LLC. I'm a life long catholic and I was a resident of the state of Minnesota for 15 years so this legislation that you're putting in is very interesting to me because I've lived through that for the last 15 years in Minnesota with a very similar issues and a very similar constrain for people in the legislature and I am here in support of this legislation because it is obvious that as the witnesses have testified earlier that there are a lot of issues to be addressed and beside all the splits and the difficulties that some people have expressed earlier it is time to move forward.

**Mr. Pierre Tarreue:**

I think the cost of not moving forward, not only for the institutions of this island may it be religious or business is quite high. I have come to Guam for the last 30 years. I have many very good friends here on the island and I've also known many Chamorros off-island who have left the island because of those issues and it has a very high cost for Guam because those people were individuals of great quality that decided that they could no longer live here because of what happened to them. So as a life long catholic and also as a business man I understand that the cost and the effects of not acting up on those issues is tremendous because not only the island is losing opportunities but they are also losing very capable young people that decide to move away like most of the witness you have seen. They are in Hawaii, California and Arizona and we have lost many opportunities to keep very talented people here on island and the island definitely needs this. So I have made the choice to come and live here and hopefully to continue my business here and it is very important that this legislation goes through to allow corrections where they are needed and also to prevent anymore of situations similar that have happened in the past. I think Senator Klitzkie was very detailed in his remarks. As a former student of law, I appreciate that and I think there are a lot of things we can do. Obviously the legislation cannot address all of the issues. We are all aware of this, but it is very important that something be done. This is a very good first step and probably we would have to come revisit it in the future and I want to thank you Senator Blas and the Chairman to bring this text forward. That's all for my remarks. Thank you very much.

**Chairman Aguon:**

Thank you very much Mr. Tarreue for your testimony this afternoon. Mr. Rohr?

**Mr. Tim Rohr:**

My name is Tim Rohr. I'm a resident of the now famous village of Agat. Mr. Klitzkie used the "C" word conspiracy, and I want to propose something to consider. In 2010, I was called to a meeting in the chancery because I was the Archbishop's attack dog back then you might remember, and they wanted me to read a statement to the press. The statement was oriented towards getting rid to the organization SNAP who had a person here at the time who was investigating into these things. At the time, I was not aware of what I'm aware of now, and so I innocently asked "Why are we doing this? Why don't we just call their bluff and invite them into the chancery and examine our files. We don't have anything to hide. Do we?" That room fell silent and then mouths started flapping. I realized that I was, they were going to throw me to the wolves, and I walked away realizing that there was something to hide. I kept my mouth shut until 2013 when the Archbishop threatened Fr. Paul with an arduous and painful closure to his assignment if he did not immediately resign, and then he took out Monsignor James. You probably all know that I've been at the heart of the beast here for quite a while. It's all part of a cover up, and it's all connected, and I personally, at this point, have a vested interest in seeing to it that everything's uncovered. What the gentlemen and Mrs. Concepcion is not isolated from everything else. It's all connected. We got close a couple months ago when we almost revealed the sham cover up of the publication of a false certificate of title of a property in Yona. We got real close. I was pushing really hard to expose that because that property was transferred secretly in November of 2011 to protect that property from people like Walter Denton because of the legislation that had passed in that year.

**Mr. Tim Rohr:**

At the time there was an expectation that it would be similar. It would be an institutional liability. So the directors of the Neocatechuminal Way, and there will be a time that I can show this all on sworn affidavits or actually people who were present at the meeting, that property was secretly deeded away in an instrument recorded at Land Management, which is title completely covered the intent, but that property was corralled away, \$40 to \$70 million dollar property given away. When Monsignor David C. Quitugua, the brigadier general of the Archdiocese, had published a copy of that false certificate title, leaving out the instrument that I just mentioned, I investigated and I found out who got that copy, who altered that certificate of title. As you know, Mr. Klitzkie got involved at that point, we proceeded to Land Management and all the way to the AG. If we had succeeded in exposing the reason for the publication of the false title, we might have been able to help these guys earlier because it was all tied together. However, as you know, the AG completely capitulated on her original advice which required, required by law the changing of a certificate of title to proceed through a process through the Superior court. Apuron knew that if this went to court, it would all come out. Somehow behind closed doors, the AG worked out a deal with a representative of Apuron and issued a new certificate of title in complete violation of what the law actually requires. We got close. Mr. Klitzkie worked his rear end off. To do that, I have no idea why the Director of Land Management who was very cooperative suddenly was very uncooperative. There is so much subterfuge and lies and everything and pressures that are put on people that suddenly disappear and testimonies and things are changed. We got close. It's all tied together, and when this is all put together and it all does go to court, everyone, including people in the government who conspired to cover this up, will be exposed, but the sad part about it is, it's that kind of crap that made those guys hide for 40 years. It's that kind of stuff. Let me tell you where these people came out. The common talk about the former bill was that it took out the deep pockets. It took out the teeth so nobody came forward. Let me tell you what. Those people came forward without any bill, without any legislation, without any hope of anything ever happening. It doesn't take deep pockets, legislation, for people to come out. You know what it takes. It took people who cared. They don't just write bills, but people who care. Over \$100,000 of money has been spent to protect them because we knew what Apuron would do to them when they came out. We knew we had to have Attorney David Lujan standing right next to them when they came out. Who do you think paid for that? Deep pockets? There was no even thought of a bill like this. Because people who cared, they did the work, and so I'm not going to put up for anybody that says "that bill, we're neutered it," or going to blame some phone calls from the Archbishop. I happen to know that the Archbishop isn't even smart enough to know how to amend a bill. No. It took people who cared and who worked. It took risks and people like myself who have been threatened with lawsuits by an all powerful Archbishop, but it's going to come out, the conspiracy. There is a conspiracy, and it's not just in the Church. Oh believe me, it's in the Church right now. Matter of fact at 11 o'clock, Archbishop Hon was paid a visit by someone so there's more. There's rape. There's molestation, and every one of these priests were covering for each other. It's a whole network inside that chancery, and that's why I, with Bob before, was not about institutional liability, but now I see, especially with this replacement that we have, that the only way to hold these people liable is to go after them institutionally. Anybody who aided, abetted, conspired, was involved with in any way, shape, or form with Apuron, covering what he did and him covering for them, we're going to take down, and we're going to find out what happened to that certificate of Title 2.

**Mr. Tim Rohr:**

We're going to find out about the corruption inside departments of the government that have permitted this kind of thing. That's all.

**Chairman Aguon:**

Thank you very much for your testimony this afternoon Mr. Rohr. Anyone else who would like to provide testimony on Bill No. 326-33? If not the committee will continue to receive written testimony for the next ten calendar days then the commitment is that in fact that this particular piece of legislation will be reported out of the committee. We will be working very closely with the sponsor of the legislation, Senator Frank Blas and we will take into consideration all recommendations that have been forwarded to this committee by virtue of this particular public hearing and any subsequent written testimony that we received. So ladies and gentlemen, I thank you again to all those who very courageously came before the committee and publically shared your stories. Thank you very much for the bravery and we certainly wish you well. Thank you again everyone. This concludes the public hearing.

The public hearing adjourned at 1:11 PM.

### **III. WRITTEN TESTIMONY**

The following individuals submitted written testimonies to the Committee on Guam U.S Military Relocation, Public Safety, and Judiciary before or after the scheduled public hearing on Monday, June 27<sup>th</sup>, 2016 at 10:00AM in *I Liheslatura's* Public Hearing Room.

1. **Ms. Dana A. Gutierrez, Judiciary of Guam, Director of Policy, Planning & Community Relations**
2. **Honorable Elizabeth Barrett-Anderson, Attorney General of Guam**
3. **Mr. Robert Klitzkie, Former Guam Senator**
4. **Mr. Greg Perez, Concerned Catholics of Guam, Inc., President**
5. **Mr. Gerald A Taitano**
6. **Ms. Patti Babauta Portodo-Hernandez**
7. **Mr. Joseph A. Santos, Silent No More!**
8. **Ms. Lou Klitzkie, University of Guam, Professor Emeritus of Special Education**
9. **Ms. Mary Lou Garcia-Pereda**
10. **Mr. John Pereda**
11. **Ms. Marilu Diaz Martinez**
12. **Ms. Annie Unpingco, Guam Behavioral Health and Wellness Center, Licensed Professional Counselor**
13. **Mr. Joe R. San Agustin**
14. **Ms. Maria Teresa Aguon, Healing Hearts Crisis Center, Program Manager**
15. **John S. Unpingco**

#### IV. FINDINGS & RECOMMENDATIONS:

##### Findings:

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary (Committee) finds that the Legislative Findings and Intent of Bill 326-33 is to toll the statute of limitations for civil claims arising from child sexual abuse. However, revising the title of § 11306 to remove the two-year statute of limitations affects other causes of action aside from claims involving child sexual abuse and appears to go beyond the intent of Bill 326-33. If the title of § 11306 is amended, it will affect other causes of action listed under subsection (a), including assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to, or for the death of, a person caused by the wrongful act or neglect of another (except as provided for in § 11308). As some of these causes of action may arise independent of claims for child sexual abuse, the tolling of the statute of limitations period will be extended to people who are not victims of child sex crimes, such as adults who are victims of assault or battery.

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary (Committee) finds that for all practical purposes the statute of limitations "window never opened" when P.L. 31-07 was enacted. While the statute of limitations was "textually" lifted for two years, provisions of P.L. 31-07 served to discourage counsel from undertaking the representation of child sexual abuse survivors. In essence if this bill passes as a practical matter it will be the **FIRST** time the statute of limitations "window opens." A sample of the defects in P.L. 31-07 follows:

7GCA § 1106.1(g) "... If the Court finds there has been a failure to comply with this Section, the Court shall order a party, a party's attorney, or both, to pay any reasonable expenses, including attorney's fees, incurred by the defendant for whom a certificate of merit should have been filed."

"Reasonable expenses" is an undefined term that adds an unnecessary degree of uncertainty to the process, tending only to discourage the filling of meritorious claims.

7GCA § 1106.1(d) "A violation of this Section shall constitute unprofessional conduct, and shall be grounds for discipline against the attorney."

Guam Rules of Civil Procedure (GRCP) Rule 11 already provides for high ethical standards for attorneys in all litigation. The Guam Rules of Professional Conduct already provide high ethical standards for all aspects of the practice of law. Our Supreme Court is the enforcer of ethical standards for attorneys assisted by the Bar Of Guam Ethics Committee pursuant to Rules of Procedure-- Disciplinary Proceedings. 7GCA § 1106.1(d) is either dangerous or superfluous. It's clearly unnecessary.

7GCA § 1106.1(g) "... the motion of a party or upon the Court's own motion, verify compliance with this Section by requiring the attorney for the plaintiff who was required to execute the certificate to reveal the name, address, and telephone number of the person or persons consulted that were relied upon by the attorney in preparation of the certificate of merit."

The implications here is that the "licensed mental health practitioners" might be dragged into litigation or even incur liability because of their participation.

7 GCA § 11306 (c) A person against whom a suit is filed may recover attorney's fees and damages where the Court determines that a false accusation was made with no basis in fact and with malicious intent.

This provision makes it impossible to try any case for child sexual abuse. It creates a cause of action for attorney's fees in the same case in which the cause of action for child sexual abuse is heard. Thus a defendant in the Plaintiff's case-in-chief could on cross examination or in his own case-in-chief adduce evidence and be entitled to jury instructions that the plaintiff's claim was brought on "a false accusation with no basis in fact and with malicious intent."

Only chaos could result from such a trial regime as in effect two different separate trials would be occurring at the same time. A defendant's appropriate remedy for an improperly filed claim would be a separate action sounding in malicious prosecution, a condition precedent for which would be a favorable termination of the improperly brought child sexual abuse claim. Including a provision to award damages and reasonable expenses to a defendant for a false claim of child sexual abuse will have such a chilling effect on potential plaintiffs and counsel that it would guarantee that such claims never see the light of day.

The Committee finds that § 11306 (c) was a provision which made it more difficult to file claims for child sexual abuse that had been time barred. Nevertheless, the language of subsection (c) applies to all 7 GCA § 11306. Thus the attorneys fees and damages provision applies to claims for assault, battery, false imprisonment, etc. as well as child sexual abuse. § 11306 (c) applies to claims for child sexual abuse that occur in the present. The chilling effect of the provisions e.g. those set out supra was apparently sufficient to dissuade counsel from bringing actions for child sexual abuse no matter how meritorious the claim.

### **Recommendations:**

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary (Committee) recommends placing the proposed language in a new section in Title 7, Chapter 11, Article 3, to solely address the statute of limitations for civil claims arising from child sexual abuse.

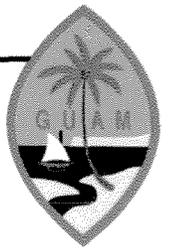
The Committee recommends additional language that would broadly abate the running of the statute of limitations on child sexual abuse retrospectively and prospectively:

§ 26603.2. A person against whom an action is filed pursuant to 7 GCA § 11301.1 may recover attorney's fees where the Court determines that a false accusation was made with no basis in fact and with malicious intent. A verdict in favor of the defendant shall be the sole basis for a determination that an accusation was false and was made with no basis in fact and with malicious intent, but only if the Court, on notice and hearing and for good cause shown, makes an independent finding on clear and convincing evidence that an accusation was false, was made with no basis in fact and with malicious intent in order to award reasonable attorney's fees.

As an aid toward establishing the bona fides of a claim for child sexual abuse the following should be considered:

§ 15604. A complaint for child sexual abuse must be verified.

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out Bill No. 326-33(COR) with the recommendation to: **Substitute Bill No. 326-33 (COR) and convene another Public Hearing.**



Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Dr. Nerissa B. Underwood, Ph.D.  
Member

Senator  
V. Anthony Ada  
Member

Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

THURSDAY, JULY 28, 2016

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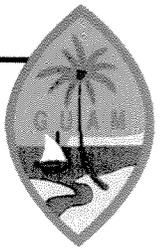
MONDAY, AUGUST 01, 2016

COMMITTEE  
REPORT  
ON

*AS SUBSTITUTED BY THE COMMITTEE*

**BILL NO. 326-33 (COR)**

**“An act to add a new § 11301.1, repeal subsections (b) and (c) of § 11306, repeal § 11306.1, all of Article 3, Chapter 11, Title 7 Guam Code Annotated, relative to the statute of limitations in cases involving child sexual abuse.”**



**COMMITTEE REPORT DIGEST**

Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
Dennis G. Rodriguez, Jr.  
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Senator  
Dr. Nerissa B. Underwood, Ph.D.  
Member

Senator  
V. Anthony Ada  
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Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreddie  
Member

Speaker  
Dr. Judith T. Won Pat. Ed.D  
Ex-Officio

**I. OVERVIEW**

Bill No. 326-33 (COR) was introduced on May 4, 2016, by Senator Frank F. Blas, Jr. and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on May 23, 2016.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 326-33 (COR), *As Substituted by the Committee* on a Thursday, July 28, 2016 at 10:00AM in I *Liheslatura's* Public Hearing Room.

**Public Notice Requirements**

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Monday, June 20, 2016 (5-Day Notice), and again on Tuesday, June 26, 2016 (48-Hour Notice).

**Senators Present**

- Senator Frank B. Aguon, Jr., Chairman
- Vice Speaker Benjamin J.F. Cruz, Committee Member
- Senator James V. Espaldon, Committee Member
- Senator V. Anthony Ada, Committee Member
- Senator Frank F. Blas, Jr., Committee Member
- Senator Nerissa B. Underwood, Ph.D., Committee Member
- Senator Dennis Rodriguez, Jr., Committee Member

The public hearing was Called-to-Order at 10:00 AM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

**Chairman Aguon:**

This public hearing on Bill No. 326-33 facilitated by the Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary is hereby convened. On the agenda is, like what was mentioned a little earlier Bill No. 326-33 (COR), *As Substituted* by the Committee an act to add a new subsection 11301.1 repeal subsection c of sub section 11306, repeal subsection 11306. 1, all of article 3, chapter 11, title 7, Guam Code Annotated relative to the civil statute of limitations in cases involving child sex abuse.

**Chairman Aguon:**

Once again this is the As Substituted by the Committee. For the information of the public, and I want to extend as chair an appreciation to our media partners for disseminating this information in consistent and in compliance with the open government law. The initial notification with regards to this public hearing on the substituted version of the legislation was distributed on July 20<sup>th</sup> with the second notice also sent out to the community and to our stakeholders on the 26<sup>th</sup> of July. The committee has thus far and I do know that there may be individuals in the room who would be reading their testimony but thus far, prior to this date or this hearing has received written testimony from The Judiciary of Guam, from Mr. Joe R. San Agustin, from Ms. Mary Lou Garcia Pereda, and from Mr. Gerald A. Taitano and I know we also have received written testimonies this morning from other individuals. As we proceed ladies and gentlemen we will entertain individuals as they arrived in the hearing and I would like to, before recognizing the individuals for the panel I would like to thank my colleagues for joining us this morning. Mr. Vice Speaker, B.J. Cruz. Thank you Mr. Vice. The sponsor of the legislation Senator Frank Blas Jr. Senator Jimmy Espaldon to my immediate right, and to Senator Blas's left is Senator Tommy Morrison. Thank you very much Senators for joining us this morning in this public hearing. I would like to invite the following individuals please. If by any chance you signed in to signify support or your position on this proposed legislation and you prefer not to provide oral testimony then just signify, just show the chair that you have signed in but you do not wish to provide oral testimony because many times the committee has always recommended that any individual who show up at these hearings, really if you are here in support or in opposition to any proposed legislation, signing in will allow the senators to acknowledge the public's participation. So I encourage you to please if by any chance you haven't signed in, sign in. You do not have to provide oral testimony. I would like to invite the following individuals. As they come up, I will allow the sponsor of the legislation to highlight the substitute version of this particular proposal. I'd like to thank also the sponsor of the legislation Senator Blas for working with the committee in formulating the substituted version of this proposal. So as I invite them up, I will give the floor to Senator Blas, but I would like to invite the following individuals please to join us up front if you would like to provide oral testimony. Mr. Tim Rohr, Ms. Mary Lou Garcia Pereda, Joe Santos, Jimmy Castro, Rosa Santos, Paur Tourene. Please excuse me if by any chance I. Okay. Annie Santos, and Patricia Sajo. Okay. Thank you Ms. Sajo. Annie Santos. I would also invite. We have two more seats to occupy so if I can also invite May Ada, Norma Quitugua. Okay. Francisco Quitugua. Si Yuus Ma'ase. Josephine Redmond. Si Yuus Ma'ase. Marie Quitugua. We are trying to occupy the additional two seats so. Marie Quitugua, Andrew Camacho, and Victoria Blas Toves. Fred Leon Guerrero, Rita Chrispin, Gerald Taitano. Okay, so we have the seats occupied in that order so please if I can invite you to read your testimony in a couple of minutes. Senator Blas.

**Senator Frank Blas Jr.:**

Thank you Mr. Chair and Hafa Adai and Manana Si Yuus. First off I want to begin by thanking the Committee Chairman for being able to hold this second public hearing to discuss this bill that I have worked closely with him and the committee in bringing us to where we are at today. We are now one step closer to ensuring the victims of child sex abuse are given a reopportunity to seek justice against those who have harmed them. As most of you know, the bill has completely removed the statute of limitations in cases involving sexual abuse against children.

**Senator Frank Blas Jr.:**

In light of the growing awareness of the issues of child sex abuse many states have begun to reform both their criminal and civil statutes to give victims increased access to the legal system. We are hoping to do the same here on Guam as many of the victims of child sex abuse have not been able to proceed with civil claims against the perpetrators because those claims have been barred by the time limit. We know that time restrictions have been a particularly pressing problem in light of the delicate nature of child sex crimes. Victims often need many years to overcome the pain of their abuse and time to obtain the courage needed to speak out about the abuse they have suffered. As the national trend moves toward lessening past restrictions in statutes of limitations, we are doing the same here with Bill No. 326. Mean while this substituted version also includes language that holds responsible anyone who enables the abusers and as well as any institutions acting in concert with them. I want to thank all of you that are here today to the many because I see many of the same faces that I have seen in the first hearing. To all of you I say thank you. Thank you for your dedication to our faith, to our church, to our community and especially to your dedication and support of the victims, and to the victims, many of whom I know very personally, your courage to come forward has been an inspiration to me and as well as to many others. I will continue to keep all of you in my prayers, and I want to thank you all again for being here. Thank you Mr. Chair.

**Chairman Aguon:**

Thank you very much Senator Blas for opening up your comments on Substitute Bill No 326-33. Mr. Rohr, if you can identify yourself for the record and proceed.

**Mr. Tim Rohr:**

My name is Timothy Rohr. I am a resident of Agat. I am here to testify in favor of the bill as substituted by the committee. Senators.

**[Written Testimony Attached]**

Thank you.

**Chairman Aguon:**

Thank you very much Mr. Rohr for your testimony this morning if we can ensure the the committee receives a copy of your written testimony. Ms. Garcia Pereda.

**Ms. Mary Lou Garcia Pereda:**

Good Morning Mr. Chairman and Senators.

**[Written Testimony Attached]**

As noted, I submitted y testimony via email but I am here this morning to read it into the record.

**Ms. Mary Lou Garcia-Pereda:**

**[Written Testimony Continued ...]**

The editorial edition in today's Guam Post recognized that it is unfortunate the the church cannot be relied on to provide justice for abused victims. It has a history of transferring clergy accused of a crime, particularly child sexual abuse and to shield them from the consequences of their behavior.

**[Written Testimony Continued ...]**

**Chairman Aguon:**

Thank you very much for your testimony Ms. Garcia-Pereda and providing the committee with a copy. Mr. Santos.

**Mr. Joseph A. Santos:**

Mr. Chairman, distinguished Senators, My name is Joseph A. Santos, the founder of the "Silent No More" group, you might have seen my truck with a sign that says "Silent No More- Stop Child Sex Abuse. I fully support Bill No. 326-33, the substitute bill which is before us, on behalf of all the children and it's not just limited to the issues that have been brought here before us but to all the children of Guam.

[CHamorro speaking] Para hamyu todos na Senadot, Si Yu'os Ma'åse' pot esti na Lai na gaigue gi me'nåta', Vice Speaker, Chairman, Senadot Frank Blas, Jr. ginen todü i fa'ma'gu'un ni man molesta ni esti man malångu na taotågui, Si Yu'os Ma'åse'

[translation: To all of you Senators, Thank you very much for this bill placed before us, Vice Speaker, Chairman, Senator Frank Blas, Jr., from all of the children who have been molested from these sick people, Thank you very much.]

[CHamorro speaking] Importanti esti na lai. Atan na todü si sulidat, Philadelphia, Boston, Los Angeles, bula yu na lugat ta sina ma na fu'nå'yan i checho nia sa esta måkpo si esti man fa'na'naan "Statute of Limitations," esti pångö ta cho'cho'gui giya Guam, I che'cho' miyu, I fino Mr. Rohr, ma atan hamyu todü I tano siha.

[translation: This bill is important. Look at the places like Philadelphia, Boston, Los Angeles, there are many places where they are not able to finish their work because the Statute of Limitations is over, and what we are doing here in Guam, all of your work, as Mr. Rohr stated, all over the world, people are watching you.]

[CHamorro speaking] me'gai-ña chetnot, hamyu sina man famaloek esti na chocho...lao kumprendre potfabot un necisita todü hamyu, sangåni-ham håyi ti man suppoti esti na lai, sa' ånai ti man suppoti pues man opreba esti man fa'naan "Child sexual abuse." Si Yu'os Ma'åse.'

[translation: There is sickness all over, and you are the only ones who can fix this work...please understand we need all of you, tell us who does not support this bill, because if they do not support then they approve what they call "Child Sexual Abuse. Thank you Very Much.]

**Chairman Aguon:**

Si Yuus Ma'ase Mr. Santos.

**Ms. Rosa Cruz Santos:**

[Written Testimony Attached]

**Chairman Aguon:**

Si Yuus Ma'ase Ms. Santos. Thank you very much.

**Mr. Andrew Camacho:**

[Written Testimony Attached]

**Chairman Aguon:**

Thank you very much Mr. Camacho for your testimony this morning. Mr. Taitano.

**Mr. Gerald Taitano:**

[Written Testimony Attached]

**Chairman Aguon:**

Si Yuus Ma'ase Mr. Taitano for your testimony this morning. Senators, any questions for the panel members? If not, thank you very much for your testimony again. We appreciate your presence today. If we can invite the following individuals to the table and I will limit this to the individuals that I will name at this point in time. Mr. John Quinata, Roy Quintanilla, Walter Denton, and Roland Sondia. Good Morning Gentlemen and we will begin in that sequence. Please if I can ask thank you for joining us this morning and providing testimony. Mr. Quinata you have the floor.

**Mr. John Michael Quinata:**

[Written Testimony Attached]

During the year 1978, I was 8 years old and my brother was 9 and as many of young boys in Agat, we went to mass regularly, became altar boys. Their village parish priest, Father Apuron was in Agat at the time. While growing up, I was your regular boy, sometimes typical sometimes not so typical. I just wanted to have fun you know. I was 8 years old. I was the one who always liked to explore. I was curious. I often got myself in trouble. My older brother, he was in the other hand was different. He was straight. You know how older brothers are, respectful, always on time, listen to mom. I was the young brother and he was always grabbing and keeping order.

**Mr. John Michael Quinata:**

We would go fishing. Everything was cherry. We were just normal brothers. I remember one day in church, I was around the chalice where the bread was at and the wine and I literally. You know I was a little hungry. I grabbed some bread and ended up drinking all the wine. During the mass, Father Apuron was kind of shocked because when he opened up the box there was no more wine or bread. He had to stop mass and somebody ran out and got the bread and after that we had a meeting saying hey what happened to the bread and wine? I thought it would be like an altar boy code of silence, but everyone just pointed at me. So ever since that I was never allowed near the wine or the bread and I was on landscaping duties after mass. I was picking up all the cigarette butts. So that was me. So that was why I was never invited to sleep over. They just wanted me to do my time and go because you know I was the agau gua one. One morning after my brother spent the night at Father Apuron's house he came home very upset and angry, in pain, crying. You know, I'm 8 years old. I'm scared. I'm mad. I don't know what's going on. And he kept on asking me you know, don't tell. Don't repeat, don't tell anyone and he said to me Father Apuron touched me. He said he was hurting badly and he couldn't use the bathroom. I did not understand what he was saying at the time. I'm 8 years old. I'm just like, what did he mean by the bathroom or the pain, but you know I knew he hurt him. I knew when he came home that morning he changed. I kept my promise to my brother for 38 years. I mean I never wanted to repeat it. We tried to tell our mom, but no one would listen. You know back in the day right, don't bring shame to the family. Don't mess you know, but no one would listen. My brother and I, we shared the same room and often he would wake up at night and he would start crying and punching the bed. I was trying to saying hey we are going to get back. We are going to kill Father Apuron. We are going to burn the house, we are going to do something you know. Again I was 8 years old. I remember the lighter fluid and how say okay we are going to burn the priest house down. So the plan was my brother and I would. I would run across the side of the house with the lighter fluid the he will take his matches and the house would blow up. That was my thinking. So what happened you know. The lighter fluid running around the house and my brother the matches and he got caught, we got caught. Actually he got caught. I was running around so they didn't see me and then Father Apuron was there. He called my mom, took him into the you know. We he came home, he said to me he did it again. So everything changed after that. He was withdrawn, disillusioned. He kept on begging me don't tell. Don't tell anyone. He was ashamed. We tried telling everyone. No one would listen. So eventually we left Guam, tired to just forget about it you know and we no longer acknowledged that we are Catholic back in the states. We were saying we are Jewish. We didn't trust anyone involved in the church and then my brother you know. We were teenagers, he got very violent. He was quick tempered. HE would always get into fights, you know it was only him and I s you see your brother fighting so of course you're jumping in. We're a year apart and that's what we did. It changed him, it changed us and then the drugs and the alcohol started. That's what killed him, the consumption of alcohol, the drugs, the fights. I remember out of no where he will come out and then for years it would stop and it would come out again, but it killed him, but he would always say please don't tell anyone. When we got high and all that it would come out and don't say anything. Don't tell your cousins because he was ashamed and that's what happened. I promised him, but today I broke that promise. Today before you senators the deepest darkest secrets are revealed now. A promise kept for 38 years is now broken. I can still remember my brothers face when he came home from Father Apuron's house. I remember that morning when he was sodomized. He was 9 years old and he was sodomized.

**Mr. John Michael Quinata:**

I mean it haunts me. Apart of me died when he died. I lost. What I only wished, I could've done something. You know, I blame myself sometimes. What could I have done, but no one would listen. So we just ran away. No one would listen, but I love him. I know now he is resting in peace knowing that I'm speaking for him now. He is speaking through me. He spoke through my mom several weeks ago. I had no idea she was coming. No idea. I had no idea that my brother spoke to my mom about what happened because we kept it a secret. I didn't know he told my mother before he died that this happened. I mean I've been estranged with my mom for several years after you know I just pulled out, but I'm happy that she made peace with her son shortly before he died. I'm happy that she came forward because we reconnected. I haven't seen my mom in years, but no we are actually talking now and finally people are listening. We were raised as boys to trust the church, the higher authority, the priest, God, but it hurt him. It hurt us badly. I feel like times have changed and this is our opportunity to bring this matter to truth and truth to light and Apuron needs to step down, admit his crimes on my brother, and we need to stop him and any others from hurting anyone else. Senators, I know my brother was raped by Archbishop Apuron. He sodomized. He was only 9 years old. I loved my brother. I miss him badly, but in looking back, I know my brother protected me. He recused me from suffering this evil fate and I ask that you do so now. Pass this bill. Protect the boys and girls and help keep my brother Sonny, Roy, Roland, and Walter and others like them to go after their abusers and the institutions that protect them and cover for them for their past crimes and to deter any other future predators to the kids because remember, healing cannot begin without justice. Healing cannot begin without justice.

**[Written Testimony Continued ...]**

**Chairman Aguon:**

Thank you. Thank you very much Mr. Quinata for sharing your testimony. Mr. Quintanilla.

**Mr. Roy Quintanilla:**

**[Written Testimony Attached]**

**Chairman Aguon:**

Si Yuus Ma'ase Mr. Quintanilla for your testimony this morning. Mr. Denton you are recognized.

**Mr. Walter Denton:**

Good morning senators. My name is Walter Denton.

**[Written Testimony Attached]**

**Mr. Walter Denton:**

You know senators it hurts to hear stories like this and with the passing of this bill will not only help us but it will protect the future of our children so I am asking you guys to please consider and pass this bill. Thank you for your time.

**Chairman Aguon:**

Thank you very much Mr. Denton. Mr. Sondia you are recognized.

**Mr. Roland Sondia:**

[Written Testimony Attached]

**Chairman Aguon:**

Thank you very much Mr. Sondia for your testimony. Gentlemen, I understand the courage it requires of you to provide your testimony this morning so on behalf of the committee, I would like to thank you very much for your testimony. Any senators would like to ask questions, pose question to any of the panels members? If not, thank you again. Ladies and gentlemen I would like to please invite the following individuals and if by any chance you are hear to express your position physically by attending the public hearing then please signify if you would rather wish to provide oral testimony then please signify as such. Ms. Annie Santos, Michael Denton, Josephine Redmond, Anthony Quintanilla, Rosita Chapin, David, I'm sorry, Rita Okiyama, David Hernandez, David Sablan, Dolores Camacho, Edward Pangelinan, Marita Martinez, Mary Lou I apologize, Mary Lou Martinez, Ernestina Perez, Louis Gambar, to show your support, Mr. Vince Bamba, Senator Bob Klitzkie. I have an M. Quintanilla, Annabelle Cruz, Gregory Perez. Okay Mr. Sablan if you can begin your presentation.

**Mr. David Sablan:**

Mr. Chairman ad honorable senators. Thank you very much for this opportunity to appear before you and the committee today in support of Bill No. 326-33.

[Written Testimony Attached]

I have children so I am thinking of all of this. I am sorry.

[Written Testimony Continued ...]

**Chairman Aguon:**

Thank you very much Mr. Sablan for your testimony this morning.

**Ms. Marilu Diaz Martinez:**

Mr. Chairman and Senator Blas, and senators.

**Ms. Marilu Diaz Martinez:**

**[Written Testimony Attached]**

I deviate from my written testimony but I'm cradle catholic. My father was a deacon and I practically went through a catholic education from kindergarten here in tai all the way through my first two years in college and so I have that admiration and respect for the clergy and I continue for the religious order and for this bill to be passed, it will enable individuals to seek justice against individuals and not the community or the religious entity. You know for many of the adults who this would benefit would be my age. Since I grew up in a religious educational environment, I know a few who have been abused or a few of them, their perpetrators have already passed away because of the time spent that it took for them to seek justice and so for the sake of friends, family and adults our age, for the sake of children and their future, not only ours but also for Guam who fall into such traumatic abuse, I ask that you consider voting for the passage of this bill. Thank you.

**Chairman Aguon:**

Thank you very much Ms. Martinez for your testimony this morning. Ms. Cruz.

**Ms. Annabelle Cruz:**

**[Written Testimony Attached]**

Child Protective services. In other words, the investigation of child sexual abuse and neglect.

**[Written Testimony Continued ...]**

The majority of male victims wont tell. In fact, they would go to their grave having never opened their mouth because of the implications of their disclosure.

**[Written Testimony Continued ...]**

You have an example of the today in the testimonies of victims that have come forth before you.

**[Written Testimony Continued ...]**

I pause for a minute to let that sink in because that is really critical.

**[Written Testimony Continued ...]**

**Chairman Aguon:**

Thank you very much Ms. Cruz for your testimony this morning. Mr. Perez.

**Mr. Ernesto Perez:**

Good morning Mr. Chairman and members of this committee. My name is Gregory D. Perez and I'm a resident of Tamuning and I'm here to support Bill No. 326-33 to lift the statute of limitations. We must stop the cycle of violence against children by child sexual abuse. You have the power to do that. We must stop the vicious cycle of withholding information, not reporting abuse because of social or cultural mores. You have the power to do that. We must stop the cycle of allowing predators run free, embolden and empowered and believing in themselves so that they can continue to rape children. You have the power to do that. Please senators, act on this bill as quickly as possible and stop these predators, protect our children, and protect the future, of all of us. Thank you.

**Chairman Aguon:**

Thank you very much Mr. Perez and to everyone on the panel, and thank you for your testimony this morning. Ladies and gentlemen as chair and colleagues, I hope that to not only have your endorsement but I will suspend any additional receipt of oral testimony this morning and call for a continuance of this hearing for Monday morning at 10am. So to everyone who have provided testimony, certainly appreciated, that's going to be a continuation of today's public hearing, once again, the committee is going to continue this public hearing of Bill No. 326-33 Monday morning, August 1st at 10am, and then the committee will close receipt of any written testimony through August 3rd the close of business, Wednesday next week August 3rd so they would allow the committee to compile the report and ensure that the legislation is presented before the legislative body prior to the next legislative session which is scheduled sometime in August. So I thank you everyone for your presence today, and like I shared a little earlier, once again, just for the record this public hearing will continue 10am Monday August 1st on Bill 326. Thank you again.

The public hearing was recessed at 11:40AM and scheduled for continuation on August 1<sup>st</sup>, 2016.

Continuance of the public hearing was called to order at 10:00 AM.

**Chairman Aguon:**

Good morning ladies and gentlemen. This is a continuation of a public hearing on Bill No. 326-33 (COR) *As Substituted by the Committee*. The initial hearing on this substituted of version was last week, and today is a continuance of that particular hearing, through today. Just for the information of the public, based on the open government law, not only was it announced at the last hearing, upon the conclusion of that hearing, that we were going to continue this hearing on Bill 326 *As Substituted by the Committee.*, but also written notification was sent out to the stake holders and to our media partners, and I want to, as chair also extend our appreciation to our media partners for disseminating this information and sharing it with the community.

**Chairman Aguon:**

We will proceed as, inviting the following individuals. First of all, let me recognize the good senators who are here. Senator Frank Blas Jr. the sponsor of the proposed legislation. We have Senator Tony Ada and Vice-Speaker BJ Cruz. Thank you senators for joining us this morning during this hearing. I would like to now invite the following individuals to the table to join us. [Dr.] Zoltan Szekely, Vincent Pereda. I know that a number of you in the audience did provide testimony initially, last week, so if by any chance I call your name and you are not going to be providing oral testimony this morning, then please signify by just saying you support or you state your position on this proposed legislation. So once again, if I can invite [Dr.] Zoltan Szekely, Vincent Pereda, Jose Tayama, James Brooks, John Matanona. Once again, [Dr.] Zoltan Szekely, [Dr.] Zoltan, did you want to join us up front? Yes yes. I'm sorry. Please join us up front, for your testimony. Thank you [Dr.] Zoltan, and we have Mr. Pereda up front. Jose Tayama, you said you're here for support. Mr. James Brooks, John Matanona, Mary Lou Garcia-Pereda. Thank you. Dave Lujan. Thank you. May Ada. Thank you. Cynthia Terlaje. Rita Okiyama. Anthony San Nicolas. Anthony San Nicolas, okay. Thank you. I'm sorry Mr. San Nicolas, I'm sorry, I'm going through the secondary list. I'll call you in a minute. I apologize. George Quitugua. Gerald Taitano. Folks I'm going through the list because of the sign in sheet so I appreciate your patience. Patricia Sajo. Fred LG. Ernestina Perez. Emmanuel Cruz. David Hernandez. Dolores Camacho. Patricia Perez. Marilu Lou Mar Roland Sondia. Frances Sondia. Joe Santos. Just need to make sure I exhaust the list. Why don't we proceed with the two individuals up front first and then I will finalize the listing in terms of others that we will call up to the front. So thank you very much for those of you who did signify that in fact you're here for, to visibly show either your support regards to your position to Bill 326. [Dr.] Zoltan please if you can pull the mic and you did request an opportunity, you submitted a written testimony but you also requested for an opportunity to present your testimony orally, so you may proceed [Dr.] Zoltan.

**Dr. Zoltan Szekely:**

Thank you very much.

**[Refer to Written Testimony Attached- revised as of August 08, 2016 via email]**

Let me open my written testimony. This is the first time that I have access to the latest version of the bill and I see some of the changes were made from the previous version. But my concerns are still there.

**Dr. Zoltan Szekely:**

**[Refer to Written Testimony Attached- revised as of August 08, 2016 via email]**

Let me add now because I just got this recent version of the proposed bill right here before the meeting. Let me read, "Victims of child sexual abuse that occurred on Guam who have been barred from filing an action against their abusers, their enablers their aiders or abettors, those acting in concert with them and their institutions by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in any court of competent jurisdiction." This is exactly my point! The language, as it stands here, came right from the advocate groups. I guess that is because of the testimonies of advocate groups directly influenced the wording of the bill. It talks about "abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions or corporations sole. Where are these notions defined and how are these persons identified in the law? The lack of clarification would open the law for a very wide interpretation with possibly open ended consequences. That sloppiness in the language of the bill is a great concern. Let me continue my written testimony.

**[Refer to Written Testimony Attached- revised as of August 08, 2016 via email]**

**Chairman Aguon:**

[Dr.] Zoltan, with all due respect a lot of your testimonies are direct reference to public testimonies that have been received by the committee. Every single citizen in our community has the right to provide their testimony and much of your testimony is in reference to individuals and their statements they have submitted I request, respectfully request that any references you provide stick to the content of the proposed legislation.

**Dr. Zoltan Szekely:**

Well, I quoted with respect from the testimonies.

**Chairman Aguon:**

Then I request, that if you want to quote statements, that's fine but individuals names have been repeated on three or four separate occasions during the course of your testimony, that's where I have a concern.

**Dr. Zoltan Szekely:**

May I continue and wrap up my testimony? I quoted from the advocate groups because I had to justify some way why would I have my concerns, why would I think that my constitutional rights and protection of following my conscience and practicing my religion might be threatened.

**Chairman Aguon:**

Those trains of thoughts [Dr.] Zoltan, those trains of thoughts are very much appreciated, just stick to the content of the proposal. Referencing individual's names, I think I've seen three individuals who practically stood up and were moving in their seats because their names were personally mentioned. And that's why we already have your written testimony, but I'm requesting that any comments from you or any other individual in the community references the contents of the proposed legislation and its implications. Not statements that have been submitted to the committee, please.

**Dr. Zoltan Szekely:**

Thank you. I truly appreciate. Thank you very much.

**[Refer to Written Testimony Attached- revised as of August 08, 2016 via email]**

**Chairman Aguon:**

Thank you [Dr.] Zoltan, I appreciate your testimony this morning. Mr. Pereda, if you could please identify yourself for the record of proceed.

**Mr. Vincent Pereda:**

Good morning honorable senators.

**[Written Testimony Attached]**

Thank you very much.

**Chairman Aguon:**

Thank you very much Mr. Pereda for your testimony this morning. Senators, any questions for any of the individuals that have provided testimonies thus far? If not, Dr. Zoltan... Yes? Mr. Vice Speaker.

**Vice Speaker B.J. Cruz:**

Dr. Zoltan, just as for your information the parts that are marked, section three in this bill that are being deleted were sent to me by representatives of the chancery. I'm not sure who wrote it for them but it was sent to me and I was told, that in order for the bill to pass in 2011, I needed to include it.

**Chairman Aguon:**

Thank you very much Vice Speaker. Dr. Zoltan and Mr. Pereda, thank you for your testimony. Ladies and gentlemen, I have two more individuals who have signed up. Mr., you're excused. Thank you. Mr. Anthony San Nicolas and Mr. Leo Tudela. Do me a favor gentleman, if I can ask to please sit in the middle. Mr. San Nicolas, Hagu finena if you could please identify yourself for the record and please proceed.

**Mr. Anthony San Nicolas:**

Buenas dias and good morning senators my name is Anthony San Nicolas. First let me take this time to express my sincere appreciation for allowing me to speak before this committee this morning.

[Written Testimony Attached]

**Chairman Aguon:**

Si Yu'os Ma'ase Mr. San Nicolas for your testimony. Mr. Tudela.

**Mr. Leo Tudela:**

[Written Testimony Attached]

He was a wonderful priest and loved my many Saipanese.

[Written Testimony Continued...]

I never had grapes before that time.

[Written Testimony Continued...]

**Chairman Aguon:**

Si Yu'os Ma'ase Mr. Tudela. Senators, any questions for the members of the panel? Mr. San Nicolas and Mr. Tudela Si Yu'us Ma'ase puru I tiempon mu.

**Chairman Aguon:**

Ladies and gentlemen unless we have anyone else in the audience who would like to provide oral testimony, this concludes the public hearing process in receiving testimony as was stated last week the committee will continue to receive written testimony until the close of business on Wednesday and we will work towards closing the report and finalizing it by close of business by Monday next week Monday. No other testimonies? Thank you very much for your participation.

The Public Hearing was adjourned at 10:51 AM.

### III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S Military Relocation, Public Safety, and Judiciary before or after the scheduled public hearing on Thursday, July 28<sup>th</sup>, 2016 at 10:00AM in *Liheslatura's* Public Hearing Room.

1. Mr. Timothy J. Rohr, Resident of Agat, Guam
2. Ms. Mary Lou Garcia-Pereda
3. Ms. Rosa Cruz Santos, Resident of Yona, Guam
4. Mr. Andrew Camacho
5. Mr. Gerald A Taitano
6. Mr. John Michael Quinata
7. Mr. Roy Quintanilla
8. Mr. Walter Denton
9. Mr. Roland Paul Lizama Sondia
10. Mr. David J. Sablan, Concerned Catholics of Guam Inc., President
11. Ms. Marilu Diaz Martinez
12. Ms. Annabelle Cruz
13. Dr. Zoltan Szekely, Resident of Yona, Guam
14. Mr. Vincent P. Pereda, Resident of Tamuning, Guam
15. Mr. Anthony B. San Nicolas
16. Mr. Leo Tudela
17. Ms. Maria P. Espinoza
18. Ms. Dana A. Gutierrez, Judiciary of Guam, Director of Policy, Planning & Community Relations
19. Mr. Joe R. San Agustin
20. Mr. John Pereda
21. Mr. Robert Klitzkie, Former Guam Senator
22. Mr. Ron McNinch, University of Guam, Distinguished Professor
23. Jerome McCollom, private citizen ([jamht1972@yahoo.com](mailto:jamht1972@yahoo.com))
24. Pat Nichols, private citizen, Yigo

### IV. FINDINGS & RECOMMENDATIONS

#### FINDINGS:

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary (Committee) finds that for all practical purposes the statute of limitations "window never opened" when P.L. 31-07 was enacted. While the statute of limitations was "textually" lifted for two years, provisions of P.L. 31-07 served to discourage counsel from undertaking the representation of child sexual abuse survivors. In essence if this bill passes as a practical matter it will be the **FIRST** time the statute of limitations "window opens." A sample of the defects in P.L. 31-07 follows:

7GCA § 1106.1(g)" ... If the Court finds there has been a failure to comply with this Section, the Court shall order a party, a party's attorney, or both, to pay any **reasonable expenses**, including attorney's fees, incurred by the defendant for whom a certificate of merit should have been filed."

"Reasonable expenses" is an undefined term that adds an unnecessary degree of uncertainty to the process, tending only to discourage the filling of meritorious claims.

#### IV. CONTINUATION OF FINDINGS & RECOMMENDATIONS:

7GCA § 1106.1(d) "A violation of this Section shall constitute unprofessional conduct, and shall be grounds for discipline against the attorney."

Guam Rules of Civil Procedure (GRCP) Rule 11 already provides for high ethical standards for attorneys in all litigation. The Guam Rules of Professional Conduct already provide high ethical standards for all aspects of the practice of law. Our Supreme Court is the enforcer of ethical standards for attorneys assisted by the Bar Of Guam Ethics Committee pursuant to Rules of Procedure-- Disciplinary Proceedings. 7GCA § 1106.1(d) is either dangerous or superfluous. It's clearly unnecessary.

7GCA § 1106.1(g) "... the motion of a party or upon the Court's own motion, verify compliance with this Section by requiring the attorney for the plaintiff who was required to execute the certificate to reveal the name, address, and telephone number of the person or persons consulted that were relied upon by the attorney in preparation of the certificate of merit."

The implications here is that the "licensed mental health practitioners" might be dragged into litigation or even incur liability because of their participation.

7 GCA § 11306 (c) A person against whom a suit is filed may recover attorney's fees and damages where the Court determines that a false accusation was made with no basis in fact and with malicious intent.

This provision makes it impossible to try any case for child sexual abuse. It creates a cause of action for attorney's fees in the same case in which the cause of action for child sexual abuse is heard. Thus a defendant in the Plaintiff's case-in-chief could on cross examination or in his own case-in-chief adduce evidence and be entitled to jury instructions that the plaintiff's claim was brought on "a false accusation with no basis in fact and with malicious intent." Only chaos could result from such a trial regime as in effect two different separate trials would be occurring at the same time. A defendant's appropriate remedy for an improperly filed claim would be a separate action sounding in malicious prosecution, a condition precedent for which would be a favorable termination of the improperly brought child sexual abuse claim. Including a provision to award damages and reasonable expenses to a defendant for a false claim of child sexual abuse will have such a chilling effect on potential plaintiffs and counsel that it would guarantee that such claims never see the light of day.

The Committee finds that § 11306 (c) was a provision which made it more difficult to file claims for child sexual abuse that had been time barred. Nevertheless, the language of subsection (c) applies to all 7 GCA § 11306. Thus the attorneys fees and damages provision applies to claims for assault, battery, false imprisonment, etc. as well as child sexual abuse. § 11306 (c) applies to claims for child sexual abuse that occur in the present. The chilling effect of the provisions e.g. those set out supra was apparently sufficient to dissuade counsel from bringing actions for child sexual abuse no matter how meritorious the claim.

#### RECOMMENDATIONS:

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary recommends repealing 7 GCA § 11306(b). 7 GCA § 11306(b). By repealing 7 GCA § 11306(b), the Guam Legislature will make it clear that proposed 7 GCA § 11301.1 which provides no limit, controls the statute of limitations period for civil claims arising from child sexual abuse.

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out Bill No. 326-33(COR), As Substituted by the Committee with the recommendation to:

**TO PASS**

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No.** *326-33 (cor)*

Introduced by:

Frank F. Blas, Jr. *FF*

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*2016 MAY 23 PM 12:21*  
*Mr. Blas*

**AN ACT TO *AMEND* § 11306, CHAPTER 11, TITLE 7, GUAM  
CODE ANNOTATED AND TO REPEAL § 11306.1,  
CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED  
RELATIVE TO THE STATUTE OF LIMITATIONS IN  
CASES INVOLVING CHILD SEX ABUSE.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that in light of growing awareness of the issue of child sexual abuse, many states have begun to reform both their criminal and civil statutes to give victims increased access to the legal system. Many victims of child sexual abuse have not been able to proceed with civil claims against the perpetrators because those claims have been barred by a state's statute of limitations. Most causes of action come with a statute of limitations, meaning that a claim must be brought within a certain period of time for the claim to proceed to court.

*I Liheslaturan Guåhan further* finds that statutes of limitations are justified by many on the grounds that courts should not have to deal with stale claims regarding offenses that allegedly occurred decades earlier, with valuable and potentially exculpatory evidence being lost in the meantime. However, statutes of limitations have been a particularly pressing problem in light of the delicate nature

1 of child sex crimes; victims often need many years to overcome the pain of their  
2 abuse and time to obtain the courage needed to speak out about the abuse that they  
3 have suffered. In an effort to enhance the legal opportunities for sexual abuse  
4 victims, many states have extended the time period of the existing statute of  
5 limitations regarding civil claims arising from child sexual abuse. Other states have  
6 temporarily lifted their statute of limitations in order to give victims an opportunity  
7 to raise civil claims against their predators. Some states have even gone as far as to  
8 completely abolish their statute of limitations for civil suits resulting from child  
9 sexual abuse. In addition, a recent trend in child sexual abuse law involves the  
10 “tolling” of the statute of limitations for a variety of reasons in order to facilitate  
11 legal claims brought by survivors of child sexual abuse. Taken as a whole, these  
12 changes have reformed the system in which victims can seek civil actions as a result  
13 of suffering through the trauma of child sexual abuse. And clearly the national trend  
14 has moved toward loosening past restrictions and statute of limitations.

15 It is, therefore, the intent of *I Liheslaturan Guåhan* to revisit the issue of  
16 statute of limitations regarding the horrendous crime of sexual abuse against children  
17 and to lift the statute of limitations for civil actions. Further, it is the intent of *I*  
18 *Liheslaturan Guåhan* to remove the current section requiring Certificates of Merit  
19 as such information would routinely be provided in the course of litigation.

20 **Section 2.** § 11306, Chapter 11, Title 7, Guam Code Annotated is hereby  
21 *amended* to read:

22 “§ 11306. ~~Within Two Years~~ Limitations Removed --.

23 (a) An action for assault, battery, false imprisonment, seduction of a person  
24 below the age of legal consent, or for injury to, or for the death of, a person caused  
25 by the wrongful act or neglect of another, except as provided for in § 11308.

1 (b) Notwithstanding ~~the provisions of Subsection (1) of this Section~~ any other  
2 provision of law, for a period of two (2) years at any time following the effective  
3 date of this Act, victims of child sexual abuse that occurred on Guam who have been  
4 barred from filing suit against their abusers by virtue of the expiration of the civil  
5 statute of limitations shall be permitted to file those claims in the Guam Superior  
6 Court.

7 (c) A person against whom a suit is filed may recover attorney's fees and  
8 damages where the Court determines that a false accusation was made with no basis  
9 in fact and with malicious intent. A verdict in favor of the accused shall not be the  
10 sole basis for a determination that an accusation was false. The Court must make an  
11 independent finding of an improper motive to award attorney's fees and damages  
12 under this Section.”

13 **Section 3.** § 11306.1, Chapter 11, Title 7, Guam Code Annotated is hereby  
14 *repealed* in its entirety.

15 **Section 4. Severability.** *If any provision of this Act or its application to any*  
16 *person or circumstance is found to be invalid or contrary to law, such invalidity shall*  
17 *not affect other provisions or applications of this Act that can be given effect without*  
18 *the invalid provisions or application, and to this end the provisions of this Act are*  
19 *severable.*

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 326-33 (COR)**

As substituted by the Committee  
on Guam U.S. Military Relocation,  
Public Safety, and Judiciary

Introduced by:

Frank F. Blas, Jr.

**AN ACT TO ADD A NEW § 11301.1, REPEAL  
SUBSECTIONS (b) AND (c) OF § 11306, REPEAL § 11306.1,  
ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE  
ANNOTATED, RELATIVE TO THE STATUTE OF  
LIMITATIONS IN CASES INVOLVING CHILD SEXUAL  
ABUSE.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that in Bill 34-31, which became Public Law 31-07, *I Trentai Uno Na Liheslatura* made extensive findings, to wit:

*“I Liheslaturan Guåhan* finds that child sexual abuse survivors often are disabled from revealing abuse at the time they suffer it and for many years thereafter. For some, the abuser was a parent, stepparent, or relative, a member of the clergy, a teacher or other trusted adult. Some victims blame themselves and fear retribution if the abuse is revealed. For many, the trauma itself prevents them from coming forward earlier. As adults, victims may not connect the assault to its long-lasting impact until they seek therapeutic help years later. Many of the injuries associated with childhood sexual abuse do not manifest themselves until much later in life. The expiration of applicable statute of limitations during this period had the effect of barring many meritorious claims. This has allowed many

1 child sexual abusers to escape civil liability. If evidence is sufficient to prove civil  
2 liability, the mere passage of time should not foreclose child sexual abuse  
3 survivors from seeking justice. Therefore, I Liheslatura finds that justice for child  
4 sexual abuse survivors may be achieved by reviving the statute of limitations for  
5 civil actions for past child sexual abuse for a two (2) year period.”

6 *I Mina' Trentai Tres Na Liheslatura* wholeheartedly adopts and republishes  
7 those findings.

8 *I Liheslaturan Guåhan* further finds that while the noble intent of Public  
9 Law 31-07 was to encourage child sexual abuse survivors to come forward and  
10 bring their victimizers to account, provisions in § 11306.1 of Article 3, Chapter 11,  
11 Title 7, Guam Code Annotated, served to discourage counsel from undertaking the  
12 representation of child sexual abuse survivors, an unintended consequence of  
13 Public Law 31-07. The chilling effect of the provisions in Public Law 31-07 was  
14 apparently sufficient to dissuade counsel from bringing actions for child sexual  
15 abuse no matter how meritorious the claim.

16 It is, therefore, the intent of *I Liheslaturan Guåhan* to make it possible for  
17 those child sexual abuse survivors to seek justice against their victimizers. Further,  
18 it is the intent of *I Liheslaturan Guåhan* to remove the current section requiring  
19 Certificates of Merit as such information would have a chilling effect on those  
20 sexual abuse survivors who choose to seek justice against their victimizers.

21 **Section 2.** A new § 11301.1 is *added* to Article 3 of Chapter 11, Title 7,  
22 Guam Code Annotated, to read:

23 “§ 11301.1. **No Limit for Child Sexual Abuse.** (a) An action for child  
24 sexual abuse may be commenced against abusers, their enablers, their aiders or  
25 abettors, those acting in concert with them and their institutions at any time.

1 (b) Victims of child sexual abuse that occurred on Guam who have been  
2 barred from filing an action against their abusers, their enablers their aiders or  
3 abettors, those acting in concert with them and their institutions by virtue of the  
4 expiration of the civil statute of limitations *shall* be permitted to file those claims  
5 in any court of competent jurisdiction.”

6 **Section 3.** Subsections (b) and (c) of § 11306 of Article 3, Chapter 11, Title  
7 7, Guam Code Annotated, is hereby *repealed*.

8 ~~“(b) Notwithstanding the provisions of Subsection (1) of this Section, for a  
9 period of two (2) years following the effective date of this Act, victims of child  
10 sexual abuse that occurred on Guam who have been barred from filing suit against  
11 their abusers by virtue of the expiration of the civil statute of limitations *shall* be  
12 permitted to file those claims in the Guam Superior Court.~~

13 ~~(c) A person against whom a suit is filed may recover attorney's fees and  
14 damages where the Court determines that a false accusation was made with *no*  
15 basis in fact and with malicious intent. A verdict in favor of the accused *shall not*  
16 be the sole basis for a determination that an accusation was false. The Court must  
17 make an independent finding of an improper motive to award attorney's fees and  
18 damages under this Section.”~~

19 **Section 4.** § 11306.1 of Article 3, Chapter 11, Title 7, Guam Code  
20 Annotated, is hereby *repealed*.

21 **“§ 11306.1. Certificates of Merit.**

22 Every plaintiff at the time an action is filed pursuant to Subsection (2) of §  
23 11306 of this Chapter shall file certificates of merit as follows:

24 (a) Certificates of merit shall be executed by the attorney for the plaintiff and  
25 by a licensed mental health practitioner selected by the plaintiff declaring,  
26 respectively, as follows, setting forth the facts which support the declaration:

1           ~~(1) that the attorney has reviewed the facts of the case; that the~~  
2 ~~attorney has consulted with at least one (1) mental health practitioner who~~  
3 ~~the attorney reasonably believes is knowledgeable of the relevant facts and~~  
4 ~~issues involved in the particular action; and that the attorney has concluded~~  
5 ~~on the basis of that review and consultation that there is reasonable and~~  
6 ~~meritorious cause for the filing of the action. The person consulted may not~~  
7 ~~be a party to the litigation;~~

8           ~~(2) that the mental health practitioner is not treating and has not~~  
9 ~~treated the plaintiff, and that the practitioner has interviewed the plaintiff~~  
10 ~~and is knowledgeable of the relevant facts and issues involved in the~~  
11 ~~particular action, and has concluded on the basis of his or her knowledge of~~  
12 ~~the facts and issues, that in his or her professional opinion there is a~~  
13 ~~reasonable basis to believe that the plaintiff had been subject to childhood~~  
14 ~~sexual abuse;~~

15           ~~(3) that the attorney was unable to obtain consultation required by~~  
16 ~~Item (1) because a statute of limitations would impair the action, and that the~~  
17 ~~certificates required by Items (1) and (2) could not be obtained before the~~  
18 ~~impairment of action. If a certificate is executed pursuant to this Item (3), the~~  
19 ~~certificates required by Items (1) and (2) shall be filed within sixty (60) days~~  
20 ~~after filing the complaint.~~

21           ~~(b) Where certificates are required, the attorney for the plaintiff shall execute~~  
22 ~~a separate certificate of merit for each defendant named in the complaint.~~

23           ~~(c) In any adion, no defendant may be served, and the duty to serve a~~  
24 ~~defendant with process does not attach, until the Court has reviewed the certificates~~  
25 ~~of merit filed with respect to that defendant, and has found, in camera, based solely~~  
26 ~~on those certificates of merit, that there is reasonable and meritorious cause for the~~

1 ~~filing of the action against that defendant. At that time, the duty to serve that~~  
2 ~~defendant with process shall attach.~~

3 ~~(d) A violation of this Section shall constitute unprofessional conduct, and~~  
4 ~~shall be grounds for discipline against the attorney.~~

5 ~~(e) At any time after the action is filed, the plaintiff may apply to the Court~~  
6 ~~for permission to amend the complaint to substitute the name of the defendant or~~  
7 ~~defendants for the fictitious designation, as follows:~~

8 ~~(1) The application shall be accompanied by a certificate of~~  
9 ~~corroborative fact executed by the attorney for the plaintiff. The certificate~~  
10 ~~shall declare that the attorney has discovered one (1) or more facts~~  
11 ~~corroborative of one (1) or more of the charging allegations against a~~  
12 ~~defendant or defendants, and shall set forth in clear and concise terms the~~  
13 ~~nature and substance of the corroborative fact. If the corroborative fact is~~  
14 ~~evidenced by the statement of a witness or the contents of a document, the~~  
15 ~~certificate shall declare that the attorney has personal knowledge of the~~  
16 ~~statement of the witness or of the contents of the document, and the identity~~  
17 ~~and location of the witness or document shall be included in the certificate.~~  
18 ~~For purposes of this Section, a fact is corroborative of an allegation if it~~  
19 ~~confirms or supports the allegation. The opinion of any mental health~~  
20 ~~practitioner concerning the plaintiff shall not constitute a corroborative fact~~  
21 ~~for purposes of this Section.~~

22 ~~(2) Where the application to name a defendant is made prior to that~~  
23 ~~defendant's appearance in the action, neither the application nor the~~  
24 ~~certificate of corroborative fact by the attorney shall be served on the~~  
25 ~~defendant or defendants, nor on any other party or their counsel of record.~~

1           ~~(3) Where the application to name a defendant is made after that~~  
2           ~~defendant's appearance in the action, the application shall be served on all~~  
3           ~~parties and proof of service provided to the Court, but the certificate of~~  
4           ~~corroborative fact by the attorney shall not be served on any party or their~~  
5           ~~counsel of record.~~

6           ~~(f) The Court shall review the application and the certificate of corroborative~~  
7           ~~fact in camera and, based solely on the certificate and any reasonable inferences to~~  
8           ~~be drawn from the certificate, shall, if one (1) or more facts corroborative of one~~  
9           ~~(1) or more of the charging allegations against a defendant has been shown, order~~  
10           ~~that the complaint may be amended to substitute the name of the defendant or~~  
11           ~~defendants.~~

12           ~~(g) Upon the favorable conclusion of the litigation with respect to any~~  
13           ~~defendant for whom a certificate of merit was filed or for whom a certificate of~~  
14           ~~merit should have been filed pursuant to this Section, the Court shall, upon the~~  
15           ~~motion of a party or upon the Court's own motion, verify compliance with this~~  
16           ~~Section by requiring the attorney for the plaintiff who was required to execute the~~  
17           ~~certificate to reveal the name, address, and telephone number of the person or~~  
18           ~~persons consulted that were relied upon by the attorney in preparation of the~~  
19           ~~certificate of merit. The name, address, and telephone number shall be disclosed to~~  
20           ~~the trial judge in camera and in the absence of the moving party. If the Court finds~~  
21           ~~there has been a failure to comply with this Section, the Court shall order a party, a~~  
22           ~~party's attorney, or both, to pay any reasonable expenses, including attorney's fees,~~  
23           ~~incurred by the defendant for whom a certificate of merit should have been filed."~~

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



## SENATOR FRANK B. AGUON, JR. CHAIRMAN



Bill No. 326-33 (COR) - An act to amend § 11306, chapter 11, title 7, Guam Code Annotated and to repeal § 11306.1, chapter 11, title 7, Guam Code Annotated relative to the statute of limitations in cases involving child sex abuse. (Sponsor: F.F. Blas, Jr.)

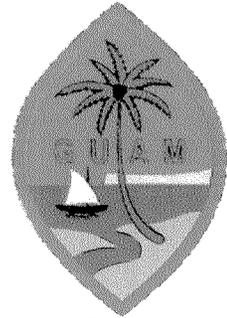
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Margaret Uytingco Torres	Ret. Teacher	483-8570	(for support)			
✓ Jose L.G. Tayama	Retiree	247-4348				
✓ MARY LOU GARCIA-Perod	RETIRED TEACHER	688-6809	✓	via email	✓	
✓ John Vincent Perod	UOE	688-4409	✓	(email)	✓	
✓ Andrew Camacho	Resident	646-4319	✓		✓	
✓ Manuel Concepcion	inspune		✓		✓	
✓ Doris Concepcion	Public Hearings		✓		✓	
✓ Ronald Sondico	Public Hearing	483-1120	✓		✓	

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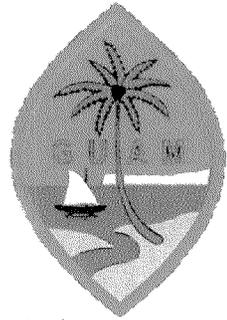
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Antoinette OKADA	NO TESTIMONY	688-9123			X	
✓ JOSE S. OKADA	"	"			X	
✓ Richard Untner	no one	635 3097			X	
✓ Gerald Taitano	Chalan Pago	349-3137	X	X	X	
Priscilla Quichocho	Dededo	689-5240			X	
✓ Walter G. Denton	Public Hearing	671-686-3091	✓		✓	
Rita Obayina	Rituel	686-3091	-		-	
Rosa C. Santos	Mongmong	789-3791			✓	

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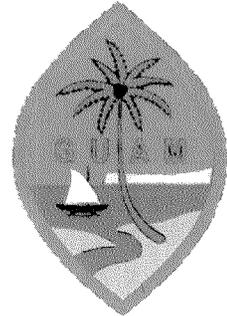
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
TERLAJE CYNTHIA						
<i>Clotilde Peredo</i>		499-7495				
<i>Clotilde Peredo</i>	CCOG	565 2610			✓	
✓✓ Joseph A. Santos	Silent No More	864-1973	✓		✓	
Britney Torres					✓	
✓✓ <i>Gregory S. Perez</i>	CCOG	727-7233		✓	✓	
<i>Sharleen Santos-Banks</i>		688 4799	✓			

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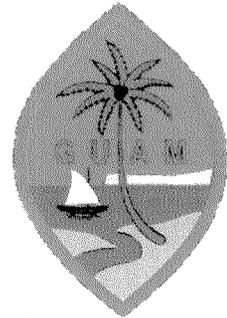
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Louides A. Bamba	CCOG	472-1295			✓	
MARIA MAE R. ADA		734-7777			✓	
Josef PORTADO		565-2394			✓	
Therese Babauta		777-6839		✓	✓	
JIMMY CASTRO		747-7025			✓	
NEEDY CRUZ		747 7025			✓	
Margaret Mesnon		777 1352			-	
Ignacio Mesnon		777 1252			-	

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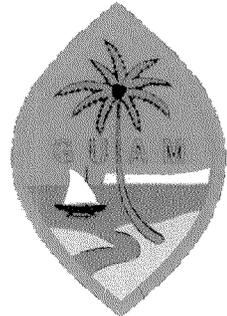
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Patricia Sajo		727-5890			✓	
Mareesa Aguon	Healing Hearts	647-5351	✓	✓	✓	
✓ Lucia Perez		4885824	✓		✓	
✓ Kletzie	Justice!!	653 6607	✓	✓	✓	
Puente Tarréno	PHPT	488-5418			✓	
✓ Bruce Williams		689-1257				
Jerson Williams		777-6560			✓	

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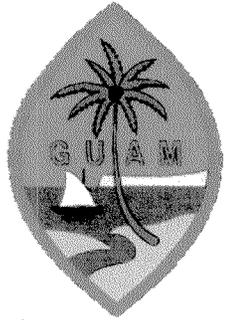
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Dolores Camacho	Christian Mother	477-8762			✓	
✓ Lou Klitzke		653-6605		✓	✓	
Jordine Tartano	Resident	687-6588			✓	
Devi Zieper		7343420			✓	
Chargual Soledad		488-9096			✓	
✓ Ben Torres for	Joe R Santogustin	483-7016		✓	✓	
Mark Mafus	Resident	727-2421			✓	

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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
FRED L. GUERRERO	CCOG	477-9481			✓	
Michele Casimiro		653-4018			✓	
Brandon Torres	CCOG	687-0403			✓	
Megan Blas		969-1965			✓	
Raffi Hernandez	CCOG	475-5659/696		✓	✓	
Jonathan Frank Blas Diaz	self	482-5826	X			
John Wuestig	self	688-1111			✓	
JOSEPH A CALVO	SELF		NO	NO	✓	

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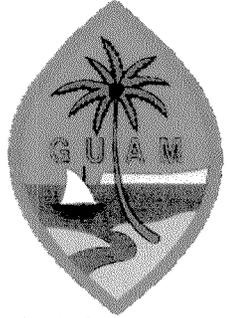
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
Marie P. Wusstig	Resident		NO	NO	Yes	
John Quinata	Resident		no	no	yes	
Jose M. Rosario	"	472-4358	no	no	<del>yes</del>	
Patricia F. Perry	"		no	no	yes	
Viola Salas	"		no	no	yes	
Candice	"		no	no	Yes	
Annie <sup>FD</sup> Unping	GBHWC	477-5349		yes	yes	
Jane Moore	GBHWC	477-5338			yes	

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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
MARIA ESPINOZA	self			Will submit later	✓	
Candace Ruben	GBHW/CASO	477-5339			✓	
SUSAN R. Dugan	GBHW/CASO	477-5338			✓	
David G. Blas	Self	929-3283			✓	
Jon Junior Calvo	SELF	689-5662	NO	NO	✓	

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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Pierre Torreine	PHPT				✓	
ANNIE SANTOS		789-3737			✓	
✓ Patricia Sojo		727-5890			✓	
✓ MAE R. ADA					✓	
Michael Denton		777-5443			✓	
✓ Norma C. Quirigua					✓	
✓ Francisco G. Quirigua					✓	
JOSEPHINE REDMOND		565-2273			✓	

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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Roland Sondra		483-1120	✓		✓	
Anthony Quintanilla		489-7167				
✓ Fred Leon Guerrero	CATHOLIC	482-8467			✓	
Rita Chynia		686-3091			✓	
✓ Gerald Taitano		734-1255	✓	✓	✓	
DAVID R. HERNANDEZ		483-2843			✓	
John Q.		001-9573	✓			

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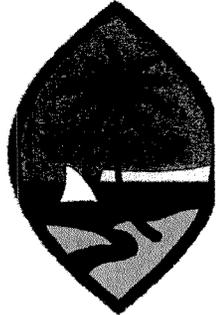
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Joseph Cruz	GPD		✓	✓	✓	
✓ Sablen, David	CCOG	482-4647	✓	✓	✓	
✓ Delores Camacho	CGOD	477-8762			✓	
✓ EDWARD PANGELINAW		472 52 64			✓	
✓ Maricela D. Mendez	LFM	482-6768	✓	✓	✓	
✓ Ernestino B. Perez	KAM	646-5711			✓	
✓ Louis Buechler	CCOG	488-4237			✓	

**COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY**

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**CHAIRMAN**

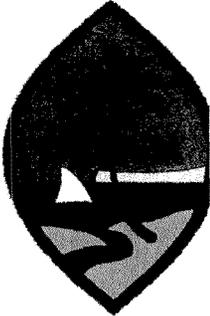


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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Jim Rohr		483-0467	✓		✓	
✓ Vince Bamba		688-2134				
✓ Klitzke		693 6607		✓	✓	
✓ M. Quintana		789 6421			✓	

**COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY**

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**SENATOR FRANK B. AGUON, JR.**  
**CHAIRMAN**

Bill No. 326-33 (COR), *As Substituted by the Committee*- An act to add a new § 11301.1, repeal subsection (c) of § 11306, repeal § 11306.1, all of article 3, chapter 11, title 7, Guam Code Annotated, relative to the civil statute of limitations in cases involving child sex abuse. (Sponsor: F.F. Blas, Jr.)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Annabelle L Cruz		472-3553	✓		✓	

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



## SENATOR FRANK B. AGUON, JR. CHAIRMAN

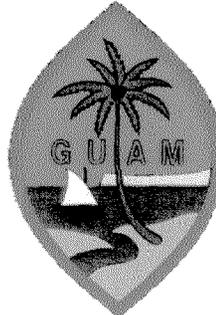


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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ GREGORY J. PERAZ	CCOG.	727-3233	✓		✓	

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



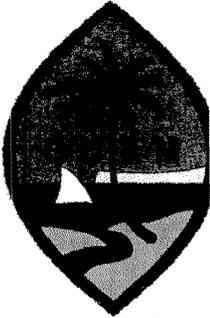
## SENATOR FRANK B. AGUON, JR. CHAIRMAN

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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Roy Quintanilla		808) 783-6000	✓	EQ *	✓	
✓ Walter Denton		925-344-1515	✓		✓	
* ✓ MARY LOU GARCIA-PELEDA		088-6809	✓	email	✓	
✓ Joe Santos	Silent No More	864-1973	✓		✓	
✓ JIMMY B. CASTRO		747-7025			✓	
✓ RIVERA C. SANDOZ		789-3791	✓			

**COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY**

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
2) ✓ Roy Quintinilla						
3) ✓ Walter Denton			call him in 2nd or 3rd panel.			
4) Roland Sonida						
5) ✓ John a Champ Quinata						
6) ✓ Tim Kohr	on first panel.					

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



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Bill No. 326-33 (COR), *As Substituted by the Committee*- An act to add a new § 11301.1, repeal subsection (c) of § 11306, repeal § 11306.1, all of article 3, chapter 11, title 7, Guam Code Annotated, relative to the civil statute of limitations in cases involving child sex abuse. (Sponsor: F.F. Blas, Jr.)

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
	<i>Agnt</i>	<i>565-2101</i>			<i>in Favor</i>	
<input checked="" type="checkbox"/> <i>MARI QUITA</i>	-	-			-	
<input checked="" type="checkbox"/> Andrew Camacho	Resident	646-4319	Oral		in Favor	
<input checked="" type="checkbox"/> John Quintana	Resident	685-9532	Oral		In Favor	
<input checked="" type="checkbox"/> VICTORIA BLAS-TOVAS		487-1411			✓	

COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature



**SENATOR FRANK B. AGUON, JR.**  
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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Emmanuel T. Cruz	Self	688-1843			✓	
② ✓ Vincond Perez	Self	657-8415	✓	✓	✓	
③ ✓ Zoltan Spohly	Citizen	735-2830	✓	✓		✓
✓ Ernestina Perez	Self	646-5711			✓	
✓ DAVID HERNANDEZ	Retired	483-2843			✓	
✓ Melares Camacho	CCOC	477-8762			✓	
✓ Fabian L. Ley	"	477-0278			✓	
✓ Marilu D. Martinez	CCOG	482-6768			✓	

**COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY**

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



**SENATOR FRANK B. AGUON, JR.**  
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Bill No. 326-33 (COR), *As Substituted by the Committee*- An act to add a new § 11301.1, repeal subsection (c) of § 11306, repeal § 11306.1, all of article 3, chapter 11, title 7, Guam Code Annotated, relative to the civil statute of limitations in cases involving child sex abuse. (Sponsor: F.F. Blas, Jr.)

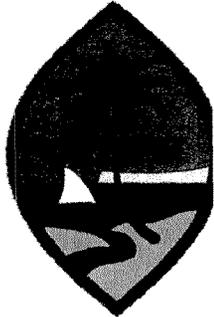
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
REDMOND, Mrs JOSEPHINE		565-2273			✓	
Bruce A. Williams		689-1257			✓	
Michele Casimiro					✓	
Annabelle Cruz					✓	
John CRUZ					✓	

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



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Bill No. 326-33 (COR), *As Substituted by the Committee*- An act to add a new § 11301.1, repeal subsection (c) of § 11306, repeal § 11306.1, all of article 3, chapter 11, title 7, Guam Code Annotated, relative to the civil statute of limitations in cases involving child sex abuse. (Sponsor: F.F. Blas, Jr.)

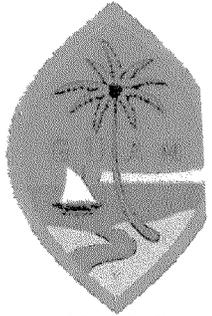
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
③ ✓ Jose Tayama	Retiree	747-4348	For Support			
✓ MARY DOU GARCIA - PEREDA		688-6809			✓	
✓ David LUSIGN		737-5913	NA	NA	✓	
④ ✓ JAMES Brooks	SELF	477-8064	"	"	X	
⑤ ✓ John Montanora	self	477-8064	For Support		✓	
✓ MAE R ADA	"	734-7777			✓	
✓ CYNTHIA T. TERLATE	"	477-7495			✓	

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



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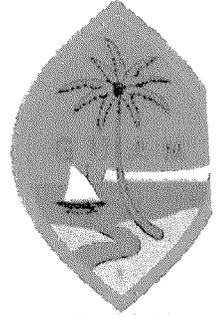
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Rita Ojima					✓	
✓ Anthony San Nicolas					✓	
✓ LEO TUDELA					✓	
✓ George Quituya					✓	
✓ Gerald A. Jaitano					✓	
✓ Patricia Sajo		727-5890			✓	
✓ FRED LG	CATHOLIC	482-8467			✓	

**COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY**

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



**SENATOR FRANK B. AGUON, JR.**  
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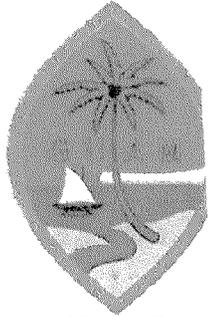
Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
✓ Roland Sondia		483-1120			✓	
✓ Frances Sondia		11			✓	
✓ Joe Sater	Silent No More				✓	

**COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY**

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*

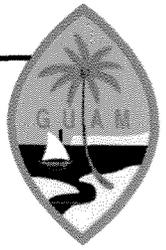


**SENATOR FRANK B. AGUON, JR.**  
**CHAIRMAN**



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Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
JON DELOSO	LATU	483-7247			✓	
LOU KLITZKE					✓	
JOHN CRUZ		482-9444			✓	



Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Dr. Nerissa B. Underwood, Ph.D.  
Member

Senator  
V. Anthony Ada  
Member

Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat Ed.D  
Ex-Officio

# WRITTEN TESTIMONIES ON

*AS INTRODUCED*

**BILL NO. 326-33 (COR)**

**“An act to amend § 11306, chapter 11, title 7,  
Guam Code Annotated and to repeal § 11306.1,  
chapter 11, title 7, Guam Code Annotated  
relative to the statute of limitations in cases  
involving child sex abuse.”**



# Judiciary of Guam

Guam Judicial Center • 120 West O'Brien Dr • Hagatna Gu 96910  
Tel: (671) 300-9282 • Fax: (671) 477-3184



ROBERT J. TORRES  
Chief Justice

ALBERTO C. LAMORENA, III  
Presiding Judge

JOSHUA E. TENORIO  
Administrator of the Courts

DANA A. GUTIERREZ, Esq.  
Director of Policy Planning  
and Community Relations

June 23, 2016

The Honorable Frank Aguon, Jr.  
Chairman  
Committee on Guam U.S. Military Relocation, Public Safety & Judiciary  
Suite 503 DNA Bldg.  
238 Archbishop Flores St.  
Hagatna, Guam 96910

**Re: Testimony on Bill No. 326-33 (COR)**

Dear Chairman Aguon:

On behalf of the Judiciary of Guam (the "Judiciary"), thank you for providing me with the opportunity to submit written testimony regarding Bill No. 326-33, the *An Act to Amend § 11306, Chapter 11, Title 7, Guam Code Annotated Relative to the Statute of Limitations in Cases Involving Child Sex Abuse*, which was sponsored by Senator Frank Blas, Jr.

My testimony today is limited to the proposed amendment to the title of 7 GCA § 11306, which currently reads, "§ 11306. Within Two Years," and which is to be amended to read, "§ 11306. Limitations Removed." In the Legislative Findings and Intent, the intent of Bill 326-33 is to toll the statute of limitations for civil claims arising from child sexual abuse. However, revising the title of § 11306 to remove the two-year statute of limitations affects other causes of action aside from claims involving child sexual abuse and appears to go beyond the intent of Bill 326-33.

If the title of § 11306 is amended, it will affect other causes of action listed under subsection (a), including assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to, or for the death of, a person caused by the wrongful act or neglect of another (except as provided for in § 11308). As some of these causes of action may arise independent of claims for child sexual abuse, the tolling of the statute of limitations period will be extended to people who are not victims of child sex crimes, such as adults who are victims of assault or battery.

In order to clearly state the intent of the Legislature, the Legislature may consider placing the proposed language in a new section in Title 7, Chapter 11, Article 3, to solely address the statute of limitations for civil claims arising from child sexual abuse.

Thank you again for the opportunity to provide testimony on Bill No. 326-33. If you have any questions regarding the above, please feel free to contact me at [dgutierrez@guamcourts.org](mailto:dgutierrez@guamcourts.org) or 300-9282.

*Senseramente,*

A handwritten signature in black ink, appearing to read "Dana A. Gutierrez". The signature is fluid and cursive, with the first name "Dana" being the most prominent.

DANA A. GUTIERREZ

Director of Policy, Planning &  
Community Relations



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

---

**INVITATION – Public Hearing on Monday, June 27, 2016**

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Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>  
To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Tue, Jun 21, 2016 at 10:35 AM

----- Forwarded message -----

From: **Elizabeth Barrett-Anderson** <ebanderson@guamag.org>  
Date: Mon, Jun 20, 2016 at 2:15 PM  
Subject: RE: INVITATION – Public Hearing on Monday, June 27, 2016  
To: "Office of Sen. Frank B. Aguon, Jr." <committee@frankaguonjr.com>

Would you let the Senator know that I would recommend a separate statute of limitation for sexual abuse/assault acts against children rather than eliminating the SL in the general provision as written in Section 11306. This Section applies to all types of personal injuries and death, so the current Bill opens up the SL for ALL types of personal injuries, not just sexual abuse/assault. Is this his intent? The intent as written only talks about opening the SL for civil suits pertaining to injury from sexual abuse/assault, but again Section 11306 applies to any type of personal injury.

Attorney General Barrett-Anderson

---

From: Office of Sen. Frank B. Aguon, Jr. [committee@frankaguonjr.com]  
Sent: Monday, June 20, 2016 11:53 AM  
To: Elizabeth Barrett-Anderson  
Cc: Senator Aguon Media; Frank Blas Aguon Jr.; Lou Eclavea; Office of Senator Frank Aguon, Jr. Admin; Senator Aguon Legislative Policy; Senator Aguon's Assistant  
Subject: INVITATION – Public Hearing on Monday, June 27, 2016

June 20, 2016

The Honorable Elizabeth Barrett Anderson  
Attorney General of Guam  
590 S. Marine Corps Drive  
ITC Bldg., Suite 706  
Tamuning, Guam 96913  
Sent via email to: ebanderson@guamag.org<mailto:ebanderson@guamag.org>

Subject: INVITATION – Public Hearing on Monday, June 27, 2016 at 10:00 AM

In accordance with the Open Government Law of Guam, relative to notice for public meetings, please be advised that the Committee on Guam U.S. Military Relocation, Public Safety & Judiciary, will convene a Public Hearing on Monday, June 27, 2016 at 10:00 AM, in the I Liheslatura Public Hearing Room. Included on the agenda are the following bill(s):

- Bill No. 326-33 (COR): - "An act to amend § 11306, chapter 11, title 7, Guam Code Annotated and to repeal § 11306.1, chapter 11, title 7, Guam Code Annotated relative to the statute of limitations in cases involving child sex abuse." (Sponsor: Senator F.F. Blas, Jr.)

The Hearing will broadcast on local television, GTA Channel 21 and Docomo Channel 117 or streamed online at:

[www.guamlegislature.com](http://www.guamlegislature.com)<<http://www.guamlegislature.com/>>.

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)<<mailto:aguon4guam@gmail.com>>. Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guahán 's website at: [www.guamlegislature.com](http://www.guamlegislature.com/)<<http://www.guamlegislature.com/>>. Individuals requiring special accommodations, auxiliary aids, or services should contact Niel Tirador at 475-4861/2 or email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com)<<mailto:committee@frankaguonjr.com>>. Please feel free to contact my office should you have any additional questions or concerns.

–

Respectfully,

Niel Tirador

Legislative Analyst

Committee on Guam US Military Relocation, Public Safety, and Judiciary

Office of Senator Frank B. Aguon, Jr.

Ste. 503 DNA Bldg, 238 Archbishop Flores St. Hagatna, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) 475-GUM3 (4863)

[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)<<mailto:aguon4guam@gmail.com>> | [www.frankaguonjr.com](http://www.frankaguonjr.com)<[http://](http://www.frankaguonjr.com)

[www.frankaguonjr.com/](http://www.frankaguonjr.com/)>

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*Respectfully,*

**Niel Tirador**

**Legislative Analyst**

**Committee on Guam US Military Relocation, Public Safety, and Judiciary**

**Office of Senator Frank B. Aguon, Jr.**

Ste. 503 DNA Bldg, 238 Archbishop Flores St. Hagatna, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) 475-GUM3 (4863)

[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) | [www.frankaguonjr.com](http://www.frankaguonjr.com)

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**Robert Klitzkie, Esq.**

22 Baki Ct., Yigo, GU 96929

(671) 653-6607

[klitzkie@hotmail.com](mailto:klitzkie@hotmail.com)

June 27, 2016

**Testimony of Robert Klitzkie before the Committee on the Guam  
Military Relocation, Public Safety and Judiciary on Bill 326-33**

Mr. Chairman and honorable members of the Committee:

Justice requires broadening the reach of this remedial legislation to provide relief to those who have suffered at the hands of child sexual abusers to include not only the **abusers** but also **their enablers, aiders or abettors, those acting in concert with them and their religious institutions or corporations sole**. The three C's are referenced here: condonation, cover-up and conspiracy. Recent history tells us that the three C's were all too prevalent in the worldwide Catholic Church. The institutional hierarchy of the Church condoned, covered up and conspired to prevent victims of child sexual abuse from attaining justice.

When allegations of these heinous acts first surfaced on our island my inclination was that whoever may have committed those acts should be made to pay but that the institution, *i.e.* the archdiocese or corporation sole, need not be held liable in order that justice be available to victims whose claims had been barred by the running of the statute of limitations. If the statute of limitations on child sexual abuse were eliminated prospectively and reopened retroactively the hierarchy and processes of the Church would be sufficient to "clean up" the Church so that child sexual abuse would become no more than a bad memory, I thought. I was wrong. Very wrong.

Scandal now saturates the Church. Scandal so egregious that the Pope has sent an Apostolic Administrator, Archbishop Hon, to take over the archdiocese in the stead of Anthony Apuron who still retains the naked title of archbishop. Hon came here with tremendous potential to do good. Hon came on personal appointment of the Pope to clean up the mess that befalls our Church. Not only is Hon on personal assignment from the Pope but he holds the number two position of that part of Vatican governance that has primary jurisdiction of the way bishops handle child sexual abuse amongst the clergy.

Hon wasted his opportunity. Hon was greeted by a Catholics who had high hopes for his success in cleaning up the mess and had the authority to start the clean up. Hon almost immediately dashed those hopes. Notwithstanding the command that with respect to child sexual abuse survivors "...priority must not be given to any other kind of concern." Hon has figuratively, and in one case literally, **actually turned his back** on the survivors. Carrying the analogy a little further, Hon's minions have literally **locked the door** on

survivors who would file claims dealing with their abuse at the hands of Apuron. Hon hasn't even taken the time to learn all their names.

While he holds nearly plenary power with respect to child sex abuse and to the survivors thereof, Hon has done nothing but occasionally imply that survivors' complaints may be resolved against them in favor of Apuron.

Hon has not only retained key members of Apuron's corrupt regime but enshrined them on committees that have little to do with the reason Hon was sent here. Hon maintains a social calendar and tolerates publications that serve to prop up the naked title of Apuron as though his return is imminent. Hon allowed Apuron's vindictive, draconian gag order against Faithful Catholics to actually take effect before he reluctantly rescinded it at the same time rescinding another gag order on a Catholic who had blown the whistle on Apuron's purposely keeping the diocesan child sexual abuse policy weak in order to protect himself.

Hon has demonstrated that if an end be put to child sexual misconduct it won't be done by Church hierarchy, at least not while Hon is involved. It must be accomplished by laymen.<sup>1</sup> Given the proper tools, *i.e.* and abatement of the statute of limitations and a clear statement that the child sexual abusers, their enablers, aiders or abettors, those acting in concert with them and their institutions or corporations sole if not the entire hierarchy of the Catholic Church can be held liable for child sexual abuse, we may be forever subjected to the Apurons and Hons of the Church.

Were it not for the abysmal performance of the hierarchy of Rome as evidenced by Archbishop Hon, I would be urging you to adopt the something like the following:

Section \*\*: 20 GCA § 2105 (c) is added to read:

(c) Civil immunity for corporations sole. Every corporation sole organized pursuant to 18 GCA § 10102, shall be immune from civil liability for any act of child sexual abuse committed by any officer, employee, agent, religious functionary or volunteer of said corporation sole giving rise to personal liability to said officer, employee, agent, religious functionary or volunteer.

Hon has shown me the wrongheadedness of that approach. Only a vigorous laity able to invoke the judicial power can be depended upon to root out and keep out child sexual abuse.

A broadened Bill 326-33 is a good start toward providing justice to those who have been sexually abused by clergy, preventing such abuse in the future and eliminating the possibility that abusers be protected by the three C's. We can thank Sen. Frank Blas for introducing this bill and Sen. Frank Aguon for promptly setting it down for hearing. In

---

<sup>1</sup> As used herein both sexes are intended. The less common but more accurate "laity" will be used hereinafter.

the name of justice and protection of children we can all urge our senators to broaden and pass this bill forthwith.

Recognizing that this hearing is a secular proceeding I offer, *infra*, suggested language set out in secular terms, submitting that child sexual abuse is an abomination wherever and whenever it may occur:

Here's language that would broadly abate the running of the statute of limitations on child sexual abuse retrospectively and prospectively:

Section 7 GCA § 11301.1 is added to read:

§ 11301.1 No Limitation for Child Sexual Abuse.

(a) An action for child sexual abuse may be commenced against abusers, their enablers, their aiders or abettors, those acting in concert with them and their religious institutions or corporations sole at any time.

(b) Victims of child sexual abuse that occurred on Guam who have been barred from filing suit an action against their abusers, their enablers their aiders or abettors, those acting in concert with them those acting in concert with them and their religious institutions or corporations sole by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in any court of competent jurisdiction.

It is very important to take note of the failure of the PL 31-07 to be effective in allowing survivors of child sexual abuse to seek justice.

Provisions of PL 31-07 served to discourage counsel from undertaking the representation of child sexual abuse survivors. A sample of the defects in PL 31-07 follows:

- 7GCA § 1106.1(g)"... If the Court finds there has been a failure to comply with this Section, the Court shall order a party, a party's attorney, or both, to pay any reasonable expenses, including attorney's fees, incurred by the defendant for whom a certificate of merit should have been filed."

"Reasonable expenses" is an undefined term that adds an unnecessary degree of uncertainty to the process, tending only to discourage the filling of meritorious claims.

- 7GCA § 1106.1(d) "A violation of this Section shall constitute unprofessional conduct, and shall be grounds for discipline against the attorney."

Guam Rules of Civil Procedure (GRCP) Rule 11 already provides for high ethical standards for attorneys in all litigation. The Guam Rules of Professional Conduct already provide high ethical standards for all aspects of the practice of law. Our Supreme Court is the enforcer of

ethical standards for attorneys assisted by the Bar Of Guam Ethics Committee pursuant to Rules of Procedure-- Disciplinary Proceedings. 7GCA § 1106.1(d) is either dangerous or superfluous. It's clearly unnecessary.

- 7GCA § 1106.1(d) "... the motion of a party or upon the Court's own motion, verify compliance with this Section by requiring the attorney for the plaintiff who was required to execute the certificate to reveal the name, address, and telephone number of the person or persons consulted that were relied upon by the attorney in preparation of the certificate of merit."

The implication here is that the "licensed mental health practitioners" might be dragged into litigation or even incur liability because of their participation.

- 7 GCA § 11306 (c) A person against whom a suit is filed may recover attorney's fees and damages where the Court determines that a false accusation was made with no basis in fact and with malicious intent.

This provision makes it impossible to try any case for child sexual abuse. It creates a cause of action for attorneys fees in the same case in which the cause of action for child sexual abuse is heard. Thus a defendant in the Plaintiff's case-in-chief could on cross examination or in his own case-in-chief adduce evidence and be entitled to jury instructions that a the plaintiff's claim was brought on "a false accusation with no basis in fact and with malicious intent." Only chaos could result from such a trial regime as in effect two different separate trials would be occurring at the same time. A defendant's appropriate remedy for an improperly filed claim would be a separate action sounding in malicious prosecution, a condition precedent for which would be a favorable termination of the improperly brought child sexual abuse claim.

Including a provision to award damages and reasonable expenses to a defendant for a false claim of child sexual abuse will have such a chilling effect on potential plaintiffs and counsel that it would guarantee that such claims never see the light of day.

**NB 7 GCA § 11306 (c) is still the law!** § 11306 (c) was obviously put in place to make it more difficult to file claims for child sexual abuse that had been time barred. But the language of subsection (c) applies to all 7 GCA § 11306. Thus the attorneys fees and damages provision applies to claims for assault, battery, false imprisonment, *etc.* as well as child sexual abuse. § 11306 (c) applies to claims for child sexual abuse that occur in the present thus. In other words even if yesterday Apuron committed the alleged rape of a child as reported on TV and in the papers, § 11306 (c) would still apply.

The chilling effect of the provisions *e.g.* those set out *supra* was apparently sufficient to dissuade counsel from bring actions for child sexual abuse no matter how meritorious the claim.

In order to assist the Committee I have set out below suggested language that might be incorporated in a substitute bill that could further the noble intent of the sponsor of Bill 326:

If this body is of a mind to provide attorneys fees to a prevailing defendant in a child sexual misconduct case I proffer, but don't endorse, the following:

Section\*\*: 7 GCA § 26603.2 is added to read:

§ 26603.2. A person against whom an action is filed pursuant to 7 GCA § 11301.1 may recover attorney's fees where the Court determines that a false accusation was made with no basis in fact and with malicious intent. A verdict in favor of the defendant shall be the sole basis for a determination that an accusation was false and was made with no basis in fact and with malicious intent, but only if the Court, on notice and hearing and for good cause shown, makes an independent finding on clear and convincing evidence that an accusation was false, was made with no basis in fact and with malicious intent in order to award reasonable attorney's fees.

A section providing a separate statute of limitations for the tort of malicious prosecution follows:

Section\*\*: 7 GCA § 11307 (3) is amended to read:

(3) An action for libel, ~~or~~ slander, malicious prosecution based on a false claim brought pursuant to 7 GCA § 11306 (b) or by a depositor against a bank for the payment of a forged or raised check, or a check that bears a forged or unauthorized endorsement.

As an aid toward establishing the *bona fides* of a claim for child sexual abuse the following is proffered but not endorsed:

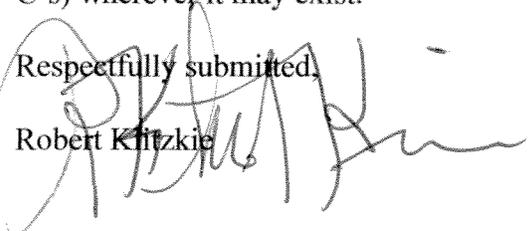
Section\*\*: 7 GCA § 15604 is added to read:

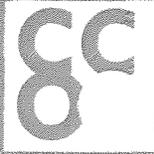
§ 15604. A complaint for child sexual abuse must be verified.

I submit this testimony with the humble prayer that this august body take the steps necessary to provide the tools to the laity to root out child sexual abuse (and the three C's) wherever it may exist.

Respectfully submitted,

Robert Kitzkie





June 27, 2016

The Honorable Frank Blas Aguon, Jr., Chairman  
Committee on the U.S. Military Relocation, Public Safety and Judiciary  
33RD GUAM LEGISLATURE  
155 Hesler Place  
Hagatna, Guam 96910

**Subject: Bill No. 326-33 (COR) - AN ACT TO AMEND §11306, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED AND TO REPEAL §11306.1, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE**

Dear Mr. Chairman and Members of the Committee:

My name is Greg Perez, and I am the president of the Concerned Catholics of Guam, Inc. I am here officially representing our organization in that capacity. Our board of directors and officers recently met and voted unanimously to submit testimony in full support of Bill 326-33 (COR).

The Bill is an excellent bill, and on behalf of our organization I would like to publicly thank the sponsor, Senator Frank Blas, Jr., for introducing this Bill in response to a festering problem in light of recent news accounts of child sex abuse that has occurred decades ago within the Archdiocese of Agana. Thank you sincerely, Senator Blas.

The bottom line is: This Bill gives the victims of child sexual abuse by adults an opportunity to seek justice for the heinous, criminal acts that have scarred them forever.

Section 1 of the Bill - Legislative Findings and Intent, states clearly that children who are abused, " . . . need many years to overcome the pain of their abuse and time to obtain the courage needed to speak out about the abuse that they have suffered." This is so true.

However, currently, there is a "disconnect" between the current 2-year statute of limitations to report such a crime and avail oneself of legal remedies through the criminal justice system; and the period of time the victims, who are below the age of consent, need in order to come forward to tell about the painful experiences they have suppressed for years and even decades, to finally seek justice.

This Bill removes that obstacle, and shows compassion and support for the victims, giving them time to heal and to prepare themselves to confront their perpetrator in a court of law should they seek restitution for the crimes committed against them when they were just children. As adults, they are mature enough to talk about the abuse they experienced, and can think more clearly in pursuing justice. They can also deal with the doubters who chose to mock or ridicule them.

As we have read in the news recently--and with one account more than a year ago--the Archbishop of the Archdiocese of Agana has been accused of alleged child sexual abuse of young altar boys in the parish of Mt. Carmel, Agat in the 1970's, when he was pastor there. Though these brave, courageous and inspiring men and the resilient mother of one of the abused victims who has since passed away, have come forth publicly, on the surface, that is all they can do at this point in time because of the statute of limitations for child sexual abuse crimes. Where is the justice in this Mr. Chairman? This Bill if and when it becomes law, will motivate other child sex abuse victims to come forth.

In the gospel of Matthew, Jesus Christ told his apostles that to be great in heaven, one must humble himself like the little children around them. But on the dark side of his advice was this strong admonition in Chapter 18, Verse 6, where he said: " . . . *if anyone causes one of these little ones who believe in me to sin, it would be better for him to have a large millstone hung around his neck and to be drowned in the depth of the sea.*" These are very powerful words, but they do state the gravity of our responsibility toward our children, who have no one to trust other than those around them who are supposed to nurture them into adulthood.

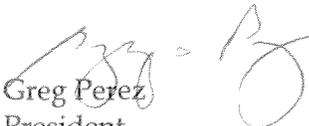
As a community, Mr. Chairman, we cannot allow such perverted acts by these child sex abusers to go unpunished, simply because the abused children have been traumatized into years and decades of silence. And when they finally come forth with their stories, it is too late for them to do anything with only a two-year window to file a civil lawsuit against their abusers, which has long passed. The abuser is free to prey again as the scales of justice, because of this two-year statute of limitations, seem to tip in favor of these criminals!

The passage of this Bill and its enactment into law will return the scales of justice to its proper balance. ~

Mr. Chairman and members of the Committee, please act swiftly on this measure, so that these victims will have their day in court, and that we as a Community are genuinely in support of victims' rights.

Thank you for this opportunity to address the Committee on this important piece of legislation.

Sincerely,  
CONCERNED CATHOLICS OF GUAM, INC.

  
Greg Perez  
President

Gerald A. Taitano  
P.O. Box 274  
Hagatna, Guam 96932  
(671) 734-1255

June 27, 2016

Supporting Testimony on Bill No. 326-33

Hon. Senator Frank F. Blas, Jr.  
Chairman, Committee on Guam U.S. Military Relocation,  
Public Safety & Judiciary  
33rd Guam Legislature

Dear Mr. Chairman,

My name is Gerald A. Taitano, a resident of Chalan Pago, Guam. I am in complete support of Bill No. 326-33 relative to removing the statute of limitation in cases involving child sex abuse.

I ask each and every member of this Legislature to support Bill No. 326-33 to eliminate the statute of limitation on child sexual abuse to protect children, help victims heal and hold perpetrators accountable.

My research into the effects of child sexual abuse shows that:

1. For victims, the effects of child sexual abuse is devastating. Victims feel significant distress and display a wide range of psychological symptoms, both short- and long-term. They feel powerless, ashamed, and distrustful of others. The abuse disrupt victims' development and increase the likelihood that they will experience other sexual assaults in the future;

2. In the short-term (up to two years), victims exhibit regressive behaviors (e.g., thumb-sucking and bed-wetting in younger children), sleep disturbances, eating problems, behavior and/or performance problems at school, and unwillingness to participate in school or social activities;

3. Longer-term effects are wide-ranging, to include anxiety-related, self-destructive behaviors such as alcoholism or drug abuse, anxiety attacks, and insomnia;

4. Victims show fear and anxiety in response to people who share characteristics of the abuser, i.e., the same sex as the abuser or similar physical characteristics. Victims experience difficulties in adult relationships and adult sexual functioning;

5. Survivors feel anger at the abuser, at adults who failed to protect them, and at themselves for not having been able to stop the abuse;

6. Victims experience traumatic sexualization, or the shaping of their sexuality in “developmentally inappropriate” and “interpersonally dysfunctional” ways;

7. Victims feel betrayed and unable to trust adults because someone they depended on has caused them great harm or failed to protect them;

8. Victims feel powerless because the abuse has repeatedly violated their body space and acted against their will through coercion and manipulation;

9. Abusers cause victims to feel stigmatized (i.e., ashamed, bad, deviant) and responsible for the molestation;

10. Victims of child sexual abuse have higher rates of revictimization (later sexual assaults) than non-victims;

11. A study conducted as early as 1986 found that 63% of women who had suffered sexual abuse by a family member also reported a rape or attempted rape after the age of 14. Follow-up studies in 2000, 2002, and 2005 have all concluded similar results;

12. Children who had an experience of rape or attempted rape in their adolescent years were 13.7 times more likely to experience rape or attempted rape in their first year of college;

13. Those with a prior history of sexual victimization are extremely likely to be re-victimized. Some research estimates an increased risk of over 1000%; and,

14. A child who is the victim of prolonged sexual abuse usually develops low self-esteem, a feeling of worthlessness and an abnormal or distorted view of sex. The child becomes withdrawn and mistrustful of adults, and can become suicidal.

We need to hold child sexual abusers accountable regardless of when the victims are able to report. When a prosecutor cannot indict a child sexual offender for those types of heinous acts because the statute of limitations has run, it raises serious moral, legal and ethical questions.

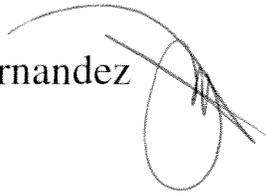
I urge each and every member of this Legislature to eliminate the statute of limitations for all sexual abuse cases involving children. Giving sexual abuse victims the ability to seek justice against their abusers will allow for more victims to be heard. I firmly believe that removing the statute of limitation on child sexual abuse cases would make children safer.

Thank you for your time and attention.

  
Gerald A. Taitano

TUESDAY/June 27, 2016

Patti Babauta Portodo-Hernandez



I'm here with my family, in support of Bill No. 326-33 to reopen the **“Civil Statue of Limitation”**.

I hope you Senators that are here listening to these testimonies are in support of this Bill no. 326-33....

It's not easy for these victims to come forward telling the whole world the stories that happen behind closed door.

It hurts, it scar them for life. Especially if its your family member who was molested.

It does not matter if you're a Governor, President, Senator, Priest or Arch Bishop of that matter its Sinful, its wrong, and it needs to STOP.

And you Senators are the ones that can make that happen.

**PLEASE PASS Bill No. 326-33.**

SI YU'OS MA'ÅSE'

Good Morning Sen. Blas, Sen. . . . .,

My name is Andrew Camacho and I am here in behalf of Mr. Joseph A. Santos, the founder of Silent No More! who is off island.

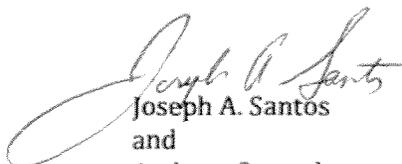
Silent No More! is a community wide effort to pass legislation to lift the statute of limitations on child sexual abuse. Although there was similar legislation passed and signed into law several years ago, it has since lapsed and there is currently no recourse for victims of child sexual abuse who seek to confront their abuser, obtain some measure of justice, and continue the healing process to bring closure to a tragic part of their lives.

Children who are sexually abused are often so traumatized that they can't speak about it to anyone. In some cases they are only able to summon the courage to speak up after many decades. In other cases the incident remains a secret for the rest of their lives. When this happens the abuser is free to hurt other children and more lives are affected. When the statute of limitations comes into play the abuser gets off the hook. It is almost the perfect crime.

Songs and slogans abound with this sentiment: "The children are the future." Although it is almost a cliché there is a lot of truth to this statement. It is precisely because of this that we need to protect the future by creating laws and strengthening existing laws that protect children. When those children become adults they need to have the law on their side. Abusers need to know they can't get away with their crimes.

Thank you for your time and your efforts to help the children of Guam.

Sincerely,

  
Joseph A. Santos  
and

Andrew Camacho



# Silent No More!

We, the undersigned, petition the Guam Legislature to pass a bill which will lift the Statutes of Limitation for past child sexual abuse. Victims of child abuse shall be permitted to file claim in the Guam Superior Court should sufficient evidence be presented to prove civil liability against any individual who has committed said crime.

	Full Name (Print)	Village/Municipality	Date
1	Carolyn S. Zieber	Mangilao	
2	Carolyn S. Zieber	Mangilao	5/25/16
3	David Zieber	Mangilao	6-25-16
4	David Zieber	Mangilao	
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Good morning, Honorable -Chairman Senator Frank Aguon and Members of the Committee:

My name is Lou Klitzkie, Professor Emeritus of Special Education, University of Guam and a contributing member of charitable, religious and professional organizations. As a teacher, mother, grandmother and great grandmother , I speak before you today with a very heavy heart in support of Bill 326. When I hear of Roy Quintanilla, Mrs. Concepcion, Walter Denton and Roland Sondia's testimonies of those horrific nights they were molested when they were altar boys at the Mount Carmel Catholic Church in Agat in the 1970s, my heart cries out with them! Just imagine to stand In front of several reporters and cameras glaring at you as you relived the nightmares of pain, torture, suffering, fear, embarrassment, and humiliation. Each one of these victims experienced an unfathomable ordeal that would haunt them throughout their lives. Roy cried all night long after the sexual molestation and felt trapped inside the rectory. Up to now, he continues to cry for his pain, suffering and betrayal.

For Mrs. Concepcion to hear her son's last words on his death bed before being wheeled into surgery, " Mom, Fr. Apuron molested me when I was an altar boy in Agat." No sooner than Mrs. Concepcion could blurt out the words, "Did he rape you?" The elevator door closed. How traumatic is that for a mother to hear from her son's years of suppressed physical, emotional and mental pain and suffering! You can imagine the feelings Mrs. Concepcion endures! She continues to grieve.

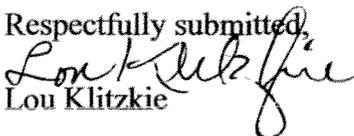
For Walter Denton, 12, who was raped that evening of April 1977 was devastating. His dream of becoming a priest was shattered that evening by a man Walter trusted, looked up to and emulated him in following the teachings of the Church and life of Christ. How sad!

For Roland Sondia, 15, who was also sexually molested by then Fr. Tony Apuron, also suffered mental anguish, pain, shock and humiliation. As a mother and grandmother, I shudder to think of my own encountering these evil acts!

I applaud these men and Doris for coming forward, for their bravery and courage to tell the truth. One does not forget the pain and hurt! I commend Senator Blas for introducing the bill and Senator Aguon for calling this hearing so that justice can be finally provided to the survivors.

I plead with you Senators to please, please pass this bill!

Respectfully submitted,

  
Lou Klitzkie



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Testimony in Favor of Bill 326-33 (COR)**

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Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Jun 27, 2016 at 4:09 PM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Mary Lou Garcia-Pereda** <[mlgarciapereda@gmail.com](mailto:mlgarciapereda@gmail.com)>

Date: Sun, Jun 26, 2016 at 10:45 PM

Subject: Testimony in Favor of Bill 326-33 (COR)

To: "Honorable Frank B. Aguon" <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

26 June 2016

Dear Senator Aguon:

My name is Mary Lou Garcia-Pereda. I'm currently a resident of Tamuning and I'm in favor of Bill 326-33 (COR), sponsored by Senator Frank F. Blas, Jr.

It has been difficult for me to witness the recent revelations made by victims of child sexual abuse from the 1970s. I cannot even begin to imagine how they have suffered over the past 4 decades. As a mother, I am grateful that my own children were spared. As a grandmother, I pray that my grandchildren will never be subjected to sexual abuse. These days, we see and hear public service announcements made by children stating awareness of the ownership of their bodies, asserting that their bodies are off limits to others.

Forty years ago, children and pre-adolescents did not have the levels of assertiveness that is evident today. When they suffered sexual abuse at the hand of people they trusted — relatives, family friends or even priests — the victims did not readily reveal what happened to them. As a matter of fact, it has taken decades for these victims to speak out, at great emotional cost to them and their families.

Unfortunately perpetrators of sexual abuse against minors from 4 decades ago are able to escape criminal prosecution

because the Statute of Limitations prevents the victims from filing charges against them. Although the recent victims have stated that they had no interest in monetary compensation, I believe that an avenue should be provided for them to pursue civil litigation should they decide to do so in the future.

By speaking about their experiences, the healing process has just begun for the victims. If they should decide to undergo therapy or counseling to assist them in the healing process, it can take a lot of time and it can get expensive. It seems appropriate to me that perpetrators who caused such trauma and suffering should be compelled to help right the wrong they have caused, regardless of how many years have passed since the event.

As written, Bill 326-33 will remove the Statute of Limitations to allow victims of child sexual abuse that occurred on Guam to file civil claims in the Guam Superior Court. This is a bill that is long overdue. This is a bill that should be co-sponsored so that it can be a bi-partisan bill to help victims of child sexual abuse. This is a bill that should be unanimously passed.

I ask, on behalf of Walter Denton, Roland Sondia, Roy Quintanilla, the late Sonny Quinata and other victims of child sexual abuse from decades past — please pass Bill 326-33 and open the door for these victims to pursue a civil lawsuit.

Thank you.

Respectfully,

Mary Lou Garcia-Pereda

PO Box 20722

Barrigada, GU 96922

(671)688-6809

mlgarciapereda@gmail.com

Sent from my iPad Mini



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Testimony in Favor of Bill 326-33**

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Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Jun 27, 2016 at 4:10 PM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **John Pereda** <[jvpereda@yahoo.com](mailto:jvpereda@yahoo.com)>

Date: Mon, Jun 27, 2016 at 12:40 AM

Subject: Testimony in Favor of Bill 326-33

To: "aguon4guam@gmail.com" <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

Hello Senator Aguon.

My name is John Pereda and I am submitting written testimony in favor of Bill 326-33. My contact information, if needed, is as follows:

**Phone:** (671) 688-4409**Email:** [jvpereda@yahoo.com](mailto:jvpereda@yahoo.com)**Address:** P.O. Box 20722, GMF, Barrigada, GU, 96921

Thank you.

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"Nothing is true. Everything is permitted."

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 **Pereda,John\_Bill326-33WrittenTestimony\_6-27-16.docx**  
15K

My name is John Pereda. I am providing testimony in favor of Bill 326-33, the Act to amend Chapter 11, Title 7 of the Guam Code Annotated relative to the statute of limitations in child sex abuse cases.

I provide this testimony not as a legal expert, but simply as someone who believes that justice has no expiration date.

To be fair, regarding the crime of sexual abuse, I understand to an extent the need for a statute of limitations, especially in relation to adult sexual abuse, in order to prevent the very real danger of false accusation, in which a false accuser would date their fabricated attack to a time far enough in the past to compensate for a lack of evidence. But I believe special care must be given to cases of *child* sex abuse, since for a child, to come forward about such a traumatic event is substantially more difficult than for an adult, and for them it may take them years, even decades, if even *at all*.

Oftentimes, children subjected to sexual abuse will have to live the rest of their lives with the scars of physical and emotional violation. Those scars don't just magically go away after two years. So why should the accountability of the cretin who gave them those scars be allowed to magically go away after just two years? For many of these innocent youths who grow up, the spectre of the event will never stop haunting them. So why should we allow the spectre of justice to stop haunting their abuser after just two years?

And for predators, particularly those in positions of power within our respected institutions such as schools, and especially the church—the ones who have no remorse for their actions and are able to “put it behind them”: a luxury their victims will never have—to allow such abusers of power and innocence to be completely let off the hook simply because their victims weren't “on time” is in my view, incompatible with a culture of justice, and it sends the *very* unfortunate implication that “the greater your victim's trauma, the better chance you have of getting away scot-free.” This is not the kind of message that I want our laws to be sending, and I don't think this is the kind of message you want to send either. Let this Bill be your chance to make that resoundingly clear.

I understand that this Bill isn't an automatic “fix-all” for this issue. And while nothing will ever truly erase the hurt that's been caused to these victims, at least this measure will provide some degree of recompense. Trauma has no expiration date. And neither should justice.



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

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## Fwd: Supporting Bill No. 326-33 (COR)

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Frank Aguon, Jr. <aguon4guam@gmail.com>

Mon, Jun 27, 2016 at 4:10 PM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

### **SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Marilu DM** <[mariludm42@hotmail.com](mailto:mariludm42@hotmail.com)>

Date: Mon, Jun 27, 2016 at 2:13 AM

Subject: Supporting Bill No. 326-33 (COR)

To: "aguon4guam@gmail.com" <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

Senator Frank Aguon,

Thank you for scheduling today's hearing. I fully support Bill 326-33.

We cannot not pursue pushing for the passing of this Bill Senator, because until one has walked in the shoes of a victim of sexual abuse, we could not imagine, let alone understand the depth of the trauma that an individual went through; and since everyone will have experienced the tragedy differently, the time-frame each one would need to heal will also be so different.

I hope you stay with this Bill and are committed to seeing it pass, eventually.

Thank you, and God bless!

Marilu Diaz Martinez

Mongmong resident



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

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## Fwd: Written testimony on Bill # 326-33

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Frank Aguon, Jr. <aguon4guam@gmail.com>

Mon, Jun 27, 2016 at 4:13 PM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

### **SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Annie Unpingco** <[Annie.Unpingco@gbhwc.guam.gov](mailto:Annie.Unpingco@gbhwc.guam.gov)>

Date: Mon, Jun 27, 2016 at 7:59 AM

Subject: Written testimony on Bill # 326-33

To: "Honorable Frank Blas Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>, "[committee@frankaguonjr.com](mailto:committee@frankaguonjr.com)" <[committee@frankaguonjr.com](mailto:committee@frankaguonjr.com)>

Cc: Annie Unpingco <[afbunpingco@gmail.com](mailto:afbunpingco@gmail.com)>

Dear Honorable Senator Frank B. Aguon, Jr.

Greetings, I hope you are doing well.

I wish I could attend the public hearing, but appointments at work makes this quite difficult, therefore, I am sending you my written testimony which I hope will be helpful in the passage of the bill.

Thank you.

Very Respectfully Yours,

Annie

June 26, 2016

To: Senator Frank F.F. Blas, Jr. and Senator Frank B. Aguon, Jr.

Re. Bill # 326-33 (COR)

This is written in favor of Bill 326-33 to lift the statute of limitation on past sex crimes.

Dear Honorable Senators:

It is not uncommon, in fact it is usually the situation that a child victim of sexual abuse would not tell about the violation that he/she had been crudely subjected to. Sexual abuse is never solicited by the victim. Sexual abuse of children is a travesty to how children are to be treated. Sexual abuse robs them of their innocence, their ability to trust, their self-esteem and self-value. The trauma leaves them feeling broken like damaged goods that prevails throughout their life. This is a very traumatic social ill especially for the young person who is vulnerable to being threatened, disbelieved, blamed, and shamed. When the abuse is perpetrated by someone held in high regard by the child, it becomes extremely confusing, hurtful and overwhelming emotionally and psychologically. The ability to trust even for the child to trust him/herself is jeopardized. The child may wonder if the abuse is his/her fault, did he/she cause it to happen. The child does not feel safe, and this is one reason why the young person keeps it hidden, like a secret, similar to what the perpetrator demands the child to do as "no one would believe you" and furthermore threatens the child that something worse would happen to the victim and family.

In the line of work that I do, working with young people as well as adults that have had history of being sexually violated, I encounter many that continue to carry the scar of the abuse throughout their life unconsciously making poor decisions as a result of the heinous abuse that was done to them.

Their healing usually starts when they start to feel safe to tell their story to supportive people in a very supportive environment with validations and care, without being judged, but assured of their safety and on-going emotional supports.

Our island young people suffer a great deal from the many sexual abuse that are being perpetrated on them from individuals that have control over their vulnerability and innocence. The local news paper and media is never short of this reporting, and the unfortunate and sad part is many go unreported and these individuals continue to suffer profoundly in silence.

The passage of Bill #326-33 will lift the statute of limitation on past sexual crimes and would allow the victim to start releasing their pain and suffering on to the responsible perpetrator that started it all.

We have to do the right thing to stop sexual abuse from continuing and protect our children.

The passage of this bill will set our island in the right path. NO MORE to SEXUAL ABUSE!!!

Thank you for your time and attention to this letter of support to Bill#326-33.

Very Respectfully Yours,

Annie F.B. Unpingco, LCSW, LPC  
Child Adolescent Services Division, I Famagu'on-ta  
Guam Behavioral Health and Wellness Center



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

---

**Fwd: JRSA Testimony - Bill 326-33**

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Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Jun 27, 2016 at 4:14 PM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Joe San Agustin** <[joesanagustin@gmail.com](mailto:joesanagustin@gmail.com)>

Date: Fri, Jun 24, 2016 at 9:07 PM

Subject: JRSA Testimony - Bill 326-33

To: "Frank B. Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

Dear Frank - Attached is my testimony on Bill 326-33 (COR), at the public hearing on Monday, June 27, 2016, at the Public Hearing Room.

I regret that my disability prevents me from physically presenting my testimony. I have designated a friend of mine (Mr. Ben Torres) to read my testimony for me. I hope that my testimony will be incorporated into the records.

Thanks, Frank. - Uncle Joe.

*Joe R. San Agustin*

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Location address:

18-B Calle Duenas Street, Toto, GU 96913

Mailing address:

PO Box 1855, Hagatna, GU 96932

Telephone: 1-671-969-3782



**Testimony of Joe R.docx**

124K

## Testimony of Joe R. San Agustin

On Bill 326-33 (COR)

Good morning, Mr. Chairman and members of the Committee on Guam-US Military Relocation, Public Safety and Judiciary. My personal greetings to each of you individually. I extend to you all one big *Hafa 'Dai* and *Buenas*.

My name is Joe R. San Agustin, a resident of Toto, Guam.

I apologize that I am having my testimony on Bill 326-33 read to you by a designated third party, due to a physical hardship on my part to personally appear before you. I can be personally contacted, however – through the information provided below – should that be necessary.

My testimony will be very brief. As one being in favor of this bill, I am hopeful that the Rules Committee will expeditiously act, following this hearing, and bring Bill 326 to the Floor for consideration by the whole body of our elected officials for further consideration and/or debate – either as a rider or through its own merits - and I pray for its favorable passage.

My favorable testimony for Bill 326 lies in the fact that I believe it is the right thing to do. Notwithstanding the existence of Statutes of Limitation for other crimes – sexual or otherwise - I believe that crimes **against minors** should have no limitation of time to expose assaults made against them, and to seek closure to their traumatic experience – if only for the simple argument that they were not only “below the age of legal consent” (line 24) at the time, but that the trauma and experience they underwent were something that they perhaps were not able to fully comprehend and cope with at that time – and may take years or decades before it finally dawned on them that they should be silent no more. Thus, when they do overcome their emotional and other issues, they should be given the opportunity of redress and not be forever penalized from ever bringing closure to their issues because a law (Statute of Limitation) that further penalizes them. I believe the law should give those minors (then), the opportunity to bring healing to themselves as adults.

I applaud Senator Frank F. Blas, Jr. for the righteous action he took in introducing this bill. It is my hope that other senators will follow suit and attach their names to the bill as co-sponsors before it hits the Floor for further consideration and action.

Thank you for the privilege of presenting my thoughts on this bill, and for the opportunity to give you my testimony *in absentia*. (June 27, 2016)

Respectfully,  
Joe R. San Agustin  
PO Box 1855  
Hagatna, GU 96932  
671-969-3782  
[joesanagustin@gmail.com](mailto:joesanagustin@gmail.com)



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

---

**Fwd: Testimony in Support of Bill 326-33**

---

Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Jun 27, 2016 at 4:14 PM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

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email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Maria Teresa Aguon** <MariaTeresa.Aguon@gbhwc.guam.gov>

Date: Mon, Jun 27, 2016 at 8:51 AM

Subject: Testimony in Support of Bill 326-33

To: "Honorable Frank Blas Aguon, Jr." &lt;aguon4guam@gmail.com&gt;

Buenas Senator Aguon,

Attached is my testimony in support of Bill 326-33 to repeal the statute of limitations in cases involving child sex abuse. I hope to be able to also present this as oral testimony in the Public Hearing this morning. Thank you for all you do for our community.

*Si Yu'os Ma'ase,*

**Maresa**

Maria Teresa "Maresa" Aguon, MS, LPC

---

Licensed Professional Counselor # LPC-143

Program Manager- Healing Hearts Crisis Center

Office | 1.671.647.5351 FAX | 1.671.647.5414

Email | mariateresa.aguon@gbhwc.guam.gov

790 Gov. Carlos G. Camacho Rd., Tamuning, Guam 96913



**GUAM BEHAVIORAL  
HEALTH AND WELLNESS  
CENTER**

(formerly Department of Mental Health & Substance Abuse)

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 **MA Testimony in Support of Bill 326-33.pdf**  
186K

June 23, 2016



**GUAM BEHAVIORAL  
HEALTH & WELLNESS  
CENTER**

Honorable Frank B. Aguon, Jr.  
Chairperson, Committee on Guam U.S Military  
Relocation, Public Safety & Judiciary  
Thirty-third Guam Legislature  
503 DNA Bldg. 238 Archbishop Flores St.  
Hagatna, Guam

790 Gov. Carlos G. Camacho Rd.  
Tamuning, Guam 96913  
Phone: 671.647-5330  
Fax: 671.647.5402

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

REY M. VEGA  
Director

BENNY A. PINAULA  
Deputy Director

**Subject: Support for Bill No. 326-33 (COR): To repeal  
the civil statute of limitations in cases involving child sex abuse**

Dear Senator Aguon,

The Healing Hearts Crisis Center (HHCC), under the Guam Behavioral Health and Wellness Center is Guam's only rape crisis center. We provide medical and social work services to all victims of sexual assault and abuse, regardless of age, gender, ethnicity or disability, **NO MATTER WHEN THE ABUSE OCCURRED**. Our statistics consistently show that over 70% of our clients are minors. HHCC is in strong support of Bill 326-33 that seeks to repeal the statute of limitations for cases involving child sex abuse.

The disclosure of sexual abuse is often a long and difficult process that begins when the incident occurred, can go on for many years, and can be complicated by a multitude of factors, most often being the relationship between the victim and the perpetrator. Healing Hearts statistics show, year after year, that over 75% of our clients know their perpetrator, and, for over 50% of those cases, the perpetrator is considered a member of the family or household. These victims often are unable to come forward right away and face many barriers in their disclosure process. Sometimes they try to tell a family member and are met with resistance or disbelief. Sometimes they are believed but are discouraged by adults they trust who struggle to support because of the impact that an allegation of sexual abuse can have on the family unit. In any case, victims often feel powerless to take any action against their abuser. Although our island has come a long way in decreasing the stigma and shame surrounding sexual assault and abuse, it is still a very difficult topic to discuss and not one that is openly talked about in most families. Due to these and other factors, sometimes a victim is not able to report their abuse until much later, sometimes until they have reached adulthood and finally feel can take matters into their own hands. At that point, it is even more critical for victims to have a strong support system and services that can help them as they move forward in the process.

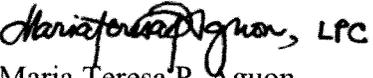
Guam's criminal justice system has made great strides over the past five years with the repeal of statute of limitations for sex crimes committed against victims under the age of majority as well as the repeal of statute of limitations for 1<sup>st</sup> and 2<sup>nd</sup> degree Criminal Sexual Conduct; however, due to the nature of criminal prosecution, there are still instances in which sex crimes against minors that occurred

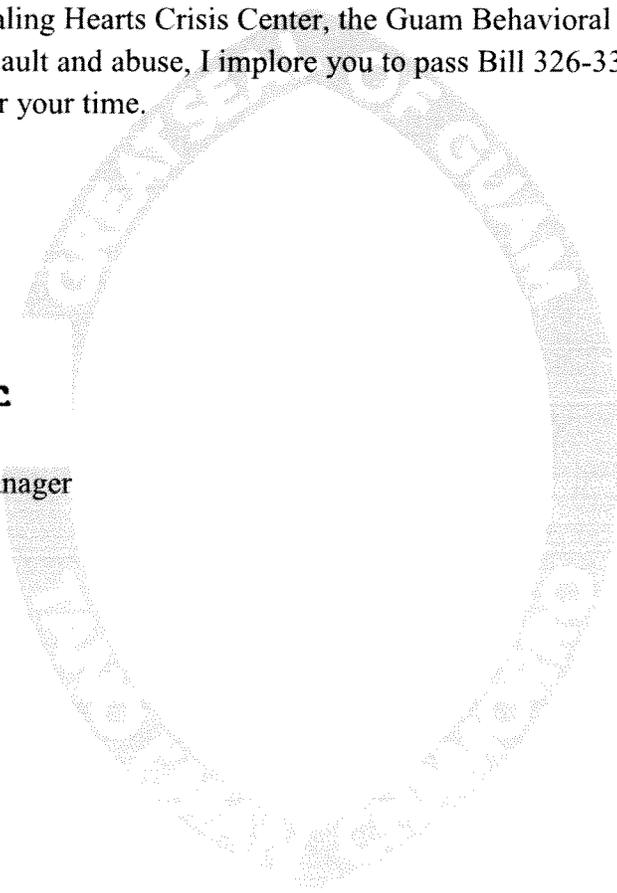
prior to 2011 are still barred from criminal prosecution. These limitations give no recourse for victims who seek justice for the crimes committed against them. Giving victims another avenue through this bill and the civil litigation process can have a profound impact on those that have had no other option. Passing this bill will send a clear message to victims of child sexual abuse that what happened to them means something to the community and that there is support and help no matter how long ago they were abused.

The first step to healing from trauma is to start talking about it, and having a possibility within the criminal justice system in which the abuser can be held accountable for their crimes can be crucial to the healing process. There is no statute of limitations for the pain and suffering a sex abuse victim has to endure. Therefore there should not be a statute of limitations for being able to take action against their abuser.

On behalf of the Healing Hearts Crisis Center, the Guam Behavioral Health and Wellness Center and all victims of sexual assault and abuse, I implore you to pass Bill 326-33 and give victims a voice and a choice. Thank you for your time.

Sincerely,

  
Maria Teresa P. Aguon  
Healing Hearts Program Manager



**TESTIMONY  
OF  
JOHN S. UNPINGCO  
ON  
BILL 326-33**

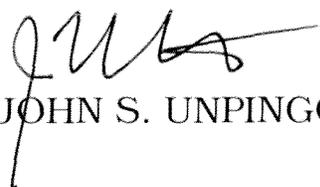
Good morning, Senators. It is always a pleasure and privilege to submit testimony before you on an important matter as that presented by this bill. My testimony on this bill is cautionary and must be accepted as such.

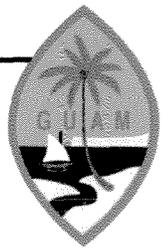
This matter should be thoroughly researched in a legal context as to whether it is an ex post facto law or not. Putting aside all emotion, it would seem that ultimately it is just that. Is there a majority of states changing their statutes and allowing for perpetrators to be sued? Or, is there, but, a small or minority of states doing so? Particular attention should be given to Ninth Circuit case laws on this matter, lest the proposed bill and the resulting statute be held inorganic by our courts.

If the <sup>research</sup> ~~record~~ shows the bill would probably be organic, then I have a follow-up suggestion. My suggestion is that the damages should be separately pled an amount for mental health treatment of the victim and the victim's immediate relatives. This shows that due regard for the victim's or family's mental health has been considered. And, in close cases, a judge or jury might be disinclined to refuse such recovery for the victim's and family's treatment. We must remember such injuries happened many years ago and a skilled attorney can glean contradictions that may cast doubt on the person's allegations.

That is all I have. Thank you for the privilege of testifying.

RECEIVED  
6/29/16

  
JOHN S. UNPINGCO



Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Dr. Nerissa B. Underwood, Ph.D.  
Member

Senator  
V. Anthony Ada  
Member

Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

# WRITTEN TESTIMONIES ON

*AS SUBSTITUTED BY THE COMMITTEE*

## **BILL NO. 326-33 (COR)**

**“An act to add a new § 11301.1, repeal subsections (b) and (c) of § 11306, repeal § 11306.1, all of Article 3, Chapter 11, Title 7 Guam Code Annotated, relative to the statute of limitations in cases involving child sexual abuse.”**

Timothy J. Rohr  
P.O. Box 9001  
Agat, GU 96928  
[timrohr.guam@gmail.com](mailto:timrohr.guam@gmail.com)

July 28, 2016

Honorable Frank Blas Aguon, Jr.

Ste. 503 DNA Bldg  
238 Archbishop Flores St.  
Hagåtña, Guam 96910  
Ph.: (671) 475-4861/2  
e-mail: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)  
Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary

**RE: TESTIMONY IN SUPPORT OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE**

There was no better illustration of why we need the current legislation than what we witnessed yesterday at the press conference called by Archbishop Hon Tai Fai, the Apostolic Administrator for the Archdiocese of Agana.

Despite being sent to Guam by the pope himself with direct instructions to take “urgent measures” relative to the fiasco wrought by the horrific accounts of Archbishop Anthony Apuron’s rape and molestation of young boys in the 1970’s and Apuron’s even more horrific response to those accounts, Archbishop Hon, upon officially taking charge of the diocese with an address to the Catholic Church of Guam at St. Anthony Parish on June 9, said not a word about any of this.

Later, when pressed to respond after a third and fourth alleged Apuron victim came forward, Hon made a public statement about how he was praying for both Apuron and the victims “without prejudice.”

On June 12, Walter Denton, who accused Apuron of raping him when he was a 12 years old altar boy in Agat, stood on the steps of the Cathedral mere feet away from Archbishop Hon. A PDN news camera captured Walter asking Fr. Ted Nowak who was standing next to Hon to speak with him. Hon was addressing the demonstrators in front of the Cathedral. Nowak told Denton “No, he has to say Mass.” Then Nowak and Hon turned their backs on Denton and disappeared into the Cathedral.

Denton and his wife decided to attend the Mass celebrated by Hon. However, according to Denton, before Mass began, Hon addressed the congregation noting that there were protestors in front of the Cathedral but that they would be gone “in two weeks.” Denton and his wife walked out of the church.

On July 1, Robert Klitzkie and Greg Perez, representing the Concerned Catholics of Guam, met with Archbishop Hon and shared with him a lengthy list of issues, including and especially mentioning his lack of attention to Apuron’s alleged victims. According to Mr. Klitzkie, Hon’s only response was to “quibble” with the word “victims” and to say “good-bye.”

For decades now, the Catholic Church has shown itself generally unwilling to police itself in the matter of the molestation of minors by Catholic clergy unless it is suddenly faced with legal and fiscal consequences.

This is what happened on Monday, July 25, when Archbishop Hon was served the summons to defend against the complaint filed by Attorney David Lujan in behalf of his clients, the alleged victims whom Apuron subsequently and publicly libeled, slandered, and maligned.

It is no coincidence that Hon called a press conference two days later to say that he was now going to reach out to the victims and that he was taking the allegations seriously. Given the international press Guam had during the initial phase of the allegations against Apuron, practically the whole world knew that this was why Hon was sent here. Yet it took a law suit and nearly two months for him to get around to saying so.

Sadly, the abomination of child sex abuse has thrived in the bowels of the Catholic Church because of a culture of mutual clerical secrecy and a false hagiography attributed to the clergy by many well-intentioned laity. But most of all, as we are now seeing in the media with greater frequency, the "filth in the Church," as Pope Benedict once termed it, can be laid at the feet of the episcopal arrogance we suffered first from Apuron and now from Hon.

Nothing, I repeat NOTHING, seems to move these "Monarchs of the Church" to responsible action other than the very long arm of the law. And sadly, while it should be God's law which moves them, it is not. It is laws like the one before us today.

Senators, whether you know it or not, the whole world is watching. Go to the Flag Counter on [JungleWatch.info](http://JungleWatch.info) and see the number of countries which are tuning into the drama being carried out daily in Guam. Watch the Real Time Counter and see the log ins clicking through every few seconds from every corner of the globe. Check the PageView counter and see it tick up by at least 10,000 views per day. In the Flag View Counter, check to see how often Vatican City logs in.

Why are they watching?

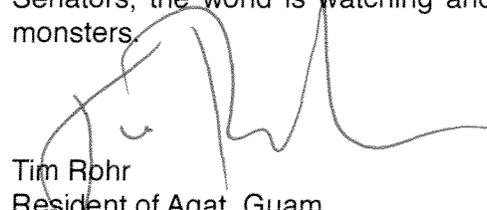
Archbishop Apuron is a member of a very powerful and well-financed international organization which has wrought similar heartache and destruction in dioceses around the world. Even now it is caring for him and hiding him as it has other disgraced clerics, most recently our own Fr. Luis Camacho who was secretly shuttled off to a diocese in the Middle East after his arrest in Guam last year.

The fact that it is a bishop who stands accused of these horrors, and that a major figure of the Roman Curia has been assigned to Guam in his stead, has heightened world attention on what is happening right here, right now, and in this room.

There is a chance that should this law pass and be enacted into law, that Archbishop Anthony Sablan Apuron, one of the few bishops in the world who is a member of this organization and who is a major player in its mad scheme, will be brought to justice, and the Vatican will finally see that this hiding and moving and secreting about of those who abuse and ravage and rape

our children, will not only not be tolerated, but will be pursued and prosecuted and punished by every possible legal means.

Senators, the world is watching and waiting to see if you are ready and willing to stop these monsters.



Tim Rohr  
Resident of Agat, Guam



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Testimony in Favor of Bill No. 326-33 As Substituted**

---

Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Thu, Jul 28, 2016 at 8:32 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Mary Lou Garcia-Pereda** <[mlgarciapereda@gmail.com](mailto:mlgarciapereda@gmail.com)>

Date: Wed, Jul 27, 2016 at 11:59 PM

Subject: Testimony in Favor of Bill No. 326-33 As Substituted

To: "Honorable Frank B. Aguon" <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

27 July 2016

Dear Senator Aguon —

My name is Mary Lou Garcia-Pereda and I'm currently a resident of Tamuning. I came before your committee last month to state my support for Bill 326-33 (COR), sponsored by Senator Frank F. Blas, Jr. I am in favor of the substitute Bill 326-33.

As noted on 27 June, during the testimonies of the original Bill, "Justice should have no expiration date." Yet three of the known survivors of child sexual abuse at the hands of Catholic priest Anthony Sablan Apuron — who was eventually elevated to the rank of Archbishop of Agana — are still waiting for justice but it cannot come for them in the criminal prosecution of their abuser.

It took 40 years for the survivors to come forward. And when they did all they wanted was for the man who assaulted them to acknowledge his actions and apologize to them. Instead they were met with insults and threats from Apuron and others in his circle. The survivors were accused of being malicious and calumnious liars and they were threatened with a defamation lawsuit. Even after Apuron was replaced by an Apostolic Administrator, in the person of Archbishop Savio Hon Tai-Fai, who was directed to ensure that, per Pope Francis, **priority must not be given to any other kind of concern** than those of child sexual abuse survivors, the Administrator ignored them. He did absolutely NOTHING for the survivors ... until today (27 July) when the Apostolic Administrator held a press conference to "recant and retract" the insults and threats made against the survivors.

Although the Apostolic Administrator NOW claims that he takes reports of "sexual misconduct by officials of the Church very seriously," he is no more than a *Placeholder* pending the return of Apuron or the nomination of a new bishop. Once the Apostolic Administrator returns to Rome, his "new and improved" procedure for handling future reports of sexual misconduct will most likely fall by the wayside.

As a Cradle Catholic, it grieves me to admit that the Universal Church has consistently FAILED in handling reports of sexual abuse over the decades. We are learning that the Catholic Church — at the local level and even at the Vatican — is more concerned about protecting the clergy by covering up their wrongdoing than about protecting innocent children and ensuring a safe environment for them.

This is what makes this Substitute Bill 326-33 so important. Not only does the Bill remove the Statute of Limitations, it also allows action for child sexual abuse to commence not just against their abusers but also "their enablers, their aiders or a bettors, those acting in concert with them and their institutions or corporations sole AT ANY TIME." This Bill will do what the Church hierarchy has failed to do — help put an end to child sexual abuse.

As I stated in my previous testimony: I believe this is a bill that should be co-sponsored so that it can be a bi-partisan bill to help victims of child sexual abuse. This is a bill that should be unanimously passed.

Once again, I ask, on behalf of Walter Denton, Roland Sondia, Roy Quintanilla, the late Sonny Quinata and other victims of child sexual abuse from decades past — please pass Bill 326-33 as substituted and open the door for these victims to pursue a civil lawsuit.

Thank you —

Mary Lou Garcia-Pereda

Sent from my iPad Mini

To the distinguished Senators thank you for this opportunity to address you and provide my testimony this morning.

My name is Rosa Cruz Santos, a resident of Yona and a parishioner at Nuestra Senora De Las Aguas Catholic church in Mongmong. I am a member of the Island Board Confraternity of Christian Mother's.

I come to you today as a mother, grandmother and a catechist.

The law which you are crafting and hopefully passing in the next few weeks is sorely needed in our Island of Guam.

As a mother and a catechist, I speak & discuss the 10 commandments, I speak and discuss making an examination of conscience to my children and children in CCD classes...I tell them of the importance to admit *to confess*... the wrong doings, the hurts... in what they have done, and admit the good ---they have failed to do...In admitting and confessing these sins there is healing, forgiveness and the soul is set from the bondage of sin.

I take it that, Catholics who are here know, what I am talking about is what happens in the Sacrament of Confession...where we receive Grace because we will to right the wrong that has been done.

Our church teaches us to be humble and confess our wrongdoings.

Archbishop Hebda of the Archdiocese of Saint Paul and Minneapolis in a statement to media admitted to wrongdoing in the handling of sex abuse in Ramsey County. I would like to quote him...as he spoke of a humbling prayer..."Traditionally, at the beginning of each Mass, Catholics stand and ask God and their brothers and sisters to forgive. What (they) have done and what (they) have failed to do"

Here in Guam also there has been much wrongdoing in the handling of child sex abuse in our church. Child Sex Abuse is wrong, it is evil.

When it has happened and we do nothing about it, this too is wrong...because we failed to stop it.

You senators have heard testimonies of victims of child sex abuse. I believe there are many children sexually abused in the past--- by bullies. Please do everything in your power as senators to lift the Statute of Limitations for past child sexual abuses, put an end to the wrongdoing in the handling of child sex abuse in the church and on our Island, and bring this evil to an end.

God Bless you all. Thank you for your time.

"The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions" James Madison, Federalist Paper #51.

Good morning Senators, my name is Andrew Camacho and I am here to support bill 326-33.

"If men were angels, no government would be necessary."

These words were written by James Madison in 1788, 228 years ago. They are based on a fundamental principle which gives them meaning and relevance in any time and in any situation. One situation is what we are currently facing today: the issue of *child sexual abuse*.

"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

When speaking about child sexual abuse we are generally dealing with a person with some authority over another person. This may be a parent or guardian, a teacher, a coach, a priest or minister, etc. We need laws to deal with people in authority who sexually abuse children and then use time (through the statute of limitations) as a shield to protect them from the consequences of their crime.

"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions"

In the case of *child sexual abuse* "auxiliary precautions" are absolutely necessary. Standard laws with the statute of limitations literally prevent the victim from obtaining some measure of justice when he or she is finally able to come forward and confront the abuser. To make matters worse the abuser sometimes hides behind the walls of an institution such as a church, a corporation, a government agency. We need to make sure there is no place to hide. There should be no safe place for anyone who abuses our children.

Thank you.

A handwritten signature in cursive script that reads "Andrew J. Camacho". The signature is written in black ink and is positioned below the typed name "Andrew J. Camacho".

Gerald A. Taitano  
P.O. Box 274, Hagatna, Guam 96932  
(671) 734-1255

July 28, 2016

Supporting Testimony on Bill No. 326-33, as amended

Hon. Senator Frank F. Blas, Jr.  
Chairman, Committee on Guam U.S. Military Relocation,  
Public Safety & Judiciary  
33rd Guam Legislature

Mr. Chairman and Members of this Committee,

My name is Gerald A. Taitano, a resident of Chalan Pago, Guam. I am in complete support of Bill No. 326-33, as amended, and respectfully ask each and every member of this Legislature for support so that we can protect children, help victims heal, and hold perpetrators and their enablers accountable for their actions.

Victims of priest sexual abuse have brought civil suits against the Catholic Church for several years. Tragically, many victims were only able to collect settlements if they promised to remain silent about their abuse. This condition of confidentiality enabled predatory priests to continue to have access to future victims. More importantly, the Church's now-public failure to alter the pattern of behavior of its priests indicates that it remains unmotivated to change its practices. I no longer feel that the Church can fix itself in this regard.

While a few predatory priests have been criminally prosecuted, there has been little or no personal accountability on the part of the Bishops who placed predatory priests in parishes with ready access to children, gave false assurances to the families of the victims; "shuffled" pedophile priests from one parish to another to avoid criminal prosecution; and/or mislead parishioners to believe that predatory priests had been removed from pastoral service. Priests and Church officials who engaged in conduct that enabled priests to sexually abuse children should face criminal prosecution. Again, we cannot continue to expect the Church to fix itself in this regard.

We must hold child sexual abusers and their enablers accountable for their actions. Serious moral, legal, and ethical questions arise whenever a prosecutor cannot adequately indict child sexual offenders or their enablers. Again, I respectfully ask each and every member of this Legislature to support of Bill 326-33, as amended, to protect children, help victims heal, and hold perpetrators and their enablers accountable.

Thank you for your time and attention.

  
Gerald A. Taitano

TESTIMONY of John Michael (Champ) Quinata  
July 28, 2016

## **INTRO**

My name is John Michael Quinata, also known as Champ. Thank you for providing me this opportunity to talk to you on behalf of my deceased brother, Joseph Quinata, better known as Sonny, myself, my mother, and my family.

## **Message - Childhood**

What I wish to share with you today are my childhood memories of a dark and troubling past, which I have spent most of my life trying to forget. I have kept them buried deep in my memory and my heart... a terrible thing that happened to my older brother. I have tried hard to understand why this had to happen to him, but at the same time, over the years I had tried to pretend, for his sake, that it never happened, but it did!

## **Altar Boys-Mt. Carmel**

During the year of 1978, when I was 8 years old, I and as many young boys did, attended regular mass and served as altar boys at our village parish, Mt. Carmel Church in Agat. While growing up, I was your typical young boy and at times not so typical. My

days were spent just wanting to have fun, being curious, exploring, and of course, often getting myself into trouble.

### **Sonny's Personality-Oldest Respectful One!**

My older brother Sonny on the other hand, was quite the opposite; he was the respectful one, always obeying my mother and his elders. He was well mannered, happy and fun loving. We would both do things together; we would explore the jungle, play or go fishing.

### **Bread & Wine - My Past**

I recall one day, I was by myself and went into the church when no one was around and I ate the entire chalice of bread and drank up all the wine. Later, during mass, Father Apuron opened the box where the bread and wine was stored, but only to discover that it was empty! He had to stop the mass and then asked one of the other altar boys to go and retrieve more bread and wine because, of course, I had ate and drank it all! After mass, Father Apuron asked the boys who ate the bread and drank up all the wine. The boys all pointed at **me!** I was punished by being tasked to do groundwork. I had to pick up all the cigarettes butts and trash around the property of the church. With that said, I was never invited to spend the nights at the home of our parish priest, which was Father Apuron's place. I

was the disobedient, naughty, and rebellious one. **I Was The Agau Gua One!!**

### **Don't Tell Anyone!**

One morning after my brother spent the night at Father Apuron's place, Sonny came home very upset, angry, in pain, and crying. I was scared and mad for him. He first asked that I do not repeat or tell anyone what he was going to tell me. He stated, "Father Apuron touched me." He said he was hurting badly and could not use the bathroom. I did not understand at that time why he could not use the bathroom and why he was in pain. **I Knew He Hurt My Brother!**

### **Promise Made**

I kept my promise to my brother for 38 years. I never wanted to repeat it. No one wanted to listen to my brother's plea in the first place. We tried to tell our mother but she would not listen-she could not believe it was possible. **Nobody Listen!!**

### **Nights Crying**

#### **Fire Story**

My brother, Sonny, and I shared the same bedroom. I often recall the many nights when my brother would wake me up because he was crying and punching the bed he slept on. I tried to comfort my brother by suggesting that we get even and do something to Father Apuron. One idea I had was to kill Father

Apuron or to beat him up. After the rape incident, we made several attempts to burn down the house that Father Apuron lived in, but sadly, we failed and got caught. I personally poured the lighter fluid around the house and ran. My brother Sonny's job was to light the matches, but he got caught by Father Apuron. Sonny told me he was taken inside the priest house by Father Apuron and punished; he was crying and told me "he did it again!

### **Brother Changed Forever!!**

My brother's demeanor and life changed forever. Mine too. Sonny became withdrawn, disillusioned, depressed, and angry. We never spoke about those events for many years. He begged me to never tell the boys, our friends, cousins or anyone for that matter. Prior to those incidents, Sonny was always a happy and fun brother-it changed him forever.

### **Forget The Past/Fights with Mom**

When we eventually left Guam, my brother hated the church in general and did not trust anyone associated with it. We no longer acknowledged that we are Catholics. We would always say that we are Jewish. My brother also became violent, quick to lose his temper, quick to pick a fight, then the drug use followed. **Drugs and alcohol consumed his life. It killed him.** Sonny would get into trouble often and didn't care of the consequences. I was a

follower since we were very close and inseparable. I remember often times when we were drunk and high, he would bring up those dark events and remind me to promise to never tell what happened to him. My brother Sonny was not ready, his coping mechanism did not allow him to come out and talk about the incident to others, except for our mom and later, family. Sonny was very ashamed of what happened to him, ashamed to tell anyone. He was also sure no one would believe him because our own immediate family didn't. During our teenage years, I remember that we had some **bad fights with our mom and close family members because we blamed her for not believing Sonny and me for what had happened.**

### **Promise Broken!!**

Today, before you senators, the deepest darkest secret between brothers is revealed. A promise kept for 38 years is now broken. **I can still remember the look on my brother's face the morning he came home from Father Apuron's home when he was sodomize.** I remember every detail of it. It haunts me daily. A part of me died when I lost my only brother. I only wish that I could have done something to help him back then. And at times, **I blame myself too-that I couldn't take away his pain or help him to heal.** I love and miss him deeply I feel that he is now resting in peace knowing that I am now speaking for him, that Sonny is speaking through me. It started with our mom several

weeks ago. I had no idea she was coming to Guam and that she was going to say anything. I had no idea that Sonny spoke to her as he was dying. I have been estranged with my mom for all these years. I am happy she made peace with Sonny shortly before he died. I am happy that she came forward because we have now reconnected after so many years. Sonny had a hand in all of this. He now knows that if people will listen and finally believe him and that there is no longer a reason for his shame. We were raised and taught as boys to trust in a higher authority, in God, our Church and priest, and it hurt him and us so badly. I feel that times have changed and this is our opportunity to bring this matter and TRUTH to light. **Apuron needs to step down, admit his crime on my brother. We need to stop him and others from hurting anyone else.**

Senators, I know my brother was raped by Archbishop Apuron. He was sodomized. He was only 9 years old. I loved my brother. I miss him badly. In looking back, I know that my brother protected me. He rescued me from suffering the same evil fate. I ask that you do so now. Pass this bill. Protect boys and girls from suffering the same evil fate. This bill is the key to help my brother Sonny, Roy, Roland and Walter, and others like them to go after their Abusers and the Institutions that protect or cover for them, for their past crimes and to deter other potential abusers from doing the same. **Healing cannot begin without Justice.**

Apuron and all other abusers need to be held accountable for their actions, for the pain and lifetime suffering of my brother, me, my family, Roy, Roland, Walter, their families, and of many other victims and their families.

Saina ma'ase'.

Thank you for listening.

**To Sonny...rest in peace my brother! They are now listening!  
I Miss You!!!**

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**John Michael (Champ) Quinata**

## Testimony of Roy Quintanilla

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Hafa Adai senators, my name is Roy T. Quintanilla, and I would like to testify that I support and urge the passage of amended **Bill No.326-33 (COR)**

I was not present at the last hearing and you didn't hear my story so I'd like to share that with you today. I was sexually abused by a priest. He was my pastor, Fr. Anthony Apuron, aka Fr. Tony at the time and now known as Archbishop Anthony Apuron.

I was 12 years old at the time. I was one of over 100 altar boys at Mount Carmel Parish in Agat. I really enjoyed being an altar boy at the time for many reasons. It was my way of serving God, my church, my community, and my faith. I made many friends and it was very rewarding for me personally.

It happened one day when Fr. Tony Apuron took several of us altar boys to watch a movie at the Hafa Adai Theater, we all rode in the Mount Carmel van. After the movie, he drove all the other altar boys home; I was the last of the altar boys in the van. I thought he was going to take me home like the others, but instead, when we were alone in the van, he asked if I could sleep at the priest house so I could help him at the church in the morning. I told Fr. Tony I would come by in the morning to help him. He said it was better that I sleep at the priest house so we could go to the church together in the morning. I told him I could get up in the morning early, but he said again, that it was better that I sleep over, then he said, he would ask my parents. He drove me home and followed behind me as I walked towards

the front door of my home. I entered and my parents were in the living room. When they saw Fr. Tony come in behind me, my parents stood up and greeted him. He then asked my parents if I could sleep at the priest house so I could help him at the church in the morning. My parents did not hesitate to say yes, my family was always very respectful and accommodating to our parish priests. My siblings and I were raised to be devoted to our faith, it was our way of life. My mom especially, it seemed to me she was always praying, especially for the safety of her children, that was always the first thing she prayed for, and whenever she had time she would go to mass, otherwise she prayed in her room in front of statues of saints and always with lit candles. My parents didn't ask me if I wanted to sleep at the priest house, they just told me to do it. It didn't matter whether I wanted to go or not. So I turned right around and went with Fr. Tony, exactly the way I arrived home.

When we arrived at the priest house, Fr. Tony told me to sleep in his room. I know where his room was because other altar boys and I slept over at the priest house on occasions in the living room, never in Fr. Tony's room. I told Fr. Tony I would sleep in the living room but he said no, and insisted I sleep on his bed. I felt so uncomfortable. When we got to his room, he sat me down on the edge of the bed, put his hand on my shoulder, and told me how much he trusted me and could count on me. I felt so uncomfortable being alone in his room with him. Then he said, let's go to sleep, and told me to lie on that side and pointed to the right side of the bed, I laid on the bed, then he turned the lights off. Moments later, I felt his hand squeezing my private areas at first through my pants then gradually in my pants. I was trying my best to push his hand away, it was painful, I used both hands and

my legs to try to block him from touching me and squeezing my private parts because it was painful, and extremely uncomfortable. My efforts to stop him didn't seem to faze him. I don't know why I didn't just leave. I was very scared, confused, and uncomfortable. He would stop, then try to squeeze my private parts again several more times. It was so painful, I cried. I remember I didn't sleep that night, I was too afraid to move because I thought he would do more things to me, so I just curled up. I cried for a while and I felt a lot emotions, I was scared, angry, sad, alone, embarrassed, and humiliated. I didn't know what to do.

When I arrived home the next morning, I my mom asked me what was wrong. I told her nothing. I know my mom was worried, because I wasn't my usual self, I am sure she knew something was wrong but I never told her. Sometime later, I told Fr. Jack Niland what Fr. Tony did to me, he was the first person I told until many years later. I needed to say something to someone because I was so confused and I needed to speak to someone, I held on to so much resentment, I felt like I was losing my mind. I thought of dying, and whether it would matter to anyone.

Joining the Air Force helped me out a lot. It gave me structure and self-confidence, and it taught me to be independent. I was able to care for my mother and brother after joining the Air Force and being stationed in Guam. I learned that I had a reason to live. My Down syndrome brother needed me. Having my brother kept me grounded, I believe God made my brother that way so he could give my life meaning by taking care of him and in return saving my life.

Even after 40 years, I am still very angry, resentful, and disgusted by the site and thought of Archbishop Apuron. He never apologized to me, or shown any remorse for what he did to me. I think, he thinks that just because I left Guam over 27 years ago, that all was forgotten, that could not be further from the truth. All those years I thought I was his only victim and I asked myself, why me? I never did anything wrong to him. My entire family and I gave the church and all our parish priest everything, our time, our labor, donations to the church, food, I served as an altar boy, we were loyal servants of our church and faith. My parents put their trust in him that he would not harm me, but instead guide me to do God's will, we all thought that. My mother prayed every day for the safety of her children and Fr. Tony took advantage of our devotion and loyalty to the church. He planned all along to deceive my parents by using his position as our pastor with the intent to sexually molest me. Only a monster would do such a thing. I am still very angry, bitter, resentful, and confused at Archbishop Apuron. I don't know if I'll ever forgive him. For my own sake, I pray that God will give me the strength and the courage to do what is right for not just me but for all his victims. I worry there might be others like myself that perhaps pushed this experienced in the back of their minds, hoping to never have to deal with it, and in hopes of getting closure for this traumatic experience. I hope someday, he will be sorry for what he did to me. I am still trying to forgive him; I hope someday I will have the courage and strength to forgive him. It's been a long time since this traumatic experience and I feel like it just happened yesterday. I want closure, I need closure. I lost all faith and respect for Archbishop Apuron, I have never wanted to avoid anyone as much as him, but to avoid him is not the answer to begin my healing, because it would mean he got away with what he did

to me and other victims. I want and need closure but before that, I want so bad to have justice and then I can have closure.

I carried the guilt and shame with me for 40 years, until I came forward a couple of months ago. It wasn't until I discovered, by chance, that other altar boys, friends of mine that I grew up with, happen to share stories of our past that included being sexually abused by the same priest. It was then that we decided to take the risk and confront the person that molested us, and we agreed to accept whatever the consequence would be for coming forward. I came forward because it was the right thing to do, for myself, my friends, and especially because I feared that there might be others that were sexually abused by Fr. Tony.

After I came forward on my May 17 press conference confronting Archbishop Apuron about what he did to me, rather than admit what he did, Archbishop Apuron instead called me a liar and said that I was attempting to divide the church by making false allegations. This is evidence that Archbishop Apuron had no remorse for what he did to me. He hides behind the cloth and the church as if I was trying to divide the church when instead, it took everything I had to confront the person that committed such a deplorable act to me. I made it clear when I came forward that I was confronting the person Anthony Sablan Apuron and not the church.

Since May 17, 2016, when I submitted my statement to the Chancery, it was only just yesterday that apostolic administrator Archbishop Savio Hon Tai Fai, at a press conference, expressed his desire to meet with the victims of Archbishop Apuron and retracted all prior statements from members of the archdiocese that attacked our character and reputation. It

took a lawsuit for defamation to force Archbishop Hon and the Church to respond, a lawsuit that our attorney, David Lujan, said would not have occurred but for the reckless video statements and press releases made by Archbishop Apuron and the Agana Archdiocese. Otherwise, we would still be slugging it out in the court of public opinion, waiting and hoping and praying for the Church to properly response. We were lucky but this is not typical of what happens. Institutions typically remain silent, stall, delay, and use every dilatory tactic in the book to wear down an accuser, forcing him or her to give up or just go away. The bill before us will at least level the playing field somewhat, giving victims like me a chance to confront our abusers and have our day in court. It will not be easy but we will at least have a fighting chance.

No one, especially a child should ever have to go through being sexually abused or be afraid to come forward and tell someone for fear that no one would believe him or her. Sexual abuse is a traumatic and horrifying experience for any adult, let alone a child, and when a perpetrator threatens a child if he or she tells anyone is in itself evil and malicious. Any victim of sexual abuse knows that the experience is life changing in the worst way. For many victims, and myself, thoughts of suicide was often and common. Many victims do commit suicide, or escape into drugs, alcohol, crime, and other anti-social behavior. Sexual abuse robs societies, families, friends, communities, of their loved ones.

Lifting the statutes of limitations on child sexual abuse will encourage and allow victims to come forward in hopes of seeking and receiving justice, and closure for their pain and suffering. No child should ever be denied the

opportunity to seek justice for a heinous crime based on statutes of limitations.

Is it fair that a child sexual abuse victim be not allowed closure and justice for what happened to him and her as a child?

Is it fair that a sexual predator (pedophile) be allowed to get away with molesting children because their protected by a statutes of limitations?

Please do the right thing and lift the time limit on when victims of child sexual abuse may pursue and seek justice and closure.

Si Yuus Mase.

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July 28, 2016

### TESTIMONY OF WALTER DENTON

Today is a momentous day for the victims of Child Sexual Abuse, along with our family members and friends who are here to testify, imploring our esteemed Senators to pass this amended bill that will lift the Statue of Limitations so that abusers such as Archbishop Anthony Sablan Apuron can rightfully account for the crimes they committed.

By lifting the statute of limitations, you will allow me and all those who have been RAPED, MOLESTED, and SEXUALLY ABUSED to feel confident that justice will be served! I have been struggling and suffering since my childhood, through my entire adult life, trying to cope with what happened to me. There isn't a day that I don't think about what Archbishop Apuron had done to me on the evening of April 15, 1977. I have tried to tell someone of what happened to me who I thought would help me. I was disappointed, shocked and most importantly, I felt defeated at his response. I felt patronized and ignored for too long. Even when I had the opportunity to face my abuser, he did nothing to help me in any way, but instead gave me his CD, a picture of himself and a picture of Mother Mary as a parting gift.

However, that did not keep me from getting back up, dust myself off, lift and hold my head up high, and kept trying all over again to simply get through each day. I have made this a life-long goal that I would someday tell my horrific experience to someone or anyone who would stop and listen to my story of how I was raped by the Archbishop of Guam when I was 13 years old. I wanted to expose him and his devilish and heinous acts of sex abuse against the Altar Boys of Agat to the Vatican. He raped me. I wanted him to admit what he had done to me as well as to the other victims that are here today. I want to face him in the Court of Law and ask him, "Why did you do this to me?"

He needs to face his accusers and answer to the victims of his crimes. He should be stripped of everything that means anything to him. God knows he stripped me of my dreams and took away what meant everything to me. I have struggled with this nightmare for over 38 years. There has not been a single day that went by of how I felt when he pinned me down onto his bed and raped me.

Since coming out on June 7, 2016 I have not been contacted by anyone from the Archdiocese of Guam. No one has even attempted to contact me. Monsignor Bibi Arroyo went on KUAM and stated that they have reached out to the victims to offer help. That is not true. To this very moment where I sit

today, NO ONE has ever reached out to me, although I now understand from the media yesterday that Archbishop Hon now wants to meet us. It makes me shake my head to wonder why after 7 weeks that he has been here, he finally said he wants to meet us.

Remember that after I came forward on June 7, 2016, my wife and I decided that later that week, a Sunday, June 12, 2016, we were going to join the picketers at the Cathedral as we made our way to the airport for a noon departure. I was at the steps of the Cathedral when Archbishop Hon and his assistant came out and stood not more than 10 feet away. I attempted to get his attention with his assistant and even told him I was one of the victims. I just wanted to say hi, to be acknowledged. His response was essentially this: don't call us; we'll call you. My wife and I left disgusted as to how I was treated. It was no better than what Archbishop Apuron did to me in Tacoma.

Since then, Roland came forward, a lawsuit was filed, and the protest grew in scope, volume, and size. That was 7 weeks ago. It is obvious that the only language abusers and the institutions that cover and protect them is a lawsuit. I strongly believe that Archbishop Hon would not have acknowledged us yesterday if we had not filed a defamation lawsuit against Archbishop Apuron and the Church. This is why this bill is critical for victims such as us and others who are too afraid to come out because

of the treatment they will get. This bill will give these victims who are too afraid to come forward something to hang on to, and to punish institutions for hiding and protecting abusers employed by them. It will give us justice and the ability to bring closure in our lives.

This past Sunday I had the opportunity to walk with the protesters to show support and to show that we want Archbishop Apron to be defrocked. I will continue to come out here to our beautiful island to stand with the people of Guam demanding a change. In fact, my wife and I have already decided to come back soon and retire here.

The signs we see out here on the street light poles read, protect the fish and protect the plants. We should add one more phrase and post it throughout the island. It should read, Protect our fish, Protect our plants, and Protect our Children.

May God bless you all. Thank you very much.

Walter Denton

July 28, 2016

Roland Paul Lizama Sondia  
Agat, Gu 96928

Re: Testimony in favor of Bill 326-33

Hafa Adai and Good Morning Senators; my name is Roland Paul Lizama Sondia, age 54, of Agat, Guam. I am here to urge that you pass Bill No. 326-33.

I am a victim of child sexual abuse. As you know, I came forward and told my story on June 15, 2016 of how I was molested by Fr. Anthony Apuron in 1977.

When this happened to me, I was afraid to tell anyone because I didn't think anyone would believe me. I felt betrayed by a man who I trusted and is well respected in the community. I have had to live with this pain and anger for 39 years, keeping my wife and children in the dark all that time.

After coming forward and sharing my story, no one from the Vatican has made any attempts to contact me despite false reports from the Chancery that they have reached out to the victims. As you may have heard from his press conference, Walter stated that he contacted the Nuncio as far back as last August and told them that he was raped by Archbishop Apuron. That was 12 months ago. It has been over 2 ½ months since Roy came out, then Doris, then Walter, and then finally me. That was 6 weeks ago. You would think that after such serious and grave allegations, the investigation team from the Vatican will waste no time and expense to start gathering evidence and the key evidence are the victims of course, unless they just want this to all go away. I can assure

you that we are not going away. The truth will prevail and we intend to stand by her torch. We need your help to light it up.

Yesterday, and only just yesterday, after being here seven weeks, the Apostolic Administrator Archbishop Hon held a news conference where he finally acknowledged the victims who publicly made allegations that Fr. Anthony Apuron had molested them and was offering to meet with them personally wherever they are. Yet, he also stated that it is out of his hands because only Rome can investigate. How convenient is that!

The acknowledgment by Archbishop Hon yesterday should have been the first thing he did upon arriving on island, seven long weeks ago. Instead, it took a lot of pushing, picketing, protesting, and eventually a defamation lawsuit to extract a positive response from him and the church. If this is what it will take just to get this meager response yesterday, imagine the arduous and difficult road ahead of us victims just to have our day in court so that justice can be served. This is why the amendment you made to include institutions is essential because it will force institutions such as the Church to do the right thing by immediately exposing and reporting abusers who work for them to the proper authorities, instead of using their institutional power, might, and wealth to deny justice. We feel like David going up against Goliath and his entire army. This amended bill will give us a slingshot of a chance to achieve justice and to find closure after 39 years.

I support the lifting of the statute of limitation on child sex abuse so that victims of sexual abuse will know and have a tool to fight back and to find justice. We need it, not only for existing victims, but future victims as well. We need to abolish any kind of statute of limitation for sex abuse crimes so that potential perpetrators will know that no amount of time will prevent a victim from coming forward to sue and for the government to prosecute. It is difficult as it is to come forward after being sexually abused, let alone having to fight institutional heavyweights just to get our day in court.

We pray and hope that upon the passage and signing of this bill, other victims will come forward so that they can begin the long road towards healing and recovery. As I said in my last testimony, we have to repair our past, contain the present, and protect our future...our children.

Thank you and God bless you all,

Roland Sondia



## CONCERNED CATHOLICS OF GUAM, INC.

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July 28, 2016

The Honorable Frank Blas Aguon, Jr., Chairman  
Committee on the U.S. Military Relocation, Public Safety and Judiciary  
33RD GUAM LEGISLATURE  
155 Hesler Place  
Hagatna, Guam 96910

**Subject: Bill No. 326-33 (COR) - AN ACT TO ADD A NEW §11301.1, REPEAL SUBSECTION (c) OF § 11306, REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE CIVIL STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE.**

Dear Mr. Chairman and Members of the Committee:

My name is David Sablan, and I am the new president of the Concerned Catholics of Guam, Inc. organization. I am here officially representing our organization in that capacity.

We thank the sponsor of this bill, Senator Frank F. Blas, Jr., for having compassion and concern for justice. This bill, when signed into law, will allow at least the civil statute of limitations to be lifted so survivors of child sex abuse can come forward and seek restitution and closure to their painful ordeal suffered years ago at the hands of abusive adults who--unfortunately for the survivors, have escaped criminal prosecution for their crimes because of a similar time bar for criminal child sex abuse cases.

There is a time void currently between the deadline when civil claims must be filed against these perpetrators; and when these children who have been sexually abused actually find the courage to bring their horrid experiences at the hands of their abusers before the courts of Guam.

Section 1 of the bill - *Legislative Findings and Intent*, states that children who are abused, often are disabled from the time they suffered the abuse and for many years afterwards. They are helpless to do anything about the abuse for years afterwards and well beyond the current statute of limitations to file civil claims against the abuser.

As a result, these perpetrators continue to prey on innocent children, because they know their victims will not say anything to anyone because of the shame attached. It doesn't bother the perpetrator because they have power over their victims.

Only when these victims are adults, are they able to be more open to discuss their painful experiences with others willing to help them deal with these terrible memories; to help them deal with the attacks on their character and motives; and to

help the survivors seek justice and restitution from all involved in perpetrating the abuse and the burying of the criminal acts for their selfish concerns, without any regard whatsoever for the welfare of the victims of the abuse.

This bill gives the survivors of child sexual abuse an opportunity not only to seek justice for the heinous, criminal acts that have scarred them forever, but the bill allows them also to file claims against institutions and organizations and other individuals who have engaged in a conspiracy to cover up these crimes.

It is with sadness that we have had to read news accounts involving the Archbishop of the Archdiocese of Agana being accused of alleged child sexual abuse of young altar boys in when he was pastor of the Mt. Carmel Parish in Agat in the 1970's. The abused survivors can only just now come forth and talk about the horrid acts of abuse performed on them when they were innocent children and young teenagers, just when the world is being opened to them. Instead the Archbishop allegedly led these innocent and trusting young boys down a dark path of living hell, destroying their trust in people who should be nurturing their growth, teaching them respect and the virtues of being a good person.

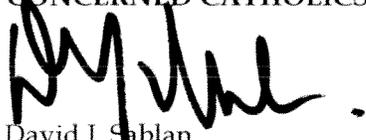
Now that they are able to talk about this terrible experience and bring their abuser and others involved in the cover-up to pay for these heinous acts, there is really nothing they could do at this late stage because of the statute of limitations for civil claims involving child sex abuse crimes. Where is the justice in this Mr. Chairman? This Bill will give these survivors a chance to "have their day in court", and prevent the alleged perpetrator from using the statute of limitations as an affirmative defense against the survivors. The attorneys of the survivors also have the opportunity to bring such cases before the courts with a wide degree of latitude, with the repeal of §11306.1 of Article 3, Chapter 11, Title 7 of the GCA as proposed by the bill.

Mr. Chairman and members of the Committee, please do not allow such perverted acts by these child sex abusers to go unpunished, because the victims were children who were traumatized into years of silence because of the severe shame they felt at the time of the abuse.

The passage of this Bill and its enactment into law will be justice served, albeit years later. Mr. Chairman and members of the Committee, please act swiftly in passing this bill so the Governor can sign it into law quickly.

Thank you for this opportunity to address the Committee on this important piece of legislation.

Sincerely,  
CONCERNED CATHOLICS OF GUAM, INC.



David J. Sablan  
President

## Testimony in Favor of Bill 326 -- To Lift the Statute of Limitation in Child Abuse Cases

Marilu Diaz Martinez  
Mongmong resident  
[mariludm42@hotmail.com](mailto:mariludm42@hotmail.com)

Thank you Senators, for enabling this opportunity to present our testimonies in support of this bill. I too support in full, Bill 326 to lift the statute of limitation in child abuse cases.

We all know that as two or more individuals who experience or observe the same occurrence or event (be it a positive or negative one), the impact, experience or emotions would differ simply because every individual is unique with regard to the manner in which these things would be internalized.

A traumatic physical encounter such as sexual abuse experienced in childhood no doubt we could surmise would not only be impacted mentally and psychologically, but the level and depth of such trauma would be different for every child.

The average adult need not have a college degree in psychology or sociology to be cognizant of such fact. Couldn't we, then, also surmise that the length of time it may require for the individual victim "to get over" "to heal" and "to find closure" from such trauma -- enough to be able to move forward or move on and live a productive and "normal life" such as they observe their friends, classmates, siblings living; and even as they journey thru adulthood -- that length of time for each one would naturally differ.

How can we then, be so presumptuous as to put a time-frame or an "expiration date" on the process for a child to get over and heal from sexual and mental abuse -- especially from an adult perpetrator who enjoyed the privilege of the child's and his parents' trust and admiration for the perpetrator?

If seeking justice for such trauma as sexual abuse in childhood has a limited time frame, such a letdown could even cause a "bad taste in the mouth" -- so to speak -- with regard to the child's or the parent's or even the public, for the specific profession, religion, or community from which the perpetrator may come from or may have been a part of. It's a very human reaction, after all.

For the sake of your children and any child on Guam who falls into such traumatic abuse, I ask that you consider voting for the passing of Bill 326. Thank you!

Buenas yan Hafa Adai.

My name is Annabelle Cruz, and I come before the 33rd Guam Legislature today to express my support for Bill No. 326-33.

I am a Social Worker by profession whose life work has been dedicated to promoting the best interests and welfare of the children of Guam. I spent the majority of my professional life in a variety of capacities in this arena, including several years as the Administrator of the Bureau of Social Services Administration, which includes Child Protective Services.

In that regard and in light of recent events regarding alter boys coming forth after long periods of silence to tell their stories of sexual abuse, I felt compelled to share my thoughts with you.

**First**, I would like to address some of the important features of, and factors surrounding, child sexual abuse. They are as follows:

- Child abuse has immediate and devastating effects on the child victim
- These effects have lasting if not permanent implications
- Child victims are specifically targeted, chosen by their respective predators and groomed prior to the actual abuse
- They feel powerless, helpless, ashamed, fearful
- Most child victims – especially male child victims – don't tell.
- If and when they do tell, the typical consequences are:
  - o The incident is minimized if not outright dismissed
  - o The child victim is punished
  - o The child victim is blamed and victimized all over again by negative responses
- Child victims are robbed of their innocence
- They suffer quietly – in silence
- They are made to believe they are willing participants
- They feel they have no recourse
- They are made to understand the power and authority of the offender
- Most child victims are violated by adults who are known to them (family/relatives, family friends, neighbors, or others who have reason to be in close proximity to child, i.e., school, sports, arts, childcare, religious scenario, camps and so forth and so on)

**Second**, I would like to address some of the key features of child abusers/molesters. They are as follows:

- Child sexual molesters are predators
- They consciously choose their victims
- They establish relations with the child and family
- They gravitate toward those professions and activities that give them access to groups of children that match their preference
- They establish legitimate power and authority – not only with respect to the child but their parents as well
- Most will take their time to groom the child to include incremental acts of sexualizing the child
- Most will end up assaulting multiple children
- While some may actually molest or rape, the majority will take the time necessary to ensure their victims will never report the abuse and that their parents/guardians will never find out.

**Lastly**, I want to stress the fact that everyone has a role in the prevention of child sexual abuse and molestation. It does not rest solely on the shoulders of the investigators, police, therapists, mandated reporters, the judicial system, etc.

Senators, I want to point out the fact that we (those engaged with this topic professionally) are all involved *after* the fact, *after* the child has been sexually assaulted. Policy-makers, educators, humanitarian organizations, religious groups and others must partner with us so that we can effectively address and help prevent the victimizing of our most vulnerable citizens, our precious children.

Senators, I urge you to do your part by passing Bill 326-33.

Si Yu'us Ma'ase'.



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

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## Fwd: TESTIMONY IN OPPOSITION OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE

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aguon4guam <aguon4guam@gmail.com>

Mon, Aug 1, 2016 at 3:29 PM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Sent from my Samsung device

----- Original message -----

From: Zoltan Szekely <zoltan\_szekely@yahoo.com>

Date: 01/08/2016 15:01 (GMT+10:00)

To: "Honorable Frank Blas Aguon, Jr." <aguon4guam@gmail.com>

Subject: Re: TESTIMONY IN OPPOSITION OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE

Dear Senator Aguon,

I appreciate the opportunity to testify today at your committee's Public Hearing. I also thank you for your thoughtful assistance, as the chair of the committee, before and during my testimony. This definitely helped me to make my very first testimony I have ever had in front of a honorable body of lawmakers as your committee is streamlined and better in quality.

Let me take advantage to submit you for further reference the revised version of my testimony that omits the parts that have not been read aloud at the hearing and adds a paragraph of commenting on a new section of the proposal (Section 2, paragraph b). I consider this as the authorized version of my testimony. Thanks for your understanding.

Yours sincerely,

Zoltan Szekely  
resident of Yona

On Monday, August 1, 2016 7:30 AM, Zoltan Szekely <zoltan\_szekely@yahoo.com> wrote:

Dear Senator Aguon,

I confirm the submission below.

Yours, sincerely,

Dr. Zoltan Szekely, resident of Yona  
Mailing address: P.O.Box 5007, UoG Station  
Mangilao, GU 96923  
zoltan\_szekely@yahoo.com

On Monday, August 1, 2016 7:20 AM, Olga Szekely <csuka\_olga@yahoo.com> wrote:

Show original message

On Monday, August 1, 2016 1:04 AM, Olga Szekely <csuka\_olga@yahoo.com> wrote:

Dear Senator Aguon,

please find my testimony for the Public Hearing of Bill 326-33 scheduled at 10:00 a.m. on August 1st, 2016 attached. I would like to be present at the hearing and read my testimony aloud. Please, let me know if I could do that.

Yours, sincerely,

Dr. Zoltan Szekely, resident of Yona  
Mailing address: P.O.Box 5007, UoG Station  
Mangilao, GU 96923  
zoltan\_szekely@yahoo.com



**testimony in opp of bill 326-33\_revised.pdf**

15K

From: Dr. Zoltan Szekely, resident of Yona  
Mailing address: P.O.Box 5007, UoG Station  
Mangilao, GU 96923  
zoltan\_szekely@yahoo.com

August 1, 2016

To: Honorable Frank Blas Aguon, Jr.  
Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary  
33<sup>rd</sup> Guam Legislature  
Ste. 503 DNA Bldg, 238 Archbishop Flores St.  
Hagåtña, GU 96910  
aguon4guam@gmail.com

TESTIMONY IN OPPOSITION OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE - revised

I am thankful that I can make a testimony as a concerned citizen.

First, let me acknowledge the alleged victims and their families. Without them this bill would not be discussed here today. Their testimonies must be heard with attention and sincerity. If the charges are true then there must be consequences. Vatican officials including Pope Frances are taking these charges very seriously. This guarantees that consequences will follow with substantial impact on the Catholic Church on Guam.

If the charges are true then we have to acknowledge the pain and suffering these alleged victims had to endure. Just imagine, if you as a child would have been sexually abused by a priest what would you have done? Take a minute to feel the hurt, the humiliation and the confusion... What would you have done as a child or later as an adult who understands the gravity of what happened to you? Well, as about me, for the sake of my own well-being and mental balance, I would have wanted to come to terms with the abuse and expose the perpetrator as soon as the opportunity arises.

The good thing is that the proposed bill tries to make justice for the alleged victims. However, some of the circumstances of this piece of legislation raise concerns.

1. First of all, I am concerned because there are some details in this bill that remain unclear and unexplained.
2. I am concerned by the language the advocates of this bill employ to justify their stance.
3. I am concerned by the attempts of politicizing faith matters in order to make politically motivated accusations and demands on a group of believers.
4. Finally, I am gravely concerned that this bill might be intended to become a stepping stone toward making untrue connections to vilify a certain faith group inside the Catholic

Church. I am concerned as a citizen who wants to continue exercising his constitutional right and protection of following his conscience and practicing his religion.

Let's follow this outline in elaborating my concerns:

*1. Some details in this bill remain unclear and unexplained*

The bill applies to alleged victims whose claimed abuse occurred a long time ago and the existing statute of limitation prevents them from filing a lawsuit. The bill lists two wide spread solutions to allow these alleged victims to come forward with their complaints. First, a window of opportunity is opened by lifting the statute of limitation for a particular time period like two years. Second, the statute of limitation for sexual crimes is abolished altogether. The explanatory part of the bill claims that it follows national trends by choosing the second solution. However, the bill does not mention at all that the Guam Legislature had already chosen the first solution some years ago, the statute of limitation was lifted for two years but nobody came forward with sexual abuse complaint. So referring to a national trend here is extremely misleading. There is no national trend to choose both solutions, first one of them and then overriding it by the other!

What is going on here? Why would the bill omit any reference to the fact that sexual abuse victims had this two years long window of opportunity on Guam? Why would not the bill address the Guam Legislature's earlier decision in this regard? Simply overriding an existing law without substantial and compelling reason is not an acceptable praxis. As Bill Pesch writes in the PDN on June 26<sup>th</sup>: "But, there is a major problem with this approach in Guam. This isn't the first time our Legislature has opened a window of opportunity to civilly pursue past incidents of child sex abuse. In 2011, senators passed a law giving past victims of child sexual abuse a two-year window of opportunity to file a civil lawsuit. No one did. Although appellate courts may allow a legislature to alter the civil statute of limitations for pursuing cases of child sexual abuse once, there is serious doubt that they will allow it twice. This may well be considered an "ex po facto" law."

<http://www.guampdn.com/story/opinion/columnists/2016/06/26/prospects-justice-dim/86371444/>

We learn that "Sen. Frank Blas Jr.'s [Bill 326-33](#), in its substitute form, says the intent is to remove the current section requiring "certificates of merit," as such information would have a chilling effect on those sexual abuse survivors who choose to seek justice against their victimizers." Well, who created the Certificates of Merit section in the current law? Was it not the Guam Legislature? In order to keep the dignity and integrity of the Guam Legislature and its senators, would not it be beneficial to explain in the bill why this section is currently there at the first place, if it is not even necessary and should be removed? A lingering question is carefully avoided by the proposal: who is responsible for the Certificates of Merit section in the current law?

<http://www.guampdn.com/story/news/2016/07/30/support-given-bill-would-lift-statute-limitations/87696388/>

*2. The language employed by the advocates of this bill is disturbing*

From the news reports: "The substitute bill gives child sex abuse survivors a chance not only to seek justice for the acts that have scarred them, but also allows them to file claims against institutions and organizations and other individuals who have engaged in a conspiracy to cover up those acts, said David Sablan, the president of the Concerned Catholics of Guam. "The passage of this bill and its enactment into law will be justice served, albeit years later," Sablan added." How is this in the bill proposed? Who are those who have engaged in a conspiracy? How are they addressed and identified by the bill? Is this truly the content of the bill or the intention of the advocacy group? The unanswered questions reveal how hard it is to say what CCoG really wants to achieve by this bill. Very disturbing.

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It is good that Mr. Rohr refers in his testimony he had last week to the Jungleground blog that he initiated and managed for 3 years. Anyone who just looks any randomly chosen page of this blog would see the style and vocabulary employed on these pages that are simply inadmissible in any sincere and intelligent discussion. For example, David Sablan, the president of CCoG accuses Archbishop Hon that "you have not removed others who are part of the cancer in the Archdiocese."

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How dare Mr. Sablan call other people part of a cancer? Cancer is a terrible illness producing foul and malignant tumors that kills life. People may become ill with cancer. They are not and cannot be cancer. Who are the people called cancer here? Who and why should be removed? Should not a cancer be excised and cut out? As Mr. Goebbels wrote it 73 years ago about a particular people: "They are a parasitic race that feeds like a foul fungus on the cultures of healthy but ignorant peoples. There is only one effective measure: cut them out." Can you recognize these words? No question, it is a very, very much disturbing language!

<http://research.calvin.edu/german-propaganda-archive/goeb1.htm>

Gerard Taitano says at his testimony "We cannot continue to expect the church to fix itself in this regard." Why not? Pope Francis is taking the task to investigate the sexual abuse charges. His timeline differs from the timeline of Mr. Taitano. Is this a reason to rush to ill-fed conclusions? No way! He continues: "We must hold child sex abusers and their enablers accountable for their actions." Who are the enablers? Who are these people and what have

they done? How would the bill address these enablers of sexual abuse? We have no answers. Very disturbing.

<http://www.guampdn.com/story/news/2016/07/30/support-given-bill-would-lift-statute-limitations/87696388/>

[I demonstrated how this disturbing language from the advocacy group is appearing in the bill by quoting Section 2, paragraph (b) of the update of the proposed bill as of August 1<sup>st</sup> 2016. In particular, I pointed out that the following terms and expressions are undefined in the given context: enabler, aider, abettor, those acting in concert with them and their institutions or corporations sole. The bill does not offer any means to identify persons whom can be described by this terms. This makes the proposed bill incomplete!]

*3. Attempt of politicizing faith matters is on display*

*4. Taking away constitutional right and protection of following one's conscience and practicing one's religion*

My concerns here simply follow from the observations discussed above.

Dear Senators, as a concerned citizen I ask you to convince yourself that the proposed bill in its current form cannot be supported. The wording of the proposal omits crucial details, neglects explanations of eminent importance and mischaracterizes current trends in law making. Without showing up substantial and compelling reason to change a law, it tries to override it with possibly open ended consequences. The proponents of the bill openly declare their desire to go beyond the wording of the bill and use the law, if enacted, to exert pressure on peaceful believers on the sole basis of belonging or not belonging to some faith groups.

Advocacy groups who support this bill are unable to explain why they stayed away from their advocacy activity back in time when the window of opportunity for sexual abuse charges was open. These groups openly demand punishment for clergy and restriction of faith related activity of lay people. Among those groups who support this bill and among their members, including leadership, an unacceptable language is prevalent that recalls the practices of oppressive political systems of the 20<sup>th</sup> century. Calling Catholic believers and consecrated priests by dehumanizing terms, like cancer, is revealing a vicious agenda of political intent that cannot be supported by any respectable legislature with stature and integrity.

Yours sincerely,

Zoltan Szekely  
Resident of Yona



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: TESTIMONY IN OPPOSITION OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE**

---

Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Aug 1, 2016 at 8:46 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Olga Szekely** <[csuka\\_olga@yahoo.com](mailto:csuka_olga@yahoo.com)>

Date: Mon, Aug 1, 2016 at 1:04 AM

Subject: TESTIMONY IN OPPOSITION OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE

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Mailing address: P.O.Box 5007, UoG Station

Mangilao, GU 96923

[zoltan\\_szekely@yahoo.com](mailto:zoltan_szekely@yahoo.com)**testimony in opposition of bill 326-33.pdf**

186K

From: Dr. Zoltan Szekely, resident of Yona  
Mailing address: P.O.Box 5007, UoG Station  
Mangilao, GU 96923  
zoltan\_szekely@yahoo.com

August 1, 2016

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aguon4guam@gmail.com

#### TESTIMONY IN OPPOSITION OF BILL 326-33 AS SUBSTITUTED BY THE COMMITTEE

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*2. The language employed by the advocates of this bill is disturbing*

Advocates of this bill like Tim Rohr explain the necessity of the bill by referring to their dissatisfaction with Archbishop Savio Hon Tai Fai who was appointed to administer the Archdiocese of Agana by Pope Francis. They accuse Archbishop Hon by not following the instruction of Pope Francis. But how would they know? If Archbishop Hon was appointed by the Pope then the Pope has the prerogative to evaluate his performance and decide if he can stay or not as the Apostolic Administrator. Mr. Rohr and his followers seem to steal the authority of Pope Francis to themselves by claiming that they can evaluate the performance of Archbishop Hon better than the Pope! But who authorized them to talk for the Pope? Their attitude is a proof that they respect the authority of the Supreme Pontiff only so far as they see it in line with their own political aspirations. Their doubletalk about the Pope of the Roman Catholic Church is extremely disturbing.

From the news reports: "The substitute bill gives child sex abuse survivors a chance not only to seek justice for the acts that have scarred them, but also allows them to file claims against institutions and organizations and other individuals who have engaged in a conspiracy to cover up those acts, said David Sablan, the president of the Concerned Catholics of Guam. "The passage of this bill and its enactment into law will be justice served, albeit years later," Sablan added." How is this in the bill proposed? Who are those who have engaged in a conspiracy? How are they addressed and identified by the bill? Is this truly the content of the bill or the intention of the advocacy group? The unanswered questions reveal how hard it is to say what CCoG really wants to achieve by this bill. Very disturbing.

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<http://www.guampdn.com/story/news/2016/07/30/support-given-bill-would-lift-statute-limitations/87696388/>

### *3. Attempt of politicizing faith matters is on display*

Mr. Rohr's testimony claims: "Archbishop Apuron is a member of a very powerful and well-financed international organization which has wrought similar heartache and destruction in dioceses around the world."

<https://www.scribd.com/document/319516173/Bill-326-33-Testimony-Tim-Rohr>

What could exactly be this mysterious "very powerful and well-financed international organization" Mr. Rohr is talking about? His statement is hanging out on thin air without any validity to it. It is a typical attempt to politicize faith and church matters.

He continues: "Archbishop Anthony Sablan Apuron, one of the few bishops in the world who is a member of this organization and who is a major player in its mad scheme, will be brought to justice, and the Vatican will finally see that this hiding and moving and secreting about of those who abuse and ravage and rape our children, will not only not be tolerated, but will be pursued and prosecuted and punished by every possible legal means."

Several questions arise here:

- a) What "mad scheme" is claimed by Rohr here? Is he trying to indict some mysterious organization on charges of child abuse?
- b) Is Vatican currently hiding, moving, secreting about child abusers and tolerating them? This would be a very curious proposal.
- c) How would Vatican 'finally' see all this? Meantime it does not see anything, only finally, when Mr. Rohr and the advocates of this bill succeed in bringing this mysterious organization down? Would this really be justice served?

Well, it is a very ambitious political agenda, indeed.

*4. Taking away constitutional right and protection of following one's conscience and practicing one's religion*

My concern here simply follows from the utterances discussed above.

Dear Senators, as a concerned citizen I ask you to convince yourself that the proposed bill in its current form cannot be supported. The wording of the proposal omits crucial details, neglects explanations of eminent importance and mischaracterizes current trends in law making. Without showing up substantial reason to change a law, it tries to override it with possibly open ended consequences. The proponents of the bill openly declare their desire to go beyond the wording of the bill and use the law, if enacted, to exert pressure on peaceful believers on the sole basis of belonging or not belonging to some faith groups.

Advocacy groups who support this bill are unable to explain why did they stay away from their advocacy activity back in time when the window of opportunity for sexual abuse charges was open. These groups openly demand punishment for clergy and restriction of faith related activity of lay people. Among those groups who support this bill and among their members, including leadership, an unacceptable language is prevalent that recalls the practices of oppressive political systems of the 20<sup>th</sup> century. Calling Catholic believers and consecrated priests by dehumanizing terms, like cancer, is revealing a vicious agenda of political intent that cannot be supported by any respectable legislation with stature and integrity.

Yours sincerely,

Zoltan Szekely  
Resident of Yona



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Testimony on Substitute Bill No. 326-33**

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Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Aug 1, 2016 at 8:45 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Vincent P. Pereda** <[vpereda47@guam.net](mailto:vpereda47@guam.net)>

Date: Sun, Jul 31, 2016 at 6:38 PM

Subject: Testimony on Substitute Bill No. 326-33

To: "Sen. Frank B. Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

Hafa Adai Senator Aguon,

Attached is my written testimony on Substitute Bill No. 326-33 which if possible I would like to orally present at tomorrow's public hearing.

Thank You,

Vince Pereda

**Testimony - Substitute Bill No. 326-33.pdf**

270K

Vincent P. Pereda  
P.O. Box 20722  
Guam Main Facility  
Barrigada, Guam  
vpereda47@guam.net

July 31, 2016

Senator Frank B. Aguon, Jr.  
Chairman, Committee on Guam U.S. Military Relocation, Public Safety and Judiciary

**RE: TESTIMONY IN SUPPORT OF SUBSTITUTE BILL NO. 326-33**

Dear Senator Aguon,

My name is Vincent P. Pereda and I am a resident of Tamuning. I am providing written testimony on **Substitute Bill No. 326-33** not only as a concerned citizen for victims of child sexual abuse but also as a mental health professional who has worked with convicted, adjudicated sex offenders for over twenty years. I, therefore, would like to present testimony from the alternate perspective of the sex offender.

To show that I know what I'm talking about, let me tell you a little about my professional background. I am a Board Certified Clinical Social Worker by the American Board of Examiners in Clinical Social Work since 1980 and I am also a Licensed Mental Health Counselor and have been licensed to practice professional counseling on Guam since 1989, when licensure became law. All in all, I have accrued over 30 years of clinical experience as a professional counselor, program manager and clinical administrator. Within the Government of Guam, I have worked in juvenile and adult corrections, mental health and for the Judiciary of Guam. Additionally, I have worked for twenty (20) years in Federal Civil Service as a clinical social worker and clinical counselor for the Department of the Navy at the U.S. Naval Hospital Guam, the Navy Fleet and Family Support Center as well as for the Department of Veterans Affairs. I have retired from both the Government of Guam and the Federal Government, but have continued to work as a part time contract counselor for the Superior Court of Guam providing consultation and counseling for court clients. In this capacity, I work with both juvenile and adult sex offenders performing clinical evaluations and providing direct treatment intervention. I know that I'm aging myself but I don't mind. I will be 69 years old this month but maintain the zeal and passion to continue in my profession.

In addressing the situation of Anthony S. Apuron, after hearing all of the accounts of sexual molestation and rape that have been publicly disclosed by the victims that have bravely come forward, I have no doubt that Anthony Apuron can be considered a *serial child molester* who has perpetrated his criminal sexual conduct behavior undetected and/or unreported over many years. Many have referred to him as a pedophile (a sex offender who has a primary interest

and sexual attraction to children) as well as a hebephile (a sex offender attracted to adolescents which can include teenagers and preteens). Since Apuron has never been held accountable for any of his sexually illicit acts, we do not know just far he has gone with additional victims. It is very possible that in addition to children and adolescents, he may also have continued his sexual perversion and deviance with adults. What is public known is that he is alleged to have sexually molested to include reportedly raping one of four male victims. Had he been reported when he committed these criminal acts back in the 1970s when he was a parish priest, he would today by current law be charged with **First and Second Degree Criminal Sexual Conduct (As 1<sup>st</sup> Degree Felonies)** which are the most serious levels of Criminal Sexual Conduct offenses. If convicted for these crimes, he would be facing serving 15 years to life and if convicted of more than one count of First Degree Criminal Sexual Conduct under aggravated circumstances, he could face being sentenced to life in imprisonment without the possibility of parole. Mr. Apuron would also be placed on the sex offender registry as a **Level One Offender** which means he would be a registered sex offender for the rest of his life being under the monitoring and supervision of the Court. This is how serious our criminal sexual conduct laws have evolved over the years. Our society no longer considers child sexual abuse or sexual abuse and assault involving adults to be matters that are taken lightly.

If we continue the scenario of Anthony Apuron being brought to justice within the criminal justice system, he would be subject to an investigation that would involve all aspects of his crime and living situation. As a criminal sexual conduct offender, he would be required to undergo a psychosexual evaluation which would involve a thorough assessment of his sexual and psychosocial history and would include him undergoing diagnostic tests such as a polygraph examination and other evaluative tools to assess the veracity of his statements. His denial and deceptive responses would definitely be uncovered. The investigation would also involve interviewing and obtaining information from known victims regarding the sexually abusive behavior of the offender. While it has been reported that Apuron is undergoing an investigation in Rome by the Holy See, one has to question whether or not this is actually occurring, particularly since none of the victims that have come forward report that they have had any contact from any Vatican official. In fact, none of the known victims have ever been contacted by the Chancery to be seen and interviewed regarding their respective incidents. The Chancery has only submitted statements of the victims and apparently that is sufficient and no personal contact is necessary. No information has been provided to the people of Guam regarding Apuron's status. It is, therefore, understandable that skepticism abounds about what is actually happening with Archbishop Apuron.

As is well known, most sex offenders do not readily admit to their sexual offending behavior. Denial of the offending behavior is a hallmark dynamic which allows them to escape responsibility and being held accountable for their illicit sexual behavior. This has been most evident in the adamant public denial of Apuron that he committed sexual abuse against his accusers. Such a highly shameful and unspeakable act is very difficult to admit to so much so that even after pleading guilty to criminal sexual conduct, many sex offenders often deny committing the offense when seen for counseling. It is usually only after the sex offender comes to the realization that maintaining his denial is likely to result in a finding of guilt and considerable prison time will he admit to his offense and accept a plea agreement that will give

him the least punishment. This admission, however, is often not a full and truthful admission of responsibility for his grievous and wrongful behavior but rather a partial admission often wrought with rationalization and minimization and a shifting of the blame onto the victim and "extenuating circumstances." This is why sex offenders are considered one of the most difficult client populations to treat.

As we know, given the scenarios presented, Anthony Apuron will not face criminal charges for the alleged criminal sexual conduct offenses perpetrated against his known victims. That door is apparently closed and cannot be opened. However, he can be made to face up to his illicit sexual misconduct through Substitute Bill 326-33, which provides child sex abuse victims the opportunity to sue their perpetrators for acts that have adversely impacted their lives as well as allowing them to file claims against institutions, organizations and other individuals who have engaged in a conspiracy to cover up those acts. This may be the only course open to child sex abuse victims to finally obtain long awaited and overdue justice. I, therefore, strongly urge the legislature to expeditiously pass this bill into law.

Respectfully, Submitted,



Vincent P. Pereda, MSW, BCD, LMHC  
Clinical Social Worker  
Board Certified Diplomate  
Licensed Mental Health Counselor

Anthony B. San Nicolas  
P.O. Box 12273  
Tamuning, Guam 96931

August 1, 2016

Honorable Frank Blas Aguon, Jr.,  
Ste, 503 DNA  
238 Archbishop Flores St.,  
Hagatna, Guam 96910

**RE: Character Reference and in support of Bill 326-33 as Substituted  
by the Committee**

**GOOD MORNING SENATORS  
MY NAME IS ANTHONY B. SAN NICOLAS**

First, let me express my sincere appreciation for allowing me to speak before this Committee today, I am here this morning to provide Character Reference including Moral Support for Mr. Leo Tudela and to stand in full support of BILL326-33 as Substituted by Committee.

I have known Leo for more than **25** years as a close and special friend most especially during the time that we were working together.

Numerous times during my career I had the opportunity to travel and work with Leo throughout Micronesia, the CNMI, as well as here in Guam attending operational meetings as well as conducting financial audits.

I know Leo to be a person of strong and positive attributes such as in his integrity, honesty, trustworthiness, dedication, loyalty, sincerity to name a few his strong aspirations in his desire and commitment to helping others can be seen and attributed through his continuous dedication and hard work.

Our relationship and true friendship that carried us throughout these many years can be attributed to the fact that Leo's integrity and dignity is beyond reproach.

A true friend and a mentor, I will always look to Leo for advice. Other friends and colleagues notably will also do the same. He is truly an exceptional individual who continually serves to be an inspirational person to many people but most especially to his Family.

Today, we are witnessing Leo courageously decide to open up and come forward to tell us his story about his dreadful and traumatic experience that he encountered regarding child sex abuse during his early age as an Altar Boy at Mangilao Church.

This is an extremely emotional time for Leo as well as to the other individuals who earlier came forward to tell us their story that they also had encountered regarding Child Sex Abuse.

They are all earnestly and eagerly looking for a closure by seeking and demanding for their basic right to "Due Process" in their quest for justice.

SENATORS, today I stand in full support on **BILL 326-33** as Substituted by Committee.

THANK YOU AGAIN and SI YUUS MAASE

ANTHONY B. SAN NICOLAS

**Buenas Dias  
Nâ'ân-hu si Leo Tudela  
Mafangon Saipan ho  
Taotao Hawaii yo patgo;  
Sesenta tres annos yo;  
Si Yuus Maase put este na  
oppotunidad para bai  
testigo gi maenan mijo**

I know being a member of the legislature is not an easy job as you are often called upon to pass laws that affect many individuals during their lifetime. This is most pronounced when it comes to serious issues that involve institutions that have a profound effect on individual lives, especially when they involve religious institutions. A person's religion becomes the foundation of one's faith, and is imbedded in our daily lives. It could be any denomination.

I was born on July 17, 1943. I came from a very strict Catholic family. Almost daily, my grandparents installed in me that the Lord Jesus Christ is the Supreme Almighty and can't be questioned. I grew up in that environment and for this reason, my grandparents asked me to join the Altar Boys in Chalan Kanoa, Mt. Carmel Church, Saipan. Beginning in 1954, I joined the Altar Boys for Mt. Carmel Church under Father Arnold Bendowski, O.F.M. Cap.

My grandmother was very proud of me and would tell all the neighbors about me being an Altar Boy. She would make sure I get up in the early morning, often when it was still dark outside, and go to assist for Mass at the altar for Father Arnold. On every Saturday I would go to the rectory and help make Communion wafers and to clean the rectory. Those Saturdays spent at the rectory were one of my happy days because, by helping out at the rectory, I enjoyed the wonderful food and grapes that the rectory had. I was very poor and that was my pride and joy to help out as an Altar Boy and be able to enjoy their food.

You may ask, "Why am I telling you this? I am doing so to make you aware that since I was a very small boy growing up, I was indoctrinated with the Catholic Church teaching and that I am very proud of it. I loved my grandmother and would do anything for her and she wanted me to do this for the church.

In summer of 1956, Father Arnold asked me if I wanted to go to Guam to attend Catholic school. Father Arnold also selected two other Altar Boys to go to Guam. Their names were Ramon (Ray) Demapan and Jesus Dela Cruz from Tinian. I was very happy that I was selected and to be under the protection and guidance of a Catholic Church priest.

While I was staying at the Capuchin Fathers Monastery in Agana Heights, one night in the early morning hours, I was awakened by someone touching my private area (penis) and massaging it. I was shocked, very frightened, scared and shaking to have a big shadow of a man sitting next to me. I started to cry as I could not believe what was going on. This was in the monastery of God and how could this be happening to me. He told me "it is okay, I am Brother Mariano." I told him to please leave me alone but he continued to do what was doing. Finally, he got up and left the room. I took my blanket and covered my face and my whole body. I was crying and shaking. It was a night I would never forget. The next day, I told Brother Ferdinand Pangelinan what happened to me and soon after that, we were moved to Sinajana Catholic Church Rectory, to stay there.

While I was at the Sinajana Rectory, I met Father Louis Brouillard. I believe he was teaching at St. Jude Catholic School and assisting Father Kieran. Father Louis invited me to come to Santa Teresita Church in Mangilao and help him as an Altar Boy and to clean the rectory. While I was staying there, I was told to join the Boy Scouts as part of my duty, along with the other three Altar Boys staying at the rectory.

I joined the Boy Scouts because the Scouts were sponsored by Santa Teresita Church. All of the boys staying at the rectory were required to join the Scouts. The Scoutmaster was a high member of the church. His first name was "Ignacio". I don't remember his last name. On one occasion, which I remember to this day, we went to Yona Beach area to camp as a requirement for all new Scouts. One night, we were told to stand in a straight line and the scoutmaster drew a line for us to stand and then he drew another line about 3 or so feet in front of us. He told us to take our pants down and start playing with our penis (to masturbate) and if our semen did not reach the line drawn in front of us, we would be given all the work that has to be done at the camp. If we reached the line, then we would not have to do anything.

In addition, while I was staying at the rectory, late one night I was sleeping on my army bed and suddenly I felt someone touching my penis and massaging it. I looked up and saw Father Louis sitting to my left and told me "it is okay, you will feel good and don't worry about anything." I was shocked and felt very uncomfortable. I was shaking, scared and started to cry. I was totally embarrassed and ashamed of what Father Louis was doing to me. He was supposed to be a man of God, as this is what my grandparents taught me when I was growing up in Saipan. This was wrong and not right. The next day, I called my uncle Rufino to come and pick me up. He did so and I ran away from the rectory and never wanted to go back.

All these evil incidents have stuck in my mind for some 60 years and to this day, I still have nightmares and continue to relive those events as if they happened only yesterday. Terrible things come to my mind and I really hate Father Louis and Brother Mariano for what they did to me. I have cried on many occasions since then and continue to have memory flashbacks of the horrible things that happened to me. I feel cheated and molested by people who were suppose to be my protector, comforter and God's guardian angels. They were supposed to be the representatives of God, as told me by my grandparents.

I have some major medical issues and I believe these incidents have contributed to my poor health.

All I want is justice, due process of the law and people who did this and condoned these actions, to accept responsibility for their evil acts and to have closure and to start my healing process after over a half century of pain and suffering.

Please give us your support. For all the young boys that were molested by those who had a relationship with the Archdiocese of Agana or with other institutions, I very strongly urge you to pass this legislative bill, so we can have closure and begin to heal from these evil things that have happened to us and to protect our future Altar Boys/Girls.

For so many years, the Archdiocese appears to have failed to not only stop these incidents, but also tolerated and perpetuated these evil acts upon young innocent boys.

Be the voice of God by passing this legislation, and make your legacy be that you took bold actions to protect ALL citizens and a step to correct the wrongs of the past done to innocent children. I believe it is time to move forward and do the right thing.

God bless all of you.

SI YUUS MAASE



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Testimony in Support of Substituted Bill 326-33 (COR)**

---

Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Mon, Aug 1, 2016 at 8:54 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Maria Espinoza** <[espinozamp@gmail.com](mailto:espinozamp@gmail.com)>

Date: Mon, Aug 1, 2016 at 8:50 AM

Subject: Testimony in Support of Substituted Bill 326-33 (COR)

To: "Frank Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

First of all, I am not able to scan my signed copy right now, but I will be sending a signed copy as soon as possible sometime today. Sorry for the inconvenience! Please feel free to contact me via phone for any clarifications

Maria P. Espinoza

P. O. Box 4910

Hagatna, Guam 96932

email: [espinozamp@gmail.com](mailto:espinozamp@gmail.com)

Tel: 734-4355

August 1, 2016

Senator Frank B. Aguon, Jr.

Chairman, Committee on the Guam U. S. Military Relocation, Public Safety, and Judiciary

Ste. 503 DNA Building

238 Archbishop Flores St.

Hagatna, Guam, 96910

REF: In Support of Bill 236-33(COR) as Substituted by the Committee

Buenas and Hafa Adai, Senator Aguon and Committee Members. Thank you for extending the time to present

written testimony and I am sorry I am unable to appear personally to testify in support of Bill 236-33.

This bill is absolutely necessary to enable child sexual abuse survivors to seek justice against their victimizers. I am glad to read that,

"(a) An action for child sexual abuse may be commenced against abusers,

\*\*\* their enablers, their aiders or abettors,

\*\*\* those acting in concert with them and their institutions or corporations sole

\*\*\* at any time."

The language is a complete "Shake Down" of those in power who take advantage of the innocence of children and who calculate and manipulate the children for their carnal use.

However, as I review the sentence above in bold, I am struck that there are actually two parts implied in that one sentence: The first part refers to the various, participants of the abuse. The second part refers to the Cover Up. The first part uses four words which identify any and all probable participants: Aside from the abuser, they include the Enablers, Aiders, and Abettors. These words are all in the ACTIVE mode, and imply the person(s) to be actively involved in the present tense of the abuse with no implication of a Cover Up.

- (1) Abettors are those who encourage, support or countenance by aiding or approving usually in a wrong doing;
- (2) Enablers are those who make feasible or possible; to give legal power capacity, or sanctions to; and
- (3) Aiders are those who assist, aid, or abet the principal and who are principals in the second degree.

In comparison, the phrase those acting "in concert" imply by definition, that the individuals are acting in a coordinated fashion with a common purpose, and since these individuals did not actually commit the abuse, then, I can only conclude that the phrase refers to A COVER UP.

The last three words "at any time" confirms my analysis that this sentence should include words like "cover up" of the abuse, past or present. Restated, the sentence could state the following:

(a) An action for child sexual abuse may be commenced against abusers, their enablers, their aiders, or abettors. The action may also commence against those who are in concert with them together with their institutions or corporations sole at any time in order to cover up, conspire or to evade and conceal the abuse and abuser.

I hope that the distinction I make is understood, AND I hope that you agree with me.

I also support Section 3 which repeals Subsection (c) of Section 11306 of Article 3, Chapter 11, Title 7, Guam Code Annotated. The repeal will encourage lawyers to consider representing survivors who seek justice against their abusers.

Please prioritize the passage of this Bill so that it can be referred to the Governor for his signature! These men have suffered for many years and deserve Justice and all due consideration to help them in the healing process.

Before I close, please Note an Error in the Bill: Under Section 11301.1 (b), line 3 of page 3, the phrase "those acting in concert with them" is repeated unnecessarily.

Sincerely,  
Maria P. Espinoza



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Signed testimony in support of bill 326-33**

---

Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

Tue, Aug 2, 2016 at 7:56 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Un Dangkolo' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary

Mina Trentai Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)

Suite 503, DNA Bldg, 238 Archbishop Flores Street,

Hagatna, Guam 96910

email: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)

Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **Maria Espinoza** <[espinozamp@gmail.com](mailto:espinozamp@gmail.com)>

Date: Tue, Aug 2, 2016 at 12:12 AM

Subject: Signed testimony in support of bill 326-33

To: "Frank Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>, Maria Espinoza <[espinozamp@gmail.com](mailto:espinozamp@gmail.com)>

Senator,

Please remove the 2nd page of the testimony I submitted this morning, Monday 8/01/16 and replace it with this copy which has my signature.

Also, your staff promised that they would acknowledge receipt of my testimony, but I have yet to receive a response.

Sorry for the inconvenience.

Mrs. Maria P. Espinoza

**2016 Testimony in support of bill 326-33.pdf page 2.pdf**

383K

(3) Aiders are those who assist, aid, or abet the principal and who are principals in the second degree.

In comparison, the phrase **those acting "in concert"** imply by definition, that the individuals are acting in a co-ordinated fashion with a common purpose, and since these individuals did not actually commit the abuse, then, I can only conclude that the phrase refers to A COVER UP.

The last three words "**at any time**" confirms my analysis that this sentence should include words like "cover up" of the abuse, past or present. Restated, the sentence could state the following:

**(a) An action for child sexual abuse may be commenced against abusers, their enablers, their aiders, or abettors. The action may also commence against those who are in concert with them together with their institutions or corporations sole at any time in order to cover up, conspire or to evade and conceal the abuse and abuser.**

I hope that the distinction I make is understood, AND I hope that you agree with me.

I also support Section 3 which repeals Subsection (c) of Section 11306 of Article 3, Chapter 11, Title 7, Guam Code Annotated. The repeal will encourage lawyers to consider representing survivors who seek justice against their abusers.

Please prioritize the passage of this Bill so that it can be referred to the Governor for his signature! These men have suffered for many years and deserve Justice and all due consideration to help them in the healing process.

Before I close, please Note an Error in the Bill: Under Section 11301.1 (b), line 3 of page 3, the phrase "*those acting in concert with them*" is repeated unnecessarily.

Sincerely,



Maria P. Espinoza



# Judiciary of Guam

Guam Judicial Center • 120 West OBrien Dr • Hagatna Gu 96910  
Tel: (671) 300-9282 • Fax: (671) 477-3184



**ROBERT J. TORRES**  
Chief Justice

**ALBERTO C. LAMORENA, III**  
Presiding Judge

**JOSHUA F. TENORIO**  
Administrator of the Courts

**DANA A. GUTIERREZ, Esq.**  
Director of Policy, Planning  
and Community Relations

July 26, 2016

The Honorable Frank Aguon, Jr.  
Chairman  
Committee on Guam U.S. Military Relocation, Public Safety & Judiciary  
Suite 503 DNA Bldg.  
238 Archbishop Flores St.  
Hagatna, Guam 96910

**Re: Testimony on Substitute Bill No. 326-33**

Dear Chairman Aguon:

On behalf of the Judiciary of Guam (the "Judiciary"), thank you for providing me with the opportunity to submit written testimony regarding substitute Bill No. 326-33, the *An Act to Amend § 11306, Chapter 11, Title 7, Guam Code Annotated Relative to the Statute of Limitations in Cases Involving Child Sex Abuse*. This testimony supplements the Judiciary's June 23, 2016 letter concerning Bill No. 326-33.

We note that substitute Bill No. 326-33 addresses the Judiciary's concern that revising the title of § 11306 to remove the two-year statute of limitations would affect other causes of action aside from claims involving child sexual abuse and appeared to go beyond the intent of Bill 326-33.

As substitute Bill No. 326-33 places proposed language addressing the statute of limitations for civil claims arising from child sexual abuse in a new section, i.e., 7 GCA § 11301.1, we recommend that the Guam Legislature consider repealing 7 GCA § 11306(b). 7 GCA § 11306(b) provides:

(b) Notwithstanding the provisions of Subsection (1) of this Section, for a period of two (2) years following the effective date of this Act, victims of child sexual abuse that occurred on Guam who have been barred from filing suit against their abusers by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in the Guam Superior Court.

By repealing 7 GCA § 11306(b), the Guam Legislature will make it clear that proposed 7 GCA § 11301.1 which provides no limit, controls the statute of limitations period for civil claims arising from child sexual abuse.

Thank you again for the opportunity to provide further testimony on Bill No. 326-33.

If you have any questions regarding the above, please feel free to contact me at [dgutierrez@guamcourts.org](mailto:dgutierrez@guamcourts.org) or 300-9282.

*Senseramente,*



DANA A. GUTIERREZ

Director of Policy, Planning &  
Community Relations

## **Testimony of Joe R. San Agustin**

On Bill 326-33 As Substituted by the Committee (COR)

"An Act to add a New §11301.1, repeal Subsection (c) of §11306,  
all of Article 3, Chapter 11, Title 7, Guam Code Annotated,  
Relative to the Civil Statute of Limitation in cases involving  
Child Sex Abuse"

Good morning, Mr. Chairman and members of the Committee on Guam-U.S. Military Relocation, Public Safety and Judiciary. My personal greetings to each of you individually. I extend to you all one big Hafa 'Dai and Buenas.

My name is Joe R. San Agustin, a resident of Toto, Guam. Due to my personal disability, I am unable to appear before you personally to present you my testimony. I am, thereby, submitting it to you in writing (via email). I can be personally contacted, however – through the information provided below – should that be necessary.

My testimony will be very brief. As one being in favor of this bill, I am hopeful that the Rules Committee will expeditiously act, following this hearing, and bring Bill 326-33 to the Floor for consideration by the whole body of our elected officials for further consideration and/or debate – either as a rider or through its own merits - and I pray for its favorable passage.

My favorable testimony for Bill 326-33 lies in the fact that I believe it is the right thing to do. Notwithstanding the existence of Statutes of Limitation for other crimes – sexual or otherwise - I believe that crimes against minors should have no limitation of time to expose assaults made against them, and to seek closure to their traumatic experience – if only for the simple argument that they were not only “below the age of legal consent” at the time, but that the trauma and experience they underwent were something that they perhaps were not able to fully comprehend and cope with at that time – and may take years or decades before it finally dawned on them that they should be silent no more.

Thus, when they do overcome their emotional and other issues, they should be given the opportunity of redress and not be forever penalized from ever bringing closure to their issues because a law (Statute of Limitation) prohibits them from doing so, and thus further penalizes them. I believe the law should give those minors (then), the opportunity to bring healing to themselves as adults.

I applaud Senator Frank F. Blas, Jr. for the righteous action he took in introducing this bill. It is my hope that other senators will follow suit and attach their names to the bill as co-sponsors before or when it hits the Floor for further consideration and discussion. Whoever votes against this bill is in favor of forever silencing victims. I hope no senator does!

Thank you for the privilege of presenting my thoughts on this bill, and for the opportunity to give you my testimony in absentia. (July 28, 2016)

Respectfully,  
Joe R. San Agustin

PO Box 1855, Hagatna, GU 96932, 671-969- 3782, joesanagustin@gmail.com



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

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**Fwd: Testimony in Favor of the Substituted Bill 326-33**

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Frank Aguon, Jr. &lt;aguon4guam@gmail.com&gt;

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Thu, Jul 28, 2016 at 8:40 AM

Un Dangkolol' Na Si Yu'os Ma'ase' (Thank you very much)

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam-US Military Relocation, Public Safety, and Judiciary  
Mina Trental Tres Na Liheslaturan Guahan (Thirty-Third Guam Legislature)  
Suite 503, DNA Bldg, 238 Archbishop Flores Street,  
Hagatna, Guam 96910  
email: aguon4guam@gmail.com  
Contact Nos. Office, 475-GUM1/2 (4861/2)

----- Forwarded message -----

From: **John Pereda** <jpereda@yahoo.com>

Date: Thu, Jul 28, 2016 at 5:04 AM

Subject: Testimony in Favor of the Substituted Bill 326-33

To: "aguon4guam@gmail.com" &lt;aguon4guam@gmail.com&gt;

Hello Senator Aguon.

My name is John Pereda and I am submitting written testimony in favor of the substitute Bill 326-33. My contact information, if needed, is as follows:

**Phone:** (671) 688-4409**Email:** jpereda@yahoo.com**Address:** P.O. Box 20722, GMF, Barrigada, GU, 96921

Thank you.

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"Nothing is true. Everything is permitted."

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 Pereda,John\_Bill326-33WrittenTestimony\_7-28-16.docx  
15K

My name is John Pereda. I am providing testimony in favor of the substituted Bill 326-33, the Act to amend Chapter 11, Title 7 of the Guam Code Annotated relative to the statute of limitations in child sex abuse cases, and to render all enablers, aiders and abettors liable.

Last month, I provided testimony in support of the original incarnation of this Bill, and I now provide testimony again, in support of this updated version, in light of recognition of the sad truth that oftentimes, the crime of sexual abuse is never truly committed by just one individual—even if it may have been one individual directly and physically culpable of abuse—but rather, it is also often covered up or concealed on an *institutional* level.

It is apparent that this Bill was introduced in direct response to the scandal of sexual abuse within our local Catholic Archdiocese. However, one just needs to read a newspaper or magazine or watch a news report from the past few years to see there is an epidemic of systematic cover-up of sexual abuse prevalent in our culture. This is not the same as an offender asking his/her best friend to confirm an alibi; it is a far more elaborate and devious manner of cover-up. And this plague doesn't just exist within religious institutions, but within secular halls as well, from corporations to academic institutions. It is a plague in which institutions more value on their reputation and pocket books over the physical and emotional safety of its members, even its most innocent and defenseless ones.

As far as I am concerned, any institution that actively works in protecting one of their own from justice with full knowledge of their crimes is guilty as an accomplice. We cannot merely hold the abuser accountable while allowing any institution that aided him/her to get off unaffected and claim that “justice has been served.” If we only punish the individual abuser but not his/her institutional accomplices, we are merely curing a symptom or amputating a limb while allowing the true disease to continue unabated, because if only the individual is punished, what is to deter that same institution from doing the same for another of their own who may end up accused of the same crime sometime in the future?

The fact of the matter is often, the only real language these institutions speak is the language of money and reputation, *not* of ethics and integrity. And any institution—secular or religious—that values the former at the expense of the latter, deserves *neither*. The only prize such entities deserve is to have their actions exposed, their reputations sullied, and to be made to do their part to fix the damage caused to the victims of sexual abuse. I believe the substituted Bill 326-33 will not only go that extra step to render the depraved individual civilly liable, but will also take that valuable *first* step in combatting the seemingly daunting problem that is institutionalized enablement. These organizations and institutions do what they do because they understand that there is strength in numbers. I implore you, Senators of our Legislature, to show that you understand this too, by uniting in opposition to such corruption by unanimously passing Bill 326-33 into law.

Thank you.

**Robert Klitzkie, Esq.**

22 Baki Ct., Yigo, GU 96929

(671) 653-6607

[klitzkie@hotmail.com](mailto:klitzkie@hotmail.com)

July 28, 2016

Testimony of Robert Klitzkie before the Committee on the Guam Military Relocation, Public Safety and Judiciary on Bill 326-33 as substituted by the committee.

The first public hearing on this bill elicited an abundance of relevant and probative testimony. My testimony at that hearing is incorporated by reference. Rather than submitting new testimony, this paper echoes technical considerations initially set forth at the first hearing.

It is submitted that this august body has the opportunity to make findings that for all practical purposes “the window never opened” when PL 31-07 was enacted. Although the statute of limitations was textually lifted for two years because of the way it was so riddled with booby traps and pitfalls for the unwary, even the most intrepid of lawyers with the most meritorious of cases wouldn’t venture into court. In essence if this bill passes as a practical matter it will be the FIRST time the “window opens.”

Provisions of PL 31-07 served to discourage counsel from undertaking the representation of child sexual abuse survivors. A sample of the defects in PL 31-07 follows:

- 7GCA § 1106.1(g) “... If the Court finds there has been a failure to comply with this Section, the Court shall order a party, a party's attorney, or both, to pay any reasonable expenses, including attorney's fees, incurred by the defendant for whom a certificate of merit should have been filed.”

“Reasonable expenses” is an undefined term that adds an unnecessary degree of uncertainty to the process, tending only to discourage the filing of meritorious claims.

- 7GCA § 1106.1(d) “A violation of this Section shall constitute unprofessional conduct, and shall be grounds for discipline against the attorney.”

Guam Rules of Civil Procedure (GRCP) Rule 11 already provides for high ethical standards for attorneys in all litigation. The Guam Rules of Professional Conduct already provide high ethical standards for all aspects of the practice of law. Our Supreme Court is the enforcer of ethical standards for attorneys assisted by the Bar Of Guam Ethics Committee pursuant to Rules of Procedure-- Disciplinary Proceedings. 7GCA § 1106.1(d) is either dangerous or superfluous. It’s clearly unnecessary.

- 7GCA § 1106.1(d) “... the motion of a party or upon the Court's own motion, verify compliance with this Section by requiring the attorney for the plaintiff who was required to execute the certificate to reveal the name, address, and telephone number of the person or persons consulted that were relied upon by the attorney in preparation of the certificate of merit.”

The implication here is that the “licensed mental health practitioners” might be dragged into litigation or even incur liability because of their participation.

- 7 GCA § 11306 (c) A person against whom a suit is filed may recover attorney's fees and damages where the Court determines that a false accusation was made with no basis in fact and with malicious intent.

This provision makes it impossible to try any case for child sexual abuse. It creates a cause of action for attorneys fees in the same case in which the cause of action for child sexual abuse is heard. Thus a defendant in the Plaintiff's case-in-chief could on cross examination or in his own case- in-chief adduce evidence and be entitled to jury instructions that a the plaintiff's claim was brought on “a false accusation with no basis in fact and with malicious intent.” Only chaos could result from such a trial regime as in effect two different separate trials would be occurring at the same time. A defendant's appropriate remedy for an improperly filed claim would be a separate action sounding in malicious prosecution, a condition precedent for which would be a favorable termination of the improperly brought child sexual abuse claim.

Including a provision to award damages and reasonable expenses to a defendant for a false claim of child sexual abuse will have such a chilling effect on potential plaintiffs and counsel that it would guarantee that such claims never see the light of day.

*NB* 7 GCA § 11306 (c) is still the law! § 11306 (c) was obviously put in place to make it more difficult to file claims for child sexual abuse that had been time barred. But the language of subsection (c) applies to all 7 GCA § 11306. Thus the attorneys fees and damages provision applies to claims for assault, battery, false imprisonment, *etc.* as well as child sexual abuse. § 11306 (c) applies to claims for child sexual abuse that occur in the present thus. In other words even if yesterday Apuron committed the alleged rape of a child as reported on TV and in the papers, § 11306 (c) would still apply.

The chilling effect of the provisions *e.g.* those set out *supra* was apparently sufficient to dissuade counsel from bring actions for child sexual abuse no matter how meritorious the claim.

I respectfully request that this honorable committee seriously consider adopting findings that show that “the window never opened.”

Respectfully submitted,

Robert Kluzkie



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

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**FW: Bill Input: 326-33**

**Eugenio, Haidee** <heugenio@guam.gannett.com>

Thu, Jul 28, 2016 at 3:00 PM

To: "Office of Senator Frank Aguon, Jr. Admin" <admin@frankaguonjr.com>

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**From:** Ron McNinch <govguam@gmail.com>

**Date:** Thursday, July 28, 2016 at 2:15 PM

**To:** "Frank Blas, Jr." <frank.blasjr@gmail.com>, "B.J.F. Cruz" <senadotbjcruz@gmail.com>

**Subject:** Bill Input: 326-33

Dear Senator Blas, Attached is my letter of support for Bill 326-33.

You and Senator BJ Cruz are doing God's work.

Thank you, Ron McNinch

\*\*

Ron McNinch

28 July 2016

PO Box 5224

Mangilao, Guam 96923

govguam@gmail.com

Testimony in Support of Bill 326-33 with Suggestions to Consider for Students

Dear Senators,

I am very pleased Senator Frank Blas has proposed this bill and I am in full support of it. I would like to also point out that Senator BJ Cruz has been a long standing advocate for protecting the youth of our island. I know for both Senator Blas, who saw many crimes against children as a police officer, and Senator Cruz, who served in the Guam Judiciary for many years as an advocate to protect young people, this concern is not a matter of politics. They both genuinely have a deep concern for our children.

1) I would like to suggest that the Legislature take the opportunity this bill provides and cover all students of Guam under 30, not just those under the age of 18. The Guam Organic Act at 1421g(b) provides that Guam shall develop a public education system. Students of Guam public schools, the Guam Community College and the University of Guam are all part of that system. This bill might be modified slightly to cover all public school students and not be age specific in that regard. A teacher, professor or staff member who sexually abuses a student should not be allowed to hide behind the current statute of limitations. 80% of UOG students are under 25 and young people have specific relationship of trust with their teachers. As recent accounts have indicated, this trust can or will be violated. We need to protect all students.

2) Our leaders in our public education systems need to have a mandate in Guam law that allows them to fire teachers or professors who sexually abuse students. A person does not have to be convicted of a crime to be terminated for sexually abusing students. While serving on the University of Guam faculty senate last year, it was found that a member of a senate committee had been disciplined by the university for actions related to students. I made a motion for this person to be removed from the senate for ethics violations. A senate member who was on the faculty union board filed an ethics complaint against me for doing this. To defend myself, I asked the university to provide me with a copy of the discipline documents. The university had claimed to Guam media that this person had been suspended without pay for three months in March 2015. After the university refused to give me the discipline documents, I then made a FOIA for the faculty members' pay. I found that the university had moved the employee from a 26 pay period schedule (every two weeks) to an 18 period pay schedule (9 paychecks per semester) then suspended him in the summer between the semesters for 61 days.

In line form: pay every two weeks was changed to:

Spring Semester – (9 checks)

Summer Suspension- Unpaid (61 days)

Fall - (9 checks)

So it appears this punishment of unpaid suspension for three months was made during a period of no work and no pay in a time period of 61 days across three months (late May-June-July) in the summer break. I didn't make a big deal about this due to the upcoming WASC visit, but I think the point needs to be made that teachers who abuse students should actually be punished in a meaningful way. Had the faculty union not filed the ethics complaint against me, I would have never have known this. I had to clear my name on this because I am a fraud examiner. The government has to trust me to give them meaningful evaluations of conduct.

3) During the last year, I have been subjected to very serious retaliation prompted by the faculty union. This is in part over the sexual harassment policy I was advocating in response to these sexual abuse concerns directed against our young university students by certain faculty. I am perfectly willing to withstand abuse for standing up for our young students and our female employees. I sent an email to certain university officials on September 22, 2015 with the following quote as a part of the message:

"I will not tolerate any university official at any level, any faculty member at any level or any other person in any affiliation with the university violating federal policy designed to protect our students and the learning environment. I don't care who their friends are, I don't care who they think they are or what they think they can get away with here in our isolated island environment. I am not alone on this. If our university could reduce its culture of denial and retaliation, it might actually make progress.

I know the community view on this topic and our residents have no tolerance for the egregious behaviors that led to this current case. I am shocked and appalled by the behavior and it personally saddens me that this is treated as a cavalier minor problem. Our community deserves better. Our students deserve better. And our faculty deserve better.

The Guam Legislature named me a Distinguished Professor in 2009 just to remind UOG to address what is important. This is important. Title IX and the Cleary Act need to be openly and deliberately supported."

The University of Guam Board of Regents, particularly Regent Chair Sanford, was deeply concerned and supported updating the policy on sexual harassment. Also, Dr. Underwood appointed a committee to examine the issues and prepare the updates. But the faculty union still kept trying to harass me and intimidate me for speaking up for our students and female employees. I knew I could speak up because I knew this was a right and just effort. When the regents met to approve the new policy, the faculty union board sent the attached input via Dr. Underwood to them. In this document, they claim that I, Ron McNinch, started a sexual harassment crisis at the University of Guam and that was the only reason this policy was even being considered. This letter was sent to everyone on campus. I believe it directly violates my Title VII, Title IX and Cleary Act rights.

4) In April 2016, the university conducted a "climate survey" of members of the university community. This was highly commendable. Please note that this was just a sample of 708 university members with about 500 students. UOG has about 4000 students, so this sample is about one eighth of students. In this study, 11 students reported faculty sexual misconduct. If we generalize to the sample, this means up to 88 students had experienced sexual misconduct by faculty? This was a 2016 survey of current university community members. If we turned back the clock as this bill suggests, how many victims of serious sexual abuse would emerge? I think that UOG's own study shows I didn't start a sexual harassment crisis. It was always there, just not reported or taken seriously by anyone. The faculty union sent out a very improper letter to the regents about me, yet no one said anything, even after their own study showed the union allegations were false.

The legislature needs to update the Guam Whistleblower law to protect public employees who report criminal acts against students. These laws should also make these behaviors criminal for unions also.

Each senator should support providing a safe haven for employees who report crimes against students or employees.

5) The legislature should appoint an inspector general to investigate some of these concerns.

As a person of faith, I don't mind standing up when standing up for what is right. I know I am not alone. To paraphrase Isaiah 8:14, **God said, "I am like a stone" that the evil shall stumble upon.**

We need to address these concerns and make our community safe. We also have to have no tolerance for bad conduct.

I have the honor to remain your most obedient and humble servant,

Sincerely, /s/ Ron McNinch, Distinguished Professor of Guam

\*\*\*

Attached

----- Forwarded message -----

From: **Don Platt** <drplatt@teleguam.net>

Date: Fri, Feb 26, 2016 at 2:15 PM

Subject: Union Board's input about proposed changes to UOG's Sexual Harassment Policy

To: Donald Platt <drplatt@teleguam.net>

UOG Faculty,

Please see the attached PDF copy of the Union Board's input to President Underwood about proposed changes in UOG's Sexual Harassment Policy.



Have a good weekend!

Don



**Union Board Memo to Pres Underwood about Sexual Misconduct Policy [26 Feb 2016] (3).pdf**

107K

# UNIVERSITY OF GUAM FACULTY UNION

## AMERICAN FEDERATION OF TEACHERS

### LOCAL 6282

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**MEMORANDUM**

February 26, 2016

TO: Dr. Robert A. Underwood, President, UOG  
 FROM: The UOG Faculty Union Executive Board  
 SUBJECT: UOG Faculty Union Board input regarding the proposed change in UOG's Sexual Harassment Policy

In compliance with Federal and local law, the University of Guam has had an EEO and Sexual Harassment Policy in place for over three decades. During that time period, a few Faculty, Staff and students have availed themselves of this policy to make official complaints, and the complaints were promptly handled in accordance with the rules. Since the policy complies with Title IX and the Clery Act, it is an effective policy and it is serving its purpose.

The UOG Faculty Union Board has always supported UOG's Sexual Harassment Policy and understands its importance. From time to time, the UOG Administration has consulted the Union Board when the policy needed to be changed in light of new legal requirements. But the Administration's most recent revision of the Sexual Harassment Policy did not come about because of new legal requirements. It came about because of one Faculty member's irresponsible and allegedly false assertion of a sexual harassment crisis at UOG that he claimed had been going on since sometime in 1997. In an August 20, 2015, email to the UOG Faculty Senate and to seven UOG Administrators (an email leaked to the press), Dr. Ron McNinch wrote:

In the last several months, I have been shocked and appalled by male faculty behavior on campus directed toward our young students. In the past 18 years, I have reported the most egregious cases to the criminal justice system and I will continue to report these behaviors as potential criminal acts. There is simply no reason or excuse for an adult to behave this way in a university setting.

Dr. McNinch offered no proof for his statement of making secret reports over eighteen years to the "criminal justice system" about an unknown number of UOG male Faculty members' "egregious" sexual criminal acts committed on campus. And he refused to answer fourteen simple questions/requests asked twice by the UOG Faculty Union president in order to establish the truth or falsity of his claim (a prima facie case that he is lying). Instead, Dr. McNinch kept repeating the charge and the local media never questioned or challenged his statement or bothered to investigate its veracity before running with, and perpetuating, the alleged false narrative. Whether true or false, the following chart shows why Dr. McNinch's statement is so damaging to the reputation of innocent male UOG Faculty members as well as to the reputation of the University:

Consequences if the claim of 18 years of submitting secret reports is TRUE	Consequences if the claim of 18 years of submitting secret reports is FALSE
1) Dr. McNinch, a trained UOG EEO Counselor, violated UOG's policy regarding the filing of sexual harassment complaints.  2) Because of the violation of UOG's policy, the accused were deprived of their due process rights; the principle of "innocent until proven guilty" was compromised; legal protections were lost.  3) The alleged victims were deprived of UOG's internal process for promptly handling their complaints.  4) Starting in the year 1997, every UOG president and EEO Officer was prevented from conducting his or her legal responsibility of promptly handling an unknown number of sexual harassment complaints.  5) Since no criminal charges were brought based on the secret reports of "egregious" sexual misconduct (as far as the Union Board knows), this means that the AG's office, the FBI, and the GPD either found no substance to the complaints in the secret reports, or failed to investigate the complaints. Whatever the case, UOG male Faculty members did not deserve the smearing of their reputations.	1) A deliberate lie (that sexual harassment and misconduct is a long-standing and pervasive problem at UOG) has brought undeserved discredit to the University of Guam, the AG's office, the FBI, and the GPD.  2) A great injustice has been committed against the reputation of innocent male UOG Faculty members.  3) The public and its elected leaders have been purposely misled and deceived, and are now reacting to a non-existent problem.

It is deplorable that one Faculty member's unsubstantiated and inflammatory statements and accusations, peddled to the local media as fact by the Faculty member, of an eighteen-year sexual harassment crisis, involving unsubstantiated claims of criminal sexual misconduct, have brought about this latest effort to revise UOG's Sexual Harassment Policy. Instead of unsubstantiated and inflammatory statements and accusations, it would have been more ethical and honorable if the Faculty member had simply approached the Union or Administration or both, and made a request to review our Sexual Harassment Policy in light of recent developments on other campuses on the US mainland involving sexual misconduct.

With that history of the matter in mind, the UOG Faculty Union Executive Board offers this input into the latest proposed revision to our policy that now carries the title of "Sexual Misconduct Policy." Based on some Faculty input, we have four recommended changes and a comment on the draft policy.

#### **RECOMMENDATION #1: DUE PROCESS RIGHTS AND THE PRINCIPLE OF "INNOCENT UNTIL PROVEN GUILTY"**

Due process is a vital constitutional and human right that needs to be emphasized in this document. Therefore, the Union Board recommends inserting a new section "I.A." on page 1:

##### **A. Upholding Due Process Rights and the Principle of "Innocent Until Proven Guilty" During the Investigation of Complaints**

During the investigation of any complaint, due process rights will be upheld. Also, in tandem with due process is the right to be held innocent until proven guilty. These rights are in line with: 1) over a century of American judicial opinions related to due process; 2) Articles 10, 11, and 12 of the 1948 United Nations' "Universal Declaration of Human Rights"; and 3) Article IV.B of the BOR-Union *Agreement*.

#### **RECOMMENDATION #2: AN ADDITION TO THE "STALKING" DEFINITION**

The Union Board recommends slightly altering the heading for the definition of stalking on page 10 to read "**Stalking (including cyberstalking)**." Without that addition, someone may argue that only physically stalking someone is wrong. We've had a recent case of cyberstalking on campus, so it is important to add cyberstalking to the definition.

#### **RECOMMENDATION #3: ADDING A SECTION "XI.G. LYING ABOUT FILING SEXUAL HARASSMENT COMPLAINTS"**

The Union Board appreciates that Article XI.F (page 19), which prohibits filing false complaints, is included. Equally reprehensible is lying about filing sexual misconduct complaints. Such a lie can ruin the reputation of the University just as much as filing a false complaint. Therefore, we think it is important to add a section in Article XI on page 19 that reads:

##### **G. Lying about filing Sexual Harassment Complaints**

The University prohibits any member of the University community from lying about making sexual misconduct complaints. Lying about making complaints constitutes a violation of the University's policies and will result in disciplinary action, with possible sanctions ranging from a letter of reprimand to dismissal.

#### **RECOMMENDATION #4: CONSISTENT USE OF TERMS RELATED TO THE ACCUSER AND THE ACCUSED**

Throughout the policy, several different terms are used for the two parties involved in the complaint process. Some of these terms the Union Board supports, such as, "complainant," "the accused," and "the accuser." But terms such as "victim" and "perpetrator" are also used. These are loaded and prejudicial terms that undermine the principle of "innocent until proven guilty." Therefore, the Union Board recommends that consistent non-prejudicial terms be used throughout the document. When it is necessary to use the term "victim," it should be replaced with "alleged victim." This is consistent with the use of non-prejudicial terms by responsible media across the country.

#### **COMMENT ON THE PROPOSED REVISION REGARDING "INAPPROPRIATE AMOROUS RELATIONSHIPS" (PAGES 19-21)**

UOG's current policy regarding consensual relationships was implemented in February 2000. Since then, this has not been an area of concern and, as far as we know, no official complaints were ever filed regarding a violation of this policy. Therefore, the Union Board supports maintaining the current policy as found in Article VI.I of UOG's *Rules, Regulations and Procedures Manual*.



Office of Senator Frank B. Aguon, Jr. <admin@frankaguonjr.com>

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## Fwd: Regarding sex abuse of Children in Guam

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aguon4guam <aguon4guam@gmail.com>

Mon, Aug 8, 2016 at 10:36 AM

To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>

Sent from my Samsung device

----- Original message -----

From: Jerome McCollom <jamht1972@yahoo.com>

Date: 08/08/2016 04:46 (GMT+10:00)

To: aguon4guam@gmail.com

Subject: Regarding sex abuse of Children in Guam

Dear Sen. Aguon

I am writing to you because I am deeply concerned there is only a two year statute of limitations in Guam for those who sexually abuse children. This, as I am sure you know, is absurd. Sometimes it takes over two years before a child or young adult can emotionally come forward with this abuse. This limitation should be revoked. Thanks.

Jerome McCollom

COPY

received  
8-15-16

MLT

Concerning Bill 326-33

The molestation of children and others is not new. What is new is the emphasis we now place on abuse. Teachers are obliged to report it, children are taught "good touch bad touch". Society is more aware now. I am now 75, when I was young our very close neighbor molested both my sister and myself. When mother found out she talked to the parish priest and all I knew was that the neighbor never came to the house again. If the man was alive today would I want to expose him and his family? I attended school with his relatives. Would I want to bring shame upon them then or now?

As a teenager I physically developed quickly. I had always had a feeling about my uncle and when my uncle made physical advances toward me I knew it was wrong. I told him I would kill, my cousins him if he continued and then I ran. Would I want his children, my cousins, and other relatives to know the shame this man brought on their family? NO.

Making laws retroactive I do not think is a good idea. Maybe counseling could be offered by the courts for cases over eight to ten years old.

Sincerely,

*Pat Nichols*

Pat Nichols  
11567  
Yigo, GU 96929  
August 7, 2016

RECEIVED  
8/15/16 JLA



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Senator  
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Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

June 28, 2016

## Memorandum

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

**Subject:** **Fiscal Note**

*Hafa Adai!*

Attached please find the fiscal note for the bill number listed below.  
Please note that the fiscal note is issued on the bill as introduced.

**FISCAL NOTE:**  
Bill No. 326-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2016 JUN 29 PM 4:36

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 326-33 (COR)**

**AN ACT TO AMEND §11306, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED AND TO REPEAL §11306.1, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected: Unified Judiciary of Guam</b>		<b>Dept./Agency Head: Robert J. Torres, Chief Justice</b>	
<b>Department's General Fund (GF) appropriation(s) to date:</b>		33,043,444	
<b>Department's Other Fund (Safe Streets Fund) appropriation(s) to date:</b>		145,468	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>333,188,912</b>	

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2015 Unreserved Fund Balance</b>		\$0	\$0
<b>FY 2016 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2016 Appro. (P.L. 33-66 thru _____)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
<b>General Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>(Specify Special Fund)</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes      /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_  
/X/ N/A
- Does the Bill establish a new program/agency? / / Yes      /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A      / / Yes      / / No  
Is there a federal mandate to establish the program/agency? / / Yes      /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes      /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes      / / No  
/ / Requested agency comments not received by due date      / / Other:

Analyst: <u>Joaquin Guerrero</u>	Date: <u>6/28/16</u>	Director: <u>Jose S. Calvo, Director</u>	Date: <u>JUN 28 2016</u>
----------------------------------	----------------------	------------------------------------------	--------------------------

**Footnotes:**

1/ In its current form, amendment to the title of §11306 of Title 7 GCA, Chapter 11, may allow not only civil cases of child sex abuse but also other causes of action listed under §11306(a) involving "assault, battery, false imprisonment, seduction of a person below the age of legal consent, or for injury to, or for death of, a person caused by the wrongful act or neglect of another, except as provided for in §11308." Additionally, the removal of the two-year statute of limitations may likely lead to additional suits filed in the Judiciary of Guam which would have a fiscal impact on court operations. Any impact would be dependent on the number of individual(s) that file a case beyond the current statute of limitations should the Bill be enacted into law. Absent additional information from the Judiciary, the Bureau is unable to determine the fiscal impact of the proposed legislation.



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

May 25, 2016

VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill No. 326-33(COR)

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal note for the referenced bill.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill No.</b>	<b>Sponsor</b>	<b>Title</b>
<b>326-33 (COR)</b>	Frank F. Blas, Jr.	AN ACT TO AMEND § 11306, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED AND TO REPEAL § 11306.1, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE.



## COMMITTEE ON RULES

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Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

May 23, 2016

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 326-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 326-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
326-33 (COR)	Frank F. Blas, Jr.	AN ACT TO AMEND § 11306, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED AND TO REPEAL § 11306.1, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE.	05/23/16 12:21 p.m.	05/23/16	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			



Niel Tirador <committee@frankaguonjr.com>

## 1ST Notice – Public Hearing on Monday, June 27, 2016

Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Mon, Jun 20, 2016 at 11:19 AM

To: arthur.paulino@gpd.guam.gov, chuck.ada@guamairport.net, cme.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, euntalan@fhh.com, faguon@portguam.com, gerry@postguam.com, gerrypartido.mvguam18@gmail.com, governor@guam.gov, guamwardeny2k@yahoo.com, madeleine.bordallo@mail.house.gov, michael.cura@dpr.guam.gov, michael.uncangco@gfd.guam.gov, philip.taijeron@cqa.guam.gov, phnotice@guamlegislature.org, "<raymond.blas@dpr.guam.gov>" <raymond.blas@dpr.guam.gov>, Carla Borja <carla.borja@doc.guam.gov>, Cathy Gogue <cgogue@guampdsc.net>, "Chief J. I. Cruz" <joseph.i.cruz@gpd.guam.gov>, "chris.duenas" <chris.duenas@guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, Colonel Maurice Sayama <maurice.sayama@gpd.guam.gov>, Cynthia Ige <cynthia.ige@gpd.guam.gov>, Gerry Partido <gerrypartido@gmail.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Janela Buhain Carrera <janela@spbguam.com>, Joey San Nicolas <joej.sannicolas@gfd.guam.gov>, John O'Connor <john@postguam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, "Joseph I. Cruz" <joseph.i.cruz66@gmail.com>, "joseph.duenas" <joseph.duenas@guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, kim santos <kim.santos@gpd.guam.gov>, "Lt. Andrew Quitugua" <andrew.quitugua@gpd.guam.gov>, "Lt. Paul Sayama" <paul.sayama@gpd.guam.gov>, "manuel.babauta" <manuel.babauta@gpd.guam.gov>, Mark Calvo <mark.calvo@guam.gov>, Matt Sablan <matt.sablan12@yahoo.com>, "monica.salas" <monica.salas@gpd.guam.gov>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Robert Camacho <bobcamacho@guamairport.net>, Robert Tupaz <robert@postguam.com>, "ronald.taitano" <ronald.taitano@gpd.guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Shaina Santos <reporter4@glimpsesofiguam.com>, Shawn Raymundo <sraymundo@guam.gannett.com>, "Stephen P. Hattori" <sphattori@guampdsc.net>, "susan.reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>, Tim Rohr <timrohr.guam@gmail.com>, archbishop@archagana.org, klitzkie@hotmail.com, gu00ima@mail.house.gov, rjtorres@guamsupremecourt.com

Cc: Senator Aguon Media <media@frankaguonjr.com>, "Frank Blas Aguon Jr." <aguon4guam@gmail.com>, Lou Eclavea <staff@frankaguonjr.com>, "Office of Senator Frank Aguon, Jr. Admin" <admin@frankaguonjr.com>, Senator Aguon Legislative Policy <communications@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>

June 20, 2016

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: 1ST Notice – Public Hearing on Monday, June 27, 2016 at 10:00 AM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a

Public Hearing on Monday, June 27, 2016 at 10:00 AM, in the *I Liheslatura* Public Hearing Room. Included on the agenda are the following bill(s):

**Bill No. 326-33 (COR):** - "An act to amend § 11306, chapter 11, title 7, Guam Code Annotated and to repeal § 11306.1, chapter 11, title 7, Guam Code Annotated relative to the statute of limitations in cases involving child sex abuse." (*Sponsor: Senator F.F. Blas, Jr.*)

The Hearing will broadcast on local television, GTA Channel 21 and Docomo Channel 117 or streamed online at: [www.guamlegislature.com](http://www.guamlegislature.com).

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg, 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahån*'s website at: [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations, auxiliary aids, or services should contact Niel Tirador at 475-4861/2 or email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com). Please feel free to contact my office should you have any additional questions or concerns.

--

*Respectfully,*

**Niel Tiador**

**Legislative Analyst**

**Committee on Guam US Military Relocation, Public Safety, and Judiciary**

**Office of Senator Frank B. Aguon, Jr.**

Ste. 503 DNA Bldg, 238 Archbishop Flores St. Hagatna, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) 475-GUM3 (4863)

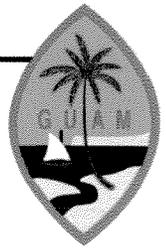
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**1st Notice June 27.pdf**

420K



June 20, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

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Subject: 1ST Notice – Public Hearing on Monday, June 27, 2016 at 10:00 AM

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Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
I Mina' Trentai Tres Na Liheslaturan Guahan | 33<sup>rd</sup> Guam Legislature

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Chairman

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Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreddie  
Member

Speaker  
Dr. Judith T. Won Pat. Ed.D  
Ex-Officio



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

---

**2ND Notice – Public Hearing on Monday, June 27, 2016**

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Office of Sen. Frank B. Aguon, Jr. &lt;committee@frankaguonjr.com&gt;

Thu, Jun 23, 2016 at 9:01 AM

To: Niel Tirador &lt;committee@frankaguonjr.com&gt;

Cc: Senator Aguon Media &lt;media@frankaguonjr.com&gt;, "Frank Blas Aguon Jr." &lt;aguon4guam@gmail.com&gt;, Lou Eclavea &lt;staff@frankaguonjr.com&gt;, "Office of Senator Frank Aguon, Jr. Admin" &lt;admin@frankaguonjr.com&gt;, Senator Aguon Legislative Policy &lt;communications@frankaguonjr.com&gt;, Senator Aguon's Assistant &lt;officeassistant@frankaguonjr.com&gt;

June 23, 2016

**MEMORANDUM****To: All Senators, Media, and Stakeholders****Fr: SENATOR FRANK B. AGUON, JR.****Subject: 2ND Notice – Public Hearing on Monday, June 27, 2016 at 10:00 AM**

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing on Monday, June 27, 2016 at 10:00 AM**, in the *I Liheslatura* Public Hearing Room. Included on the agenda are the following bill(s):

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—

*Respectfully,*

**Niel Tirador**

**Legislative Analyst**

**Committee on Guam US Military Relocation, Public Safety, and Judiciary**

**Office of Senator Frank B. Aguon, Jr.**

Ste. 503 DNA Bldg, 238 Archbishop Flores St. Hagatna, Guam 96910

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**2nd Notice June27 .pdf**

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June 23, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

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Subject: 2ND Notice – Public Hearing on Monday, June 27, 2016 at 10:00 AM

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Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio



June 20, 2016

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Senator  
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Vice-Speaker  
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Senator  
Brant T. McCreddie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

The Honorable Edward J. Calvo  
Governor of Guam

513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910  
Sent via email to: [governor@guam.gov](mailto:governor@guam.gov)

Subject: **INVITATION** – Public Hearing on Monday, June 27, 2016 at 10:00 AM

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33<sup>rd</sup> Guam Legislature



June 20, 2016

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Senator  
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Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
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Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

The Honorable Ray Tenorio  
Lieutenant Governor of Guam

513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910

Sent via email to: [ray.tenorio@guam.gov](mailto:ray.tenorio@guam.gov)

Subject: **INVITATION** – Public Hearing on Monday, June 27, 2016 at 10:00 AM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing on Monday, June 27, 2016 at 10:00 AM**, in the *I Liheslatura* Public Hearing Room. Included on the agenda are the following bill(s):

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The Hearing will broadcast on local television, GTA Channel 21 and Docomo Channel 117 or streamed online at: [www.guamlegislature.com](http://www.guamlegislature.com).

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guahån*'s website at: [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations, auxiliary aids, or services should contact Niel Tirador at 475-4861/2 or email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com). Please feel free to contact my office should you have any additional questions or concerns.

Respectfully,

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
*I Mina' Trentai Tres Na Liheslaturan Guahån* | 33<sup>rd</sup> Guam Legislature



June 20, 2016

Senator  
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Chairman

Senator  
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Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
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Senator  
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Senator  
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Member

Speaker  
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Ex-Officio

The Honorable Elizabeth Barrett Anderson  
Attorney General of Guam  
590 S. Marine Corps Drive  
ITC Bldg., Suite 706  
Tamuning, Guam 96913  
Sent via email to: [ebanderson@guamag.org](mailto:ebanderson@guamag.org)

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Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

The Honorable Robert J. Torres, Jr.  
Chief Justice of Guam  
Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive  
Hagåtña, Guam 96910

Sent via email to: [rjtorres@guamsupremecourt.com](mailto:rjtorres@guamsupremecourt.com)

Subject: **INVITATION** – Public Hearing on Monday, June 27, 2016 at 10:00 AM

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Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

Mr. Joshua Tenorio  
Administrator of Courts  
Judiciary of Guam  
Suite 300, Guam Judicial Center 120 West O'Brien Drive  
Hagåtña, Guam 96910  
Sent via email to: [jtenorio@guamcourts.org](mailto:jtenorio@guamcourts.org)

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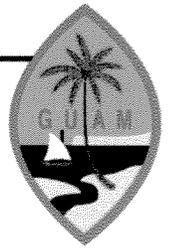
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Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

Chief Joseph I. Cruz  
Chief of Police  
Guam Police Department

Bldg 13-16A Mariner Ave.  
Tiyán, Barrigada, Guam 96913

Sent via email to: [joseph.i.cruz@gpd.guam.gov](mailto:joseph.i.cruz@gpd.guam.gov)

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Brant T. McCreddie  
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Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

Honorable Madeleine Z. Bordallo  
Congresswoman

120 Father Duenas Avenue, Suite 107  
Hagåtña, Guam 96910

Transmitted via Email to: [gu00ima@mail.house.gov](mailto:gu00ima@mail.house.gov)

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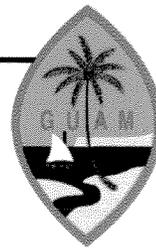
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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33<sup>rd</sup> Guam Legislature



June 20, 2016

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Brant T. McCreddie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

Most Rev. Savio Hon Tai Fai, SDB  
Apostolic Administrator of the Archdiocese of Agaña  
196 Cuesta San Ramon Ste. B  
Hagatna, Guam 96910  
Sent via email to: [archbishop@archagana.org](mailto:archbishop@archagana.org)

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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
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June 20, 2016

The Honorable Senator Bob Klitzkie

Sent via email to: [klitzkie@hotmail.com](mailto:klitzkie@hotmail.com)

Subject: **INVITATION** – Public Hearing on Monday, June 27, 2016 at 10:00 AM

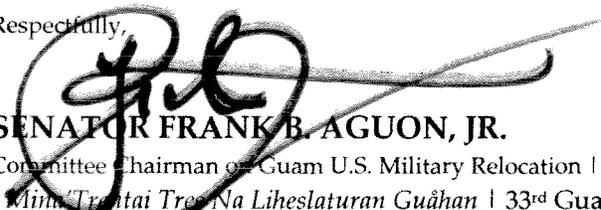
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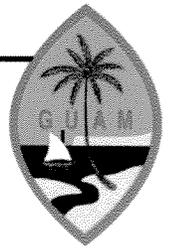
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Speaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio



June 20, 2016

Mr. Tim Rohr

P.O. Box 9001

Agat, GU 96928

Sent via email to: [timrohr.guam@gmail.com](mailto:timrohr.guam@gmail.com)

**Subject: INVITATION – Public Hearing on Monday, June 27, 2016 at 10:00 AM**

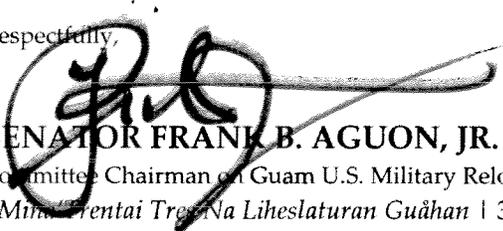
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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
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Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

## RECIND AND REPLACE: 1ST Notice – Public Hearing on Thursday, July 28, 2016 at 10:00 AM

Office of Senator Frank Aguon, Jr. Admin &lt;admin@frankaguonjr.com&gt;

Wed, Jul 20, 2016 at 9:38 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Cc: "Frank Aguon, Jr." &lt;aguon4guam@gmail.com&gt;, Committee &lt;committee@frankaguonjr.com&gt;, Communications Specialist &lt;communications@frankaguonjr.com&gt;, Lourdes Eclavea &lt;staff@frankaguonjr.com&gt;, Senator Aguon's Assistant &lt;officeassistant@frankaguonjr.com&gt;, Tricia Benavente &lt;media@frankaguonjr.com&gt;

Bcc: arthur.paulino@gpd.guam.gov, chuck.ada@guamairport.net, cme.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, euntalan@fhn.com, faguon@portguam.com, gerry@postguam.com, gerrypartido.mvguam18@gmail.com, governor@guam.gov, guamwardeny2k@yahoo.com, madeleine.bordallo@mail.house.gov, michael.cura@dpr.guam.gov, michael.uncangco@gfd.guam.gov, Philip Taijeron <philip.taijeron@cqa.guam.gov>, phnotice@guamlegislature.org, "<raymond.blas@dpr.guam.gov>" <raymond.blas@dpr.guam.gov>, Carla Borja <carla.borja@doc.guam.gov>, Cathy Gogue <cgogue@guampdsc.net>, "Chief J. I. Cruz" <joseph.i.cruz@gpd.guam.gov>, "chris.duenas" <chris.duenas@guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, Cynthia Ige <cynthia.ige@gpd.guam.gov>, Gerry Partido <gerrypartido@gmail.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Janela Buhain Carrera <janela@spbgum.com>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, John O'Connor <john@postguam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, "Joseph I. Cruz" <joseph.i.cruz66@gmail.com>, "joseph.duenas" <joseph.duenas@guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, kim santos <kim.santos@gpd.guam.gov>, "Lt. Andrew Quitugua" <andrew.quitugua@gpd.guam.gov>, "Lt. Paul Sayama" <paul.sayama@gpd.guam.gov>, "manuel.babauta" <manuel.babauta@gpd.guam.gov>, Mark Calvo <mark.calvo@guam.gov>, Matt Sablan <matt.sablan12@yahoo.com>, "monica.salas" <monica.salas@gpd.guam.gov>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Robert Camacho <bobcamacho@guamairport.net>, Robert Tupaz <robert@postguam.com>, "ronald.taitano" <ronald.taitano@gpd.guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Shawn Raymundo <rraymundo@guam.gannett.com>, "Stephen P. Hattori" <sphattori@guampdsc.net>, "susan.reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>, Tim Rohr <timrohr.guam@gmail.com>, archbishop@archagana.org, Senator Bob Klitzkie <klitzkie@hotmail.com>, Congresswoman Madeleine Bordallo <gu00ima@mail.house.gov>, rjtorres <rjtorres@guamsupremecourt.com>, phill@spbgum.com, bmomayor@teleguam.net, hagatnamayor@hotmail.com, mcogadmin@teleguam.net, mtm\_mayors\_office@yahoo.com, nblas\_mangilaomayor@yahoo.com, peter\_daigo@hotmail.com, pitimayor@yahoo.com, talofofomayor@gmail.com, vicemayor\_allan.ungacta@yahoo.com, Agat <agatmayorsoffice@hotmail.com>, Anthony Sanchez <yigovice@gmail.com>, Barrigada MayorsOffice <broadmin@teleguam.net>, Dale Alvarez <daleealvarez@gmail.com>, Diana Sojo <yigomayorsoffice@gmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, Ernest Chargualaf - Merizo <mayoremerstc@yahoo.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, Joana Margaret Blas <mayorjmcblas@gmail.com>, ken ada <kenjoeadat@yahoo.com>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, "melissa.savares@gmail.com" <melissa.savares@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, "Eugenio, Haidee" <heugenio@guam.gannett.com>, louella@postguam.com, "Claros, Larry" <lclaros@archagana.org>, Evangeline Lujan <vangelujan@yahoo.com>, Sharon O'Mallan <somallan@lexguam.com>, Basil O'Mallan <bomallan@guamag.org>, Basil O'Mallan <jbasil3@yahoo.com>, Isa Baza <isa@kuam.com>, Jackie Marati <jackie.marati@gmail.com>, gentlerefuge@yahoo.com, margiecanby@yahoo.com, news@umatuna.org, palemike@yahoo.com

[THIS EMAIL RESCINDS AND REPLACES THE PRIOR TRANSMITTAL.](#)

On Wed, Jul 20, 2016 at 9:13 AM, Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> wrote:

July 20, 2016

## MEMORANDUM

**To:** All Senators, Media, and Stakeholders

**Fr:** SENATOR FRANK B. AGUON, JR.

**Subject:** 1ST Notice – Public Hearing on Thursday, July 28, 2016 at 10:00 AM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing on Thursday, July 28, 2016 at 10:00AM**, in the *I Liheslatura* Public Hearing Room with the following schedule:

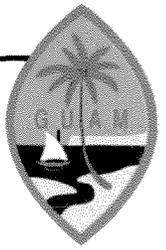
**Public Hearing at 10:00 A.M—Included on the agenda is the following Bill:**

- **As Substituted by the Committee Bill No. 326-33 (COR):** - "AN ACT TO ADD A NEW § 11301.1, REPEAL SUBSECTION (c) OF § 11306, REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE CIVIL STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE." (Substitute Bill Attached)

The Hearing will broadcast on local television, GTA Channel 21 and Docomo Channel 117 or streamed online at: [www.guamlegislature.com](http://www.guamlegislature.com).

The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com).

Copies of the aforementioned Bill may be obtained at the following website: [www.frankaguonjr.com](http://www.frankaguonjr.com) or at the Office of Senator Frank B. Aguon, Jr. Individuals requiring special accommodations, auxiliary aids, or services should contact Niel Tirador at 475-4861/2 or email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com). Please feel free to contact my office should you have any additional questions or concerns.



July 20, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: SENATOR FRANK B. AGUON, JR.
Subject: 1ST Notice - Public Hearing on Thursday, July 28, 2016 at 10:00 AM

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Respectfully,

Handwritten signature of Senator Frank B. Aguon, Jr.

SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

Attached: Substitute Bill No. 326-33 (COR)

- Senator FRANK B. AGUON, JR. Chairman
Senator Thomas C. Ada Vice Chairman
Vice-Speaker Benjamin J.F. Cruz Member
Senator Rory J. Respicio Member
Senator Dennis G. Rodriguez, Jr. Member
Senator Dr. Nerissa B. Underwood, Ph.D. Member
Senator V. Anthony Ada Member
Senator Frank F. Blas Jr. Member
Senator James V. Espaldon Member
Senator Brant T. McCreddie Member
Speaker Dr. Judith T. Won Pat. Ed.D Ex-Officio



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

## 2ND Notice – Public Hearing on Thursday, July 28, 2016 at 10:00 AM

Office of Senator Frank Aguon, Jr. Admin &lt;admin@frankaguonjr.com&gt;

Tue, Jul 26, 2016 at 7:36 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Cc: "Frank Aguon, Jr." &lt;aguon4guam@gmail.com&gt;, Committee &lt;committee@frankaguonjr.com&gt;, Communications Specialist &lt;communications@frankaguonjr.com&gt;, Lourdes Eclavea &lt;staff@frankaguonjr.com&gt;, Senator Aguon's Assistant &lt;officeassistant@frankaguonjr.com&gt;, Tricia Benavente &lt;media@frankaguonjr.com&gt;

Bcc: arthur.paulino@gpd.guam.gov, chuck.ada@guamairport.net, cme.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, euntalan@fhh.com, faguon@portguam.com, gerry@postguam.com, gerrypartido.mvguam18@gmail.com, governor@guam.gov, guamwardeny2k@yahoo.com, madeleine.bordallo@mail.house.gov, michael.cura@dpr.guam.gov, michael.uncangco@gfd.guam.gov, Philip Tajeron <philip.tajeron@cqa.guam.gov>, phnotice@guamlegislature.org, "<raymond.blas@dpr.guam.gov>" <raymond.blas@dpr.guam.gov>, Carla Borja <carla.borja@doc.guam.gov>, Cathy Gogue <cgogue@guampdsc.net>, "Chief J. I. Cruz" <joseph.i.cruz@gpd.guam.gov>, "chris.duenas" <chris.duenas@guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, Cynthia Ige <cynthia.ige@gpd.guam.gov>, Gerry Partido <gerrypartido@gmail.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Janela Buhain Carrera <janela@spbguam.com>, Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, John O'Connor <john@postguam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, "Joseph I. Cruz" <joseph.i.cruz66@gmail.com>, "joseph.duenas" <joseph.duenas@guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, kim santos <kim.santos@gpd.guam.gov>, "Lt. Andrew Quitugua" <andrew.quitugua@gpd.guam.gov>, "Lt. Paul Sayama" <paul.sayama@gpd.guam.gov>, "manuel.babauta" <manuel.babauta@gpd.guam.gov>, Mark Calvo <mark.calvo@guam.gov>, Matt Sablan <matt.sablan12@yahoo.com>, "monica.salas" <monica.salas@gpd.guam.gov>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Robert Camacho <bobcamacho@guamairport.net>, Robert Tupaz <robert@postguam.com>, "ronald.taitano" <ronald.taitano@gpd.guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Shawn Raymundo <sraymundo@guam.gannett.com>, "Stephen P. Hattori" <sphattori@guampdsc.net>, "susan.reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>, Tim Rohr <timrohr.guam@gmail.com>, archbishop@archagana.org, Senator Bob Klitzkie <klitzkie@hotmail.com>, Congresswoman Madeleine Bordallo <gu00ima@mail.house.gov>, rjtorres <rjtorres@guamsupremecourt.com>, phill@spbguam.com, bmomayor@teleguam.net, hagatnamayor@hotmail.com, mcogadmin@teleguam.net, mtm\_mayors\_office@yahoo.com, nblas\_mangilaomayor@yahoo.com, peter\_daigo@hotmail.com, pitimayor@yahoo.com, talofofomayor@gmail.com, vicemayor\_allan.ungacta@yahoo.com, Agat <agatmayorsoffice@hotmail.com>, Anthony Sanchez <yigovice@gmail.com>, Barrigada MayorsOffice <broadmin@teleguam.net>, Dale Alvarez <daleealvarez@gmail.com>, Diana Sojo <yigomayorsoffice@gmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, Ernest Chargualaf - Merizo <mayoremestc@yahoo.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, Joana Margaret Blas <mayorjmcblas@gmail.com>, ken ada <kenjoeda@yahoo.com>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, "melissa.savares@gmail.com" <melissa.savares@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, "Eugenio, Haidee" <heugenio@guam.gannett.com>, louella@postguam.com, "Claros, Larry" <lclaros@archagana.org>, Evangeline Lujan <vangelujan@yahoo.com>, Sharon O'Mallan <somallan@lexguam.com>, Basil O'Mallan <bomallan@guamag.org>, Basil O'Mallan <jbasil3@yahoo.com>, Isa Baza <isa@kuam.com>, Jackie Marati <jackie.marati@gmail.com>, gentleretuge@yahoo.com, margiecanby@yahoo.com, news@umatuna.org, palemike@yahoo.com

July 26, 2016

**MEMORANDUM**

**To:** All Senators, Media, and Stakeholders

**Fr:** SENATOR FRANK B. AGUON, JR.

**Subject:** 2ND Notice – Public Hearing on Thursday, July 28, 2016 at 10:00 AM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing on Thursday, July 28, 2016 at 10:00AM**, in the *I Liheslatura* Public Hearing Room with the following schedule:

**Public Hearing at 10:00 A.M—Included on the agenda is the following Bill:**

- **As Substituted by the Committee Bill No. 326-33 (COR):** - "AN ACT TO ADD A NEW § 11301.1, REPEAL SUBSECTION (c) OF § 11306, REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE CIVIL STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE." (Substitute Bill Attached)

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The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com).

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—  
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

7/26/2016

Office of Senator Frank B. Aguon, Jr. Mail - 2ND Notice – Public Hearing on Thursday, July 28, 2016 at 10:00 AM

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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**2ND NOTICE PUBLIC HEARING 28-JUL-16.pdf**

2516K



July 26, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: SENATOR FRANK B. AGUON, JR.
Subject: 2ND Notice - Public Hearing on Thursday, July 28, 2016 at 10:00 AM

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Respectfully,
[Signature]
SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

Attached: Substitute Bill No. 326-33 (COR)

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Senator Dr. Nerissa B. Underwood, Ph.D. Member

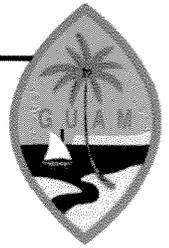
Senator V. Anthony Ada Member

Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat, Ed.D. Ex-Officio



July 28, 2016

MEMORANDUM

Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Dr. Nerissa B. Underwood, Ph.D.  
Member

Senator  
V. Anthony Ada  
Member

Senator  
Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat. Ed.D  
Ex-Officio

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: Notice of Continuation – Public Hearing on Monday, August 01, 2016 at 10:00 AM

Buenas yan Háfa Adai!

The *Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary* is in recess, and oral and written testimonies for "As Substituted Bill No. 326-33 (COR)" will continue on **Monday, August 01, 2016 at 10:00 AM.**

CONTINUATION : Public Hearing at 10:00 A.M—Included on the agenda is the following Bill:

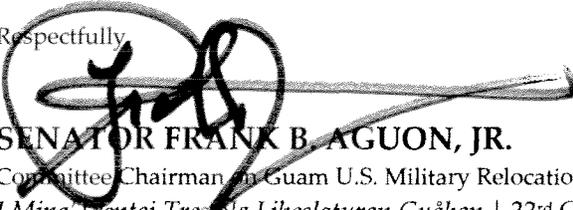
- As Substituted by the Committee Bill No. 326-33 (COR): - "AN ACT TO ADD A NEW § 11301.1, REPEAL SUBSECTION (c) OF § 11306, REPEAL § 11306.1, ALL OF ARTICLE 3, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO THE CIVIL STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE." (Substitute Bill Attached)

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The Committee will continue to accept written testimonies and requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatña, Guam, via fax to 475-GUM3(4863), or via email to: [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com).

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Respectfully,

  
SENATOR FRANK B. AGUON, JR.  
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
I Mina' Trentai Tres Na Liheslaturan Guahan | 33<sup>rd</sup> Guam Legislature

Attached: Substitute Bill No. 326-33 (COR)



July 20, 2016

Most Rev. Savio Hon Tai Fai, SDB  
Apostolic Administrator of the Archdiocese of Agaña  
196 Cuesta San Ramon Ste. B  
Hagatña, Guam 96910  
Sent via Hand Delivery and email to: [archbishop@archagana.org](mailto:archbishop@archagana.org)

FILE COPY

Subject: **INVITATION** – Public Hearing on Thursday, July 28, 2016 at 10:00 AM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene a **Public Hearing on Thursday, July 28, 2016 at 10:00AM**, in the *I Liheslatura* Public Hearing Room with the following schedule:

**Public Hearing at 10:00 A.M – Included on the agenda is the following Bill:**

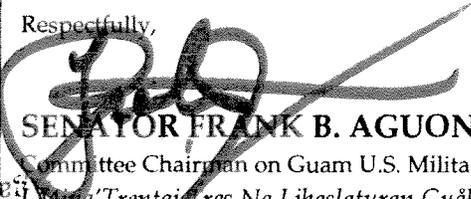
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Respectfully,

  
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Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
I Mina' Trentai Tres Na Liheslaturan Guahan | 33<sup>rd</sup> Guam Legislature

Attached: Substitute Bill No. 326-33 (COR)

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910  
PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)

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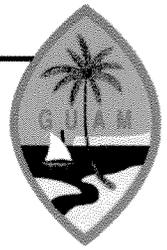
185 Chalan Kapuchino  
St. Fidelis Friary  
Hagatña Heights Guam 96910  
Tel: (671) 472-6339

*Jason C. Kasai* July 20, 2016

Br. Jason C.

O.F.M.  
c.c.p.

7/20/16. Res. John Joseph Bando. 7/20/2016.



July 20, 2016

The Honorable Edward J. Calvo  
Governor of Guam

513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910  
Sent via email to: [governor@guam.gov](mailto:governor@guam.gov)

**Subject: INVITATION – Public Hearing on Thursday, July 28, 2016 at 10:00 AM**

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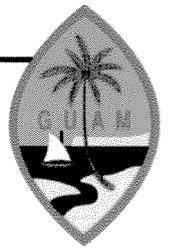
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Dr. Judith T. Won Pat, Ed.D  
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July 20, 2016

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The Honorable Ray Tenorio  
Lieutenant Governor of Guam  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910  
Sent via email to: [ray.tenorio@guam.gov](mailto:ray.tenorio@guam.gov)

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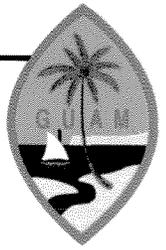
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*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33<sup>rd</sup> Guam Legislature

Attached: Substitute Bill No. 326-33 (COR)



July 20, 2016

The Honorable Elizabeth Barrett Anderson

Attorney General of Guam

590 S. Marine Corps Drive

ITC Bldg., Suite 706

Tamuning, Guam 96913

Sent via email to: [ebanderson@guamag.org](mailto:ebanderson@guamag.org)

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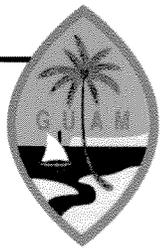
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Ex-Officio



July 20, 2016

The Honorable Robert J. Torres, Jr.

Chief Justice of Guam

Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive

Hagåtña, Guam 96910

Sent via email to: [rjtorres@guamsupremecourt.com](mailto:rjtorres@guamsupremecourt.com)

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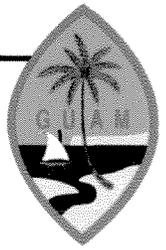
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July 20, 2016

Mr. Joshua Tenorio  
Administrator of Courts  
Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive  
Hagåtña, Guam 96910  
Sent via email to: [jtenorio@guamcourts.org](mailto:jtenorio@guamcourts.org)

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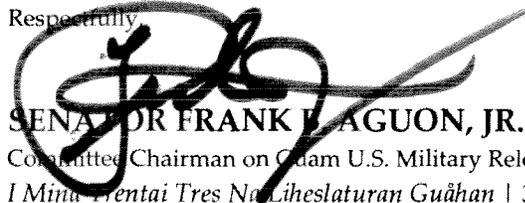
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Updated: June 24, 2016

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Updated: June 24, 2016

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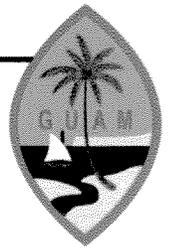
Updated: June 30, 2016

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Updated: June 30, 2016

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Member

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Member

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V. Anthony Ada  
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Member

Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

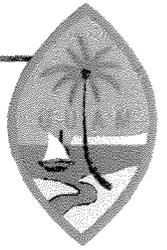
**PUBLIC HEARING AGENDA**

**Monday, June 27, 2016 at 10:00AM**

*I Liheslaturan Guahan's Public Hearing Room, Hagåtña*

**AGENDA**

- I. Call to Order at 10:00AM
- II. Opening remarks/Announcements
  - **Bill No. 326-33 (COR)** - An act to amend § 11306, chapter 11, title 7, Guam Code Annotated and to repeal § 11306.1, chapter 11, title 7, Guam Code Annotated relative to the statute of limitations in cases involving child sex abuse. (*Sponsor: Senator F. F. Blas, Jr.*)
- III. Closing Remarks
- IV. Adjournment



**PUBLIC HEARING AGENDA**

**Thursday, July 28, 2016 at 10:00 AM**

*I Liheslaturan Guahan's Public Hearing Room, Hagåtña*

**AGENDA**

- I. Call to Order at 10:00AM
- II. Opening remarks/Announcements
  - **Bill No. 326-33 (COR), As Substituted by the Committee: -**  
 "An act to add a new § 11301.1, repeal subsection (c) of § 11306, repeal § 11306.1, all of article 3, chapter 11, title 7, Guam Code Annotated relative to the civil statute of limitations in cases involving child sex abuse."
- III. Closing Remarks
- IV. Adjournment

Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
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Senator  
Brant T. McCreadie  
Member

Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

# Apuron accusers urge passage of bill that would lift time limit on molestation lawsuits

Hakdee V Eugenio, Pacific Daily News 9:21 a.m. ChST June 28, 2016

*'Give us some measure of justice, closure'*



(Photo: Rick Cruz/PDN)

Individuals who recently accused Archbishop Anthony S. Apuron of sexually molesting them or their loved ones when they were altar boys in Agat in the 1970s testified Monday in favor of a bill that could lift time limits on filing lawsuits against child molesters.

Eighteen of the 19 who testified urged senators to pass [Bill 326-33](#)

(<https://drive.google.com/viewerng/viewer?url=https://assets.documentcloud.org/documents/2841048/Statute-of-Limitations.pdf>), and some of them

suggested changes to the legislation that would make it more protective of victims. One person took a neutral stance on the bill.

Arizona resident [Walter G. Denton \(/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/\)](#), who accused Apuron of raping him when he was a 12-year-old altar boy, flew back to Guam from the mainland on Sunday just to testify in favor of the bill.

"Please, give us Agat boys a chance to achieve some measure of justice and closure in our lives," said Denton, the first to testify on the bill introduced by Sen. Frank F. Blas, and heard by Sen. Frank B. Aguon's Committee on Guam U.S. Military Relocation, Public Safety and Judiciary.

While the Catholic Church is investigating the allegations against Apuron, there have been no charges filed against the archbishop. Apuron still holds the title of archbishop, but is not currently in charge of the local archdiocese's operations.

Denton said Bill 326-33 would give all victims of sexual abuse, "within or outside the Catholic Church, the opportunity to be silent no more, because it now gives them recourse to be heard."

"It will give victims like Roy, Sonny, Roland, and me, our parents and families, and to those victims too afraid or intimidated to come forward, for fear of being called a liar and arrogantly mocked by a powerful archbishop, his advisers and allies in the Catholic Church, some measure of justice and closure to the heinous crime that was inflicted on them," said Denton. "The scar will never go away, but it can start to heal."

[Roland Paul L. Sondia \(/story/news/2016/06/16/apuron-accuser-hard-break-my-wife-family/85966594/\)](#), who said Apuron molested him when he was 15, said no amount of time should limit any victim of child sex abuse to file charges. Sondia works at the Pacific Daily News as an information technology manager.

"We pray and hope that upon the passage and signing of this bill, other victims will come forward so that they can begin the long road towards healing and recovery," said Sondia, now 54.

[Roy Quintanilla \(/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/\)](#), now a Hawaii resident, who also said he was molested by Apuron when he was 12 years old in Agat, had his written testimony read by his niece, Sharleen Santos-Bamba.

"Is it fair that a sexual predator be allowed to get away with molesting children because they're protected by statutes of limitations? Please do the right thing and lift or abolish the statutes of limitations for child sexual abuse," Quintanilla said in his written testimony.

Quintanilla said "no child should ever be denied the opportunity to seek justice for a heinous crime based on statutes of limitations."

"Coming forward is not easy and only victims know when the time is right. Is it fair that I not be allowed closure or justice for what happened to me as a child?" he added.

Attorney David Lujan is representing the four Apuron accusers.

## **'I was molested, too'**

[Doris Y. Concepcion \(/story/news/2016/05/30/mother-deceased-man-accuses-apuron-molesting-son/84888594/\)](#), another Arizona resident who said her son told her before he died 11 years ago that Apuron molested him, also testified in favor of the bill.



Former senator, Robert Kitzkie, testifies on legislation that would lift all civil statute of limitations on cases involving child sexual abuse during a public hearing at the Guam Legislature on Monday, June 27. (Photo: Rick Cruz/PDN)

"If you pass this bill, I want to take Apuron to court ... so the truth will come out," said Concepcion, an Arizona resident who also flew to Guam. The ashes of her son, Joseph "Sonny" Quinata, were recently laid to rest at the Guam Veterans Cemetery, 11 years after he died.

Concepcion also said in public for the first time that she, too, was molested as a child and she couldn't say anything to anybody.

She said she suffered in silence for more than 60 years "and I know what they're going through."

"And the thing that I couldn't help my son, it just kills me because somehow I felt it was my fault. If I have known I would have done something but it was too late so now I'm here in front of you to plead my case, please let's help our kids, let's protect them," said Concepcion.



PACIFIC DAILY NEWS

Mother of deceased man accuses Apuron of molesting son

(<http://www.guampdn.com/story/news/2016/05/30/mother-deceased-man-accuses-apuron-molesting-son/84888594/>)

The mother said she grew up thinking one cannot talk about sexual abuse, nor allowed the neighbors to know because it would be a family shame.

Another individual, Jonathan Diaz, also addressed senators at the Guam Legislature in Hagåtña, and said a seminarian who later became a priest sexually abused him when he was 13 and 16 years old. Diaz said nobody believed him when he came forward in 1991.

"You didn't believe me. Believe them," Diaz told senators, while pointing to the four other accusers of Apuron seated in the packed public hearing room of the Legislature.

Diaz ran for Guam delegate in the 2012 election and entered the 2014 gubernatorial race as a write-in. Diaz also testified during a hearing in 2011 on two bills that addressed the issue of child sexual abuse.

John Vincent Pereda, who testified Monday, said, "Justice should have no expiration date."

Mary Lou Pereda also testified that Bill 326-33 is "long overdue" and should be "unanimously passed."

"It will open the door for other victims to pursue a civil lawsuit," she added.

Joseph A. Santos, who founded the Silent No More movement, said once the bill is passed, "the governor should sign it as fast as he can."

## 'Access to legal system'

Sens. Aguon, Blas, Speaker Judi Won Pat and other senators present at the hearing thanked the victims for coming forward and for showing bravery. They acknowledged it's not easy for victims to come forward.

Most of them expressed support of the bill.

"Sadly, many victims of child sexual abuse have not been able to proceed with civil claims against perpetrators because those claims have been barred by statute of limitations."

"Once passed, this legislation will give these victims at least access to the legal system," he said.

At the end of the public hearing, Aguon said the Committee would continue to receive written testimony on Bill 326-33 10 calendar days after Monday's hearing.

He said he would work with Blas, the main author, in making amendments, should they be necessary.

Guam lawmakers in the past temporarily gave victims of child sexual abuse a two-year limit to file a lawsuit, and that window has closed.

[This bill would not restrict the filing of a lawsuit against a child sex abuser or child molester \(/story/news/2016/05/23/bill-would-allow-molested-kids-to-sue-any-time/84762140/\)](#) who committed the act before this bill would become law, according to Blas.

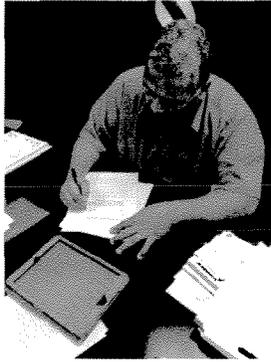
"There is no restriction on retroactive cases," he previously said.

Former senator Robert Klitzkie, in his testimony on Monday, said the reason why the previous law, Public Law 31-07, failed was because it has provisions that discouraged counsel from undertaking representation of child sexual abuse to seek justice.

Read or Share this story: <http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/>

# Bill introduced would allow molested kids to sue perpetrators anytime

Gaynor Dumat-ol Daleno, [gdumat-ol@guampda.com](mailto:gdumat-ol@guampda.com) 10:40 p.m. ChST May 23, 2016



(Photo: Courtesy of Sen. Frank Blas Jr.'s office)

Legislation introduced Monday morning would lift any [time limit on filing lawsuits against alleged child molesters \(/story/news/2016/05/22/law-limits-sexual-abuse-charges/84640416/\)](#), a move that could cast Guam into a decades-old debate in the nation about the constitutionality of applying new laws to past crimes.

Sen. Frank F. Blas Jr.'s Bill 326 states: "victims of child sexual abuse that occurred on Guam who have been barred from filing suit against their abusers by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in the Guam Superior Court."

Guam lawmakers in the past temporarily gave victims of child sexual abuse a two-year limit to file a lawsuit, and that window has closed.

This bill would not restrict the filing of a lawsuit against a child sex abuser or child molester who committed the act before this bill would become law, according to Blas.

"There is no restriction on retroactive cases," he said.

The legislation is being introduced as Guam's highest Catholic Church official, [Archbishop Anthony Apuron \(/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/\)](#), faces child molestation allegations from a former altar boy.

"The ongoing Catholic community discussion is one," Blas said of the timing of the proposed law. "The other is the recent reports of sexual abuses occurring elsewhere in the community."

Some states have passed legislation allowing retroactive filing of lawsuits against perpetrators of child sexual abuse cases, but for a limited time.

The National Conference of State Legislatures lists various states that allow the filing of civil lawsuits retroactively, including in California, where actions for the recovery of damages suffered as a result of childhood sexual abuse may begin on or after the victim's 26th birthday.

In the District of Columbia, if the victim was a minor when the injury occurred, he or she may bring the action within three years of his or her 18th birthday, according to the National Conference of State Legislatures.

Guam native Roy Quintanilla, 52, now a Hawaii resident, recently accused Guam's Catholic archbishop of molesting him while he was a 12-year-old altar boy at the Our Lady of Mt. Carmel Parish in Agat while Apuron was a parish priest there.

The archbishop has [denied the allegations \(/story/news/2016/05/21/public-weighs-abuse-allegations-against-archbishop-apuron/84696854/\)](#), but Quintanilla stood firm and even suggested there might have been others who were allegedly abused by the now archbishop.

## National debate

The National Center for Victims of Crime says that state laws allowing extensions for filing civil actions for child sexual abuse may take into account "delayed discovery" of the alleged crimes. Child victims frequently do not discover the relationship of their psychological injuries to the abuse until well into adulthood — usually during the course of psychological counseling or therapy, according to the center in a report cited by the state legislatures' group.

In the nation, there's been a long-standing debate on applying new laws to past crimes.

As an example, Jane H. Aiken wrote in 1992 for Georgetown University Law Center that the drafters of the U.S. Constitution prohibited federal and state legislatures from passing retroactively applicable legislation.

"Ex post facto" laws, or retroactively applied laws, "place citizens at the mercy of the government, unable to know the consequences of their acts and constantly subject to the possibility of legislative vindictiveness," Aiken wrote.

"The Constitution makes no distinction between laws on the basis of whether they are civil or criminal in form," Aiken wrote, in part. "There is a strong argument to be made that the framers debated the issue and determined that all retroactive laws were suspect and that only upon a showing of necessity should a civil law be allowed to have retrospective effect."

Blas' legislation states statutes of limitation — or legal time limits — "have been a particularly pressing problem in light of the delicate nature of child sex crimes; victims often need many years to overcome the pain of their abuse and time to obtain the courage needed to speak out about the abuse that they have suffered."

"In an effort to enhance the legal opportunities for sexual abuse victims, many states have extended the time period of the existing statute of limitations regarding civil claims arising from child sexual abuse," the bill states.

Some states have completely abolished their statute of limitations for lawsuits resulting from child sexual abuse, according to Blas' bill.

"Taken as a whole, these changes have reformed the system in which victims can seek civil actions as a result of suffering through the trauma of child sexual abuse," the bill states. "And clearly the national trend has moved toward loosening past restrictions and statute of limitations."

The bill also addresses potential fraudulent claims and states, in part:

- A person against whom a suit is filed may recover attorney's fees and damages where the court determines that a false accusation was made with no basis in fact and with malicious intent;
- A verdict in favor of the accused shall not be the sole basis for a determination that an accusation was false; and
- The Court must make an independent finding of an improper motive to award attorney's fees and damages.

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2016 (SECOND) Regular Session

Bill No. \_\_\_-33

Introduced by:

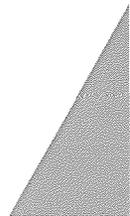
Frank F. Blas, Jr. 

AN ACT TO AMEND § 11306, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED AND TO REPEAL § 11306.1, CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED RELATIVE TO THE STATUTE OF LIMITATIONS IN CASES INVOLVING CHILD SEX ABUSE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

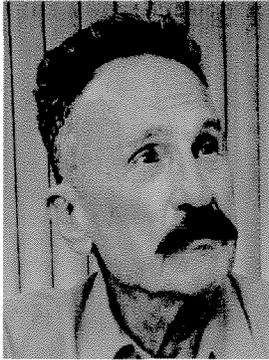
2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that in light of growing awareness of the issue of child sexual abuse, many states  
4 have begun to reform both their criminal and civil statutes to give victims increased  
5 access to the legal system. Many victims of child sexual abuse have not been able to  
6 proceed with civil claims against the perpetrators because those claims have been  
7 barred by a state's statute of limitations. Most causes of action come with a statute  
8 of limitations, meaning that a claim must be brought within a certain period of time  
9 for the claim to proceed to court.

10 *I Liheslaturan Guåhan* further finds that statutes of limitations are justified  
11 by many on the grounds that courts should not have to deal with stale claims  
12 regarding offenses that allegedly occurred decades earlier, with valuable and  
13 potentially exculpatory evidence being lost in the meantime. However, statutes of  
14 limitations have been a particularly pressing problem in light of the delicate nature



# Klitzkie: Hon wasted his opportunity, turned back on survivors

Robert Klitzkie 11:33 p.m. ChST June 26, 2016



(Photo: PDN file)

Justice requires broadening the reach of [Bill 326-33](#)

([http://guamlegislature.com/Bills\\_Introduced\\_33rd/Bill%20No.%20B326-33%20\(COR\).pdf](http://guamlegislature.com/Bills_Introduced_33rd/Bill%20No.%20B326-33%20(COR).pdf)) to provide relief not only to those who have suffered at the hands of child sexual abusers, but others, to include not only the abusers but also their enablers, aiders or abettors, those acting in concert with them and their religious institutions or corporations sole.

The three C's are referenced here: condonation, cover-up and conspiracy. Recent history tells us that the three C's were all too prevalent in the worldwide Catholic church. The institutional hierarchy of the church condoned, covered up and conspired to prevent victims of child sexual abuse from attaining justice.

When allegations of these heinous acts first surfaced on our island, my inclination was that whoever may have committed those acts should be made to pay but that the institution, i.e. the archdiocese or corporation sole, need not be held liable in order that justice be available to victims whose claims had been barred by the running of the statute of limitations. If the statute of limitations on child sexual abuse were eliminated

prospectively and reopened retroactively, the hierarchy and processes of the church would be sufficient to "clean up" the church so that child sexual abuse would become no more than a bad memory, I thought.

I was wrong. Very wrong.

Scandal now saturates the church — scandal so egregious that the pope has sent an apostolic administrator, [Archbishop Savio Hon Tai Fai](#) ([/story/news/2016/06/07/vatican-steps-temporarily-replaces-apuron/85541852/](#)), to take over the archdiocese in the stead of Anthony Apuron, who still retains the naked title of archbishop. Hon came here with tremendous potential to do good. Hon came on personal appointment of the pope to clean up the mess that befalls our church.



[PACIFIC DAILY NEWS](#)

[Vatican-sent archbishop arrives amid sex abuse allegations against Apuron](#)

(<http://www.guampdn.com/story/news/2016/06/08/vatican-sent-archbishop-now-guam/85587520/>)

Not only is Hon on personal assignment from the pope, but he holds the No. 2 position of that part of Vatican governance that has primary jurisdiction of the way bishops handle child sexual abuse amongst the clergy.

Hon wasted his opportunity. Hon was greeted by Catholics who had high hopes for his success in cleaning up the mess and had the authority to start the clean-up. Hon almost immediately dashed those hopes. Notwithstanding the command that with respect to child sexual abuse survivors "priority must not be given to any other kind of concern."



[PACIFIC DAILY NEWS](#)

[Bill introduced would allow molested kids to sue perpetrators anytime](#)

(<http://www.guampdn.com/story/news/2016/05/23/bill-would-allow-molested-kids-to-sue-any-time/84762140/>)

Hon has figuratively, and in one case literally, actually turned his back on survivors. Carrying the analogy a little further, Hon's minions have literally locked the door on survivors who would file claims dealing with their abuse at the hands of Apuron.

While he holds nearly plenary power with respect to child sex abuse and to the survivors thereof, Hon has done nothing but occasionally imply that survivors' complaints may be resolved against them in favor of Apuron.

Hon has not only retained key members of Apuron's corrupt regime, but enshrined them on committees that have little to do with the reason Hon was sent here. Hon maintains a social calendar and tolerates publications that serve to prop up the naked title of Apuron as though his return is imminent. Hon allowed Apuron's vindictive, draconian gag order against faithful Catholics to actually take effect before he reluctantly rescinded it, at the same time rescinding another Apuron gag order ([/story/news/2016/06/15/guam-churchs-ban-whistleblower-group-annulled/85963064/](http://www.guampdn.com/story/news/2016/06/15/guam-churchs-ban-whistleblower-group-annulled/85963064/)) on a Catholic who had blown the whistle on Apuron's purposely keeping the diocesan child sexual abuse policy weak in order to protect himself.



PACIFIC DAILY NEWS

Hon lays groundwork to reorganize church

(<http://www.guampdn.com/story/news/2016/06/25/hon-lays-groundwork-reorganize-church/86326206/>)

Hon has demonstrated that if an end is to be put to child sexual misconduct, it won't be done by church hierarchy, at least not while Hon is involved. It must be accomplished by laymen. Given the proper tools, i.e. an abatement of the statute of limitations and a clear statement that the child sexual abusers, their enablers, aiders or abettors, those acting in concert with them and their institutions or corporations sole, if not the entire hierarchy of the Catholic church can be held liable for child sexual abuse, we may be forever subjected to the effects of the Hons of the church.

Were it not for the abysmal performance of the hierarchy of Rome, as evidenced by Archbishop Hon, I would be urging the (Legislature) to adopt something like the following:

"Civil immunity for corporations sole. Every corporation sole organized pursuant to 18 GCA Section 10102, shall be immune from civil liability for any act of child sexual abuse committed by any officer, employee, agent, religious functionary or volunteer of said corporation sole giving rise to personal liability to said officer, employee, agent, religious functionary or volunteer."

Hon has shown me the wrongheadedness of that approach. Only a vigorous laity, able to invoke the judicial power, can be depended upon to root out and keep out child sexual abuse.



PACIFIC DAILY NEWS

Sen. Aguon advocates to protect sexual abuse victims

(<http://www.guampdn.com/story/news/2016/06/16/sen-aguon-advocates-protect-sexual-abuse-victims/85970632/>)

A broadened Bill 326-33 is a good start toward providing justice to those who have been sexually abused by clergy, preventing such abuse in the future and eliminating the possibility that abusers be protected by the three C's. We can thank Sen. Frank Blas Jr. for introducing this bill and Sen. Frank Aguon Jr. for promptly setting it down for hearing. In the name of justice and protection of children, we can all urge our senators to broaden and pass this bill forthwith.

*Robert Klitzkie is a former two-term senator and a resident of Yigo.*



PACIFIC DAILY NEWS

Law limits sexual abuse charges

(<http://www.guampdn.com/story/news/2016/05/22/law-limits-sexual-abuse-charges/84640416/>)

Read or Share this story: <http://www.guampdn.com/story/opinion/2016/06/26/klitzkie-hon-wasted-his-opportunity-turned-back-survivors/86371486/>

[http://www.postguam.com/news/local/lifting-of-child-sex-abuse-statutes-of-limitations-urged/article\\_7095dcb6-3c47-11e6-868f-2b1e324a4ac2.html](http://www.postguam.com/news/local/lifting-of-child-sex-abuse-statutes-of-limitations-urged/article_7095dcb6-3c47-11e6-868f-2b1e324a4ac2.html)

## Lifting of child sex abuse statutes of limitations urged

Louella Losinio | Post News Staff Updated 7 hrs ago



### Matt Weiss

**TESTIFY:** From left, Roland Sondia, Walter Denton, Sharleen Santos Bamba, Doris Concepcion and Manuel Concepcion testify in favor of Bill No. 326-33 during a public hearing at the Guam Legislature in Hagåtña, yesterday, June 27. If enacted, the bill would abolish the statute of limitations for child sexual abuse. Matt Weiss/Post

Alleged sex abuse victims of Archbishop Anthony Apuron and their supporters urged the passage of the Bill 326-33, authored by Sen. Frank Blas Jr. that would amend the law relative to the statute of limitations in cases involving child sex abuse, during a public hearing yesterday, June 27 at the Guam Legislature.

The bill strikes out a two-year statute of limitation for civil claims. "Child sexual abuse victims often need many years to overcome the pain of their abuse, and time for them to speak out about the abuse that they have suffered. Sadly, many victims of child sexual abuse are unable to proceed with civil claims against the perpetrator because those claims have been barred by the statutes of limitations," Blas said.

Walter Denton, one of Apuron's alleged victims, said the measure would give victims of sexual abuse within and outside the Roman Catholic Church the opportunity to be silent no more. "Now it gives them recourse to be heard," he said.

"As it stands, the current law protects the predator from his past crimes. Once the statute of limitations kick in, it protects them from being sued and prosecuted," he said, imploring the legislature to act on the measure immediately. "So that people like Apuron and any other person or institution who has aided him or covered up for him will be held accountable, eliminate any time limitations on the right to sue or prosecute no matter how long ago."

"Please give us Agat boys a chance to achieve some measure of justice and closure in our lives," Denton said.

### **Dark secret**

Roland Sondia, another alleged victim from Agat, also testified in favor of the measure. "I thought I was the only one," Sondia said. "I kept this dark secret with me for 39 years."

Sondia said, "We need to abolish the statutes of limitations, so potential perpetrators would know that no amount of time would prevent the victim from coming forward to sue and for the government to prosecute."

He said he is hopeful that that with the passage of the bill, "other victims would come forward so they could begin the long road toward healing and recovery."

Doris Concepcion, said her son, Joseph A. Quinata, disclosed to her that he had been abused, shortly before his death in 2005. She said if the bill becomes law, she wants to take Apuron to court so that the truth can come out.

Sharleen Santos-Bamba, read the testimony of her uncle, Roy Quintanilla, another alleged victim of Apuron. "No one, especially a child should ever have to go through being sexually abused or be afraid to come forward and to tell someone for fear that no one will believe them," Quintanilla's statement read.

Joseph Santos, who launched the "Silent No More" petition drive, urged the senators to push the measure through. "You are either against child sexual abuse or for it. If you vote for the bill, we know where you stand, if you abstain we know where you stand. And the governor should sign it as fast as he can," he said.

Santos quoted rape statistics from Healing Hearts Crisis Center which he said showed more than 100 cases of rape per year during the past three years. He said the data showed that the majority of rapes involved victims who were minors and girls. "Those are just the reported rapes, there are so many more that are out there," he said.

"This bill is more than just about one person. It is about our community," Santos said.

Louella Losinio

[http://www.postguam.com/news/local/former-sen-klitzkie-proposes-broadening-of-bill/article\\_2cece884-3c4b-11e6-9b53-8f7007ca09da.html](http://www.postguam.com/news/local/former-sen-klitzkie-proposes-broadening-of-bill/article_2cece884-3c4b-11e6-9b53-8f7007ca09da.html)

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PREVIOUS

Guam battalion completes XCTC mission in California

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## Former Sen. Klitzkie proposes broadening of Bill 326

Louella Losinio | Post News Staff Updated 6 hrs ago

Former Sen. Robert Klitzkie, offering testimony in support of Bill 326-33 yesterday, said during a public hearing at the Guam Legislature that “broadening the measure is a good start toward providing justice to those who have been sexually abused by clergy and preventing such abuse in the future.”

The measure, authored by Sen. Frank Blas Jr., would amend current law relative to the statute of limitations in cases involving child sex abuse.

Klitzkie said he is a lawyer but was not representing anyone yesterday.

He said justice requires broadening the reach of the legislation to provide relief to those who have suffered at the hands of child sexual abusers and to include not only the abusers but also their enablers, aiders or abettors, those who are acting in concert with them and their religious institution or corporations.

“The Cs are referenced here – condonation, cover-up and conspiracy,” he said. “Recent history tells us that the three Cs are all too prevalent in the worldwide Catholic Church. The institutional hierarchy of the church condones, covers up and conspires to prevent victims of child sexual abuse from attaining justice,” he said.

When allegations of abuse first surfaced, he said his inclination was whoever committed the acts should be made to pay and that the institution – the Archdiocese of Agana – may not be held liable in order that justice be made available to the victims whose claims have been barred by the statutes of limitations.

“If the statutes of limitations for child sexual abuse be removed prospectively, and reopened retroactively, the hierarchy and processes of the church would be sufficient to clean up the church so that child sexual abuse would become no more than a bad memory. I was wrong.” he said.

Klitzkie pointed out that scandal now saturates the church, so egregiously that the pope has sent an apostolic administrator to take over the archdiocese.

However, the new administrator has demonstrated that if an end is to be put to child sexual abuse and misconduct, it won't be done by the church hierarchy.

“It must be accomplished by the laity,” he said.

Klitzkie said the existing relevant laws failed to open a window for victims of sexual abuse because of a negative incentive provision which created a “chilling effect.”

Citing the provisions, he said: “If the court finds that there has been failure to comply with a certain section, the court shall award the party any reasonable expenses incurred by the defendant. The term reasonable expense is unknown, if you were someone who is filing a 40-year-old claim, you wonder what reasonable expenses mean?”

He added that a violation of a specific section constitutes unprofessional conduct and would be grounds for the discipline of the attorney.

He said the chilling effect is sufficient to dissuade counsel from taking action for child sexual abuse – no matter how meritorious the claim.

“Although one section of the law claims to open a window - there is so much negative incentive included in the other provisions of the law,” Klitzkie said.

Louella Losinio

[http://www.postguam.com/forum/editorial/in-support-of-bill/article\\_8cf51f70-3c3d-11e6-9f68-efb2f303a124.html](http://www.postguam.com/forum/editorial/in-support-of-bill/article_8cf51f70-3c3d-11e6-9f68-efb2f303a124.html)

Editorial

## In support of Bill 326

Post News Staff Updated 8 hrs ago

We join those in the community who support Bill 326 which proposes to eliminate the statute of limitations for civil cases involving child sex abuse. We continue to see child molestation as a particularly heinous crime with traumatic, long-term emotional impact. Children are often not able to understand what happened to them or why, and are unable to report the attack. That the attacker is often someone known and trusted by the young victim makes the act that much more traumatic and, we believe, difficult to report.

The bill appears to have been prompted by recent accusations of sexual abuse leveled against Archbishop Anthony Apuron. The accusations involve acts that are alleged to have occurred as long ago as 40 years, as such they are well outside the current two-year statute of limitations. Apuron has not been proven guilty of any crime, but the multiple accusations are of reprehensible acts and the victims should be able to make their accusations in court to be judged fairly. Similarly, it would be fair to Apuron to afford him the chance to face and respond to those accusing him.

In addition to violating every worthwhile moral code, child sex abuse is a grave violation of the law. That Apuron is a member of the clergy should not be relevant to the legal process. Sex abuse is an offense against the entire community, and justice should be in the purview of the community justice system.

Worldwide – outside of Guam – sex abuse of children by clergy has been one of the great scandals of the Catholic church. The revelations not only of the abuse itself, but of the cover-ups and facilitation by those in the upper levels of the church have been shocking and reprehensible. It was not until the abuse was prosecuted by secular authorities that it came to light and was addressed. As an institution, the church was late in addressing the abuse.

While most of the discussion about Bill 326 centered on alleged abuse in the church and Apuron, child sexual abuse certainly occurs outside of the church – in families, schools, neighborhoods and other places where children are present and vulnerable. The provisions of the bill – the extension of the time limit for bringing court action against perpetrators of abuse – are well-suited and appropriate to all such cases.

The Guam Legislature has an obligation to the community to ensure its children are protected from sexual predators, and that justice is served when they are violated. The ability to bring civil action against those who have stolen their innocence and otherwise victimized them so grievously is one step in that direction.

[http://www.postguam.com/news/local/advertisements-generate-calls-from-sex-abuse-victims/article\\_36e6d6c6-36cc-11e6-b2f7-676b81a5c8bf.html](http://www.postguam.com/news/local/advertisements-generate-calls-from-sex-abuse-victims/article_36e6d6c6-36cc-11e6-b2f7-676b81a5c8bf.html)

## Advertisements generate calls from sex abuse victims

Louella Losinio | Post News Staff Jun 21, 2016



**PROTEST:** Walter Denton and his wife Shirley participate in a peaceful protest held in front of the Dulce Nombre de Maria Cathedral Basilica in Hagåtña. Louella Losinio / Post

An undisclosed number of individuals have contacted the Concerned Catholics of Guam since the group's advertisements soliciting victims of sex abuse by members of the clergy came out last month.

More alleged victims have been contacting CCOG since the appearance of the ads in local media. Dee Reyes Peredo, one of the points of contact named in the ads, said: "There are victims who are not readily willing to come forward because of pain, embarrassment."

She added that some of those who have contacted the organization would talk about others that they know have been abused or whom they have witnessed being abused.

The names are different but the stories are the same all over, she said.

Peredo confirmed that calls have been coming from different villages across the island. "There's numbers," she said, adding that there are those who are trying to come forward but still trying to gather the strength to do so from people who support them.

Peredo spoke to the Post during a protest in front of the Dulce Nombre de Maria Cathedral Basilica in Hagåtña urging action against sex abuse by the clergy.

CCOG is attempting to find victims of clergy sex abuse with its full-page ads in local print media. The ad has two phone numbers to contact the organization confidentially, but does not provide information on the kind of help the organization will provide.

The ad solicits victims of incidents that occurred during specific dates from 1974 to 1984, so filing a class action would be impossible because the statute of limitations has expired.

## **Legislation**

However, there is currently legislation awaiting action in the Guam Legislature which proposes to address this concern.

Bill 326, introduced by Sen. Frank Blas Jr., seeks to lift the statute of limitations for filing civil actions against perpetrators of child sex abuse. Should the bill become law, victims of child sex abuse that occurred on Guam who have been barred from filing suit against their abusers by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in the Superior Court of Guam.

On Wednesday, June 14, Roland Sondia, became the fourth Agat resident to publicly accuse Archbishop Anthony Apuron of sex abuse.

Walter Denton spoke earlier this month about his experience. The confession followed an announcement that Pope Francis had relieved Apuron of his duties and appointed an interim apostolic administrator for the archdiocese.

In May, alleged victim Roy Quintanilla described to the media how Apuron sexually molested him 40 years ago, also while Apuron was a priest in Agat and Quintanilla was an altar server. Following Quintanilla's accusation, Doris Concepcion – formerly of Guam but now living in Arizona – said her son, Joseph A. Quinata, told her shortly before his death in 2005 of being sexually abused by Apuron in the late 1970s.

Last year, John Toves accused Apuron of molesting his cousin in the 1980s when they were seminarians.

Louella Losinio

[http://www.postguam.com/news/local/apuron-accused-once-more/article\\_3e445da6-32e1-11e6-9510-a326c6a1b05b.html](http://www.postguam.com/news/local/apuron-accused-once-more/article_3e445da6-32e1-11e6-9510-a326c6a1b05b.html)

## Apuron accused once more

Louella Losinio | Post News Staff Jun 16, 2016



**ACCUSER:** Roland Sondia, center, is flanked by his wife Frances, left, and attorney David Lujan as he speaks during a press conference in front of the Agana Cathedral Pastoral Center on Wednesday, June 15. Sondia accused Archbishop Anthony Apuron of molesting 1977 when Sondia was a 15-year-old altar boy at Our Lady of Mount Carmel Church in Agat. Sondia is the fourth person in five weeks to accuse then-parish priest Apuron of sexual misconduct. Norman Taruc / For the Post

Roland Sondia yesterday became the fourth Agat resident since mid-May to accuse Archbishop Anthony Apuron of sexual abuse. He made the accusation yesterday, June 15 during a press conference in front of the Pastoral Office at the Dulce Nombre de Maria Cathedral-Basilica in

Hagåtña.

"When I was an altar boy almost 39 years ago, at the age of 15, I was molested by then-parish priest Anthony Sablan Apuron. This was a man who I trusted and had a lot of respect for," Sondia said.

According to Sondia, the incident occurred in 1977 when he was an altar boy at Our Lady of Mount Carmel Church in Agat.

"In the middle of the night, I was sexually molested by Apuron," he said. "It was around 1 a.m. in the middle of the week when a couple of altar boys and I were asleep on futons on the living room floor at the Mount Carmel rectory. I was awakened when I felt someone tapping on my shoulder and calling my name."

Sondia said he looked up and Apuron was asking for his help and gestured to follow him to the bedroom. In the dark, Sondia said Apuron put his arms around his shoulder, pulled him closer and asked, "Do you want to try me?" Before he could do anything, Sondia said Apuron started "rubbing my privates." Sondia asked, "What are you doing?" and told Apuron to stop. However, Sondia said Apuron continued and kept saying, "Just try me."

According to Sondia, he eventually "found the strength to break free" and ran to the door. "I remember glancing back and he was just sitting at the edge of the bed with his head down. I grabbed my belongings and ran out of the front door of the rectory slamming it shut," he said.

"I stopped serving at any of the Masses that Father Tony celebrated. It was very uncomfortable. I tried my best to put the incident behind me," he said.

In 1979, Sondia started working in Hagåtña near the Cathedral-Basilica. "So for the past 37 years, I basically have been in the area where there's a very good chance I will run into Anthony Apuron."

Sondia said he did run into Apuron while making a connecting flight in Honolulu in 2003.

"I have not spoken to Apuron since that day in Honolulu. I know that there are other boys who were victims of this man. I hope and pray that they will also come forward," he said.

## Limitations

Patti Babauta Portodo-Hernandez, one of Sondia's family members present at the press conference, asked that the Guam Legislature lift the statute of limitations on sex abuse cases.

With the incidents having occurred decades ago, the current statute of limitations governing child sex abuse cases have become a concern. There is proposed legislation awaiting action at the Guam Legislature which would address this concern.

Bill 326, introduced by Sen. Frank Blas Jr., seeks to lift the statute of limitations for filing civil actions against perpetrators of child sex abuse.

Should the bill become law, victims of child sex abuse that occurred on Guam who have been barred from filing suit against their abusers due to the expiration of the statute of limitations, would be permitted to file those claims in the Superior Court of Guam.

### **Other victims**

According to lawyer David Lujan, two more alleged victims of Apuron will come forward in the coming days. In another press conference, Lujan, who is also representing Sondia, said should Apuron or the archdiocese initiate legal action, it would be welcome because there will be more disclosures.

Walter Denton spoke earlier this month in the same area where the press conference was held yesterday. His accusation followed an announcement that Pope Francis had relieved Apuron of his duties and appointed an interim administrator for the archdiocese.

In May, alleged victim Roy Quintanilla described to the media how Apuron allegedly sexually molested him 40 years ago, also while Apuron was a priest in Agat and Quintanilla was an altar boy.

Following Quintanilla's accusation, Doris Concepcion – formerly of Guam but now living in Arizona – said her son, Joseph A. Quinata, told her shortly before his death in 2005 of being sexually abused by Apuron in the late 1970s.

In November 2014, John Toves accused Apuron of molesting his cousin in the 1980s when they were still seminarians.

Apuron, who has headed the archdiocese since 1986, has not been charged with any crime and has denied all accusations.

## Louella Losinio

[http://www.postguam.com/news/local/denton-attends-agat-prayer-vigil/article\\_5413cebe-2e36-11e6-bc06-6f1c66bba7d7.html](http://www.postguam.com/news/local/denton-attends-agat-prayer-vigil/article_5413cebe-2e36-11e6-bc06-6f1c66bba7d7.html)

## Denton attends Agat prayer vigil

Louella Losinio | Post News Staff Jun 10, 2016



### Matt Weiss

Walter Denton, left, comforts Doris Concepcion during a prayer vigil outside the administration building of Mount Carmel School in Agat yesterday, June 9. The building was formerly the Mount Carmel Church rectory where Archbishop Anthony Apuron is alleged to have sexually abused Denton and Joseph Quinata, Concepcion's son nearly 40 years ago when he was a parish priest. Matt Weiss/Post

Walter Denton, who has accused Archbishop Anthony Apuron of sexual molestation, yesterday attended a prayer vigil in Agat, the site of his alleged rape, and disclosed that he has spoken to other victims of sex abuse by the archbishop.

"I've spoken with other victims but it is up to those victims to come out," Denton said. "I am encouraging them to please come out."

Denton and Doris Concepcion, accompanied by family and supporters, walked the path toward the building which used to be the rectory of Our Lady of Mount Carmel Catholic Church in Agat - the same building where Denton said then-parish priest, now Archbishop Anthony Apuron raped him nearly four decades ago.

Denton and Concepcion, the mother of Joseph Quinata, comforted each other at the steps of the building, which is now an administration office of Mount Carmel School.

Concepcion has said that Quinata told her he was sexually abused by Apuron in the late 1970s shortly before his death in 2005.

"That is the door that I opened but couldn't go anywhere. That is the door that I opened up. It was so dark outside. I couldn't leave. I was so afraid. I closed that door and I just stayed in that living room," Denton said.

At one point, he pointed to a section of the building and tearfully said, "That's where it happened, right there. That's the room, right there where everything happened."

"Sonny," Concepcion said, referring to her son. "I hope you are looking, son. I know you are in heaven. We are doing something about it." Supporters placed candles and flowers before the building and Deacon Steve Martinez offered a prayer, "For all altar servers in Agat. Those who were victims and those who were not, we pray for all of them and give thanksgiving for the service that they gave to the church.

## Healing

Martinez also prayed for the healing of the victims. "That they may move beyond the incident that took place so many years ago."

According to Martinez, when they were looking at the names of altar servers from Agat, they came upon the names of 10 to 12 who served in the time frame of the alleged incidents who have died.

Denton said the incident “changed the direction of his life,” and he described how the abuse occurred when he was an altar server in April 1977 and Apuron asked him to stay overnight at the rectory.

He said Wednesday was not the first time that he reported the incident. The first disclosure was to a priest years after the abuse. But it was not addressed. He also told the media yesterday about informing Archbishop Martin Krebs, who is currently the apostolic delegate to several Pacific islands. He felt that they believed his statements.

“I’m just hoping that they do something with what is happening now. I’m just hoping that they would change the policy,” Denton said.

“They have to change it. I didn’t realize that he broke his own policy,” Concepcion said.

The revision of the archdiocese's policy on handling claims of sexual abuse by clergy was recently raised by Martinez. He criticized the archbishop for purposely implementing weak sexual misconduct policies in order to protect himself and his inner circle.

Moreover, these policies may have allowed additional cases of sexual abuse by different perpetrators, according to Martinez.

Martinez served as sexual abuse response coordinator for the archdiocese from 2011 to 2014. During that time, Martinez wrote several letters to Apuron expressing his concern about the sexual misconduct policy.

## **Legislation**

With the incidents having occurred decades ago, the current statutes of limitations governing child sexual abuse cases have become a concern.

There is currently proposed legislation awaiting action at the Guam Legislature which would address this concern.

Bill 326, introduced by Sen. Frank Blas Jr., seeks to lift the statute of limitations for filing civil actions against perpetrators of child sexual abuse.

Should the bill become law, victims of child sexual abuse that occurred on Guam who have been barred from filing suit against their abusers due to the expiration of the statute of limitations would be permitted to file those claims in the Guam Superior Court.

"The ongoing issues regarding child sex abuse not just in our church but in the entire community is what prompted me to introduce this legislation," Blas told the Post. "Bill No. 326-33 removes the two-year statute of limitations for the initiation of civil litigation against perpetrators of child sexual abuse."

The bill has been referred to Sen. Frank Aguon who is in the process of scheduling a public hearing on the measure.



VIDEO: Tears, anger and prayers from Apuron's accusers at vigil  
Jun 9, 2016

# Louella Losinio

# Apuron accusers testify on bill that would lift time limit on molestation lawsuits

Haldee V Eugenio, Pacific Daily News 5:07 p.m. ChST June 27, 2016



(Photo: Rick Cruz/PDN)

Individuals who recently accused Archbishop Anthony S. Apuron of sexually molesting them when they were altar boys in Agat in the 1970s testified Monday in favor of a bill lifting time limits on filing lawsuits against child molesters.

Another individual, Jonathan Diaz, also addressed senators at the Guam Legislature in Hagåtña, and said a seminarian who later became a priest sexually abused him when he was 13 and 16 years old. Diaz said nobody believed him when he came forward in 1991.

"You didn't believe me. Believe them," Diaz told senators, while pointing to the four other accusers of Apuron seated in the public hearing room of the Legislature.

Apuron hasn't been charged with any crime.



PACIFIC DAILY NEWS

Hon: All documents sent to Holy See

[\(http://www.guampdn.com/story/news/2016/06/26/hon-all-documents-sent-holy-see/86400816/\)](http://www.guampdn.com/story/news/2016/06/26/hon-all-documents-sent-holy-see/86400816/)

## Former senator testifies during child abuse

### statute public hearing

Arizona resident Walter G. Benton, who accused Apuron of "raping" him ([/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/](http://www.guampdn.com/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/)), flew back to Guam from the mainland on Sunday just to testify in favor of Bill 326-33.

"Give us Agat boys a chance to achieve some measure of justice and closure in our lives," he said.

## TOP TRENDING



Police at Hemlani apartments in H

[\(http://www.guampdn.com/videos/\)](http://www.guampdn.com/videos/)

**BREAKING NEWS** Doris Y. Concepcion, another Arizona resident who said her son told her before he died 11 years ago that Apuron molested him, reports [least-10-dead-accusers-accuse-apuron-molested-son/84888594/](http://www.guampdn.com/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/), also testified in favor of the bill, whose main author is Sen. Frank Blas Jr.

"If you pass this bill, I want to take Apuron to court ... so the truth will come out," said Concepcion, an Arizona resident who also flew to Guam. The ashes of her son, Joseph "Sonny" Quinata, was recently laid to rest at the Guam Veterans Cemetery, 11 years after he died.

Roland Sondia, who said Apuron molested him when he was 15 ([/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/](http://www.guampdn.com/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/)), said no amount of time should limit any victim of child sex abuse to file charges. Sondia works at the Pacific Daily News as an information technology manager.

Roy Quintanilla, now a Hawaii resident who also said he was molested by Apuron ([/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/](http://www.guampdn.com/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/)) when he was 12 years old in Agat, had his written testimony read by his niece, Sharleen Santos-Bamba.

"Is it fair that a sexual predator be allowed to get away with molesting children because they're protected by statutes of limitations? Please do the right thing and lift or abolish the statutes of limitations for child sexual abuse," Quintanilla said in his written testimony.



PACIFIC DAILY NEWS

New faces join protesters against Archbishop Apuron

[\(http://www.guampdn.com/story/news/2016/06/19/new-faces-join-protesters-against-archbishop-apuron/86108796/\)](http://www.guampdn.com/story/news/2016/06/19/new-faces-join-protesters-against-archbishop-apuron/86108796/)

Sen. Frank Aguon Jr., chairman of the Guam U.S. Military Relocation, Public Safety and Judiciary committee, whose members listened to Monday's testimony, said his committee will compile all testimony received.

Guam lawmakers in the past temporarily gave victims of child sexual abuse a two-year limit to file a lawsuit, and that window has closed.

This bill would not restrict the filing of a lawsuit against a child sex abuser or child molester who committed the act before this bill would become law, according to Blas, the bill's author.

"There is no restriction on retroactive cases," he previously said.

Read or Share this story: <http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-testify-bill-would-lift-time-limit-molestation-lawsuits/86422138/>

### Former senator testifies during child abuse statute public hearing



2:20

3:36



#### TOP TRENDING



[Police at Hemlani apartments in H](#)

[\(http://www.guampdn.com/videos/](http://www.guampdn.com/videos/)

**BREAKING NEWS**

[At least 10 dead in blast at Turkish airport involving suicide bomber \(http://www.usatoday.com/story/news/2016/06/28/reports-least-10-dead-blast-istanbul-airport/86481174/\)](http://www.usatoday.com/story/news/2016/06/28/reports-least-10-dead-blast-istanbul-airport/86481174/)

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## Klitzkie wants bill extended to punish those aiding child abusers, too



Posted: Jun 28, 2016 3:33 PM

Updated: Jun 28, 2016 3:33 PM

By Ken Quintanilla [CONNECT](#)

[Bill 326](#) may have received overwhelming support at Monday's public hearing, but one former lawmaker is hoping to broaden the legislation's language. The bill proposes lifting the statute of limitations for child sex abuse cases. In light of the allegations of molestation and rape made against Archbishop Anthony Apuron, Bob Klitzkie hopes senators will consider language that will punish not just the alleged abusers, but those protecting him or her.

"I think the bill needs to be broadened so that not only child abusers, but those who aid, abet, encourage, collaborate with, conspire, cover up, etc. may also be held liable, as well as their institutions and corporate sole," he explained.

On Monday, Klitzkie testified in support of Bill 326 as well as explained why past legislation with a similar intent failed. Specifically, the law discouraged attorneys from taking on any case because provisions detailed counsel would be disciplined if they failed to prove their claim.



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## Alleged sex abuse victims speak-up to support bill

Posted: Jun 27, 2016 3:50 PM

Updated: Jun 27, 2016 4:39 PM

By Krystal Paco | [CONNECT](#)

"Justice shouldn't have an expiration date" - that's the sentiment echoed from supporters of [Bill 326](#), who rallied in full force for three hours at Monday's public hearing. The proposed legislation would lift the statute of limitations for child sex abuse cases. The bill's introduction comes in the wake of accusations of rape and molestation made against Archbishop Anthony Apuron.

And alleged victims are speaking up and asking senators for more time to confront their perpetrators and bring them to court.

Joseph "Sonny" Quinata may not be alive today, but his mother, Doris Concepcion, still seeks justice on his behalf. She said, "Apuon accused me of being a liar. If you pass this bill, want to take Apuron to court. I have nothing to gain. I want Apuron to go to court so the truth can come out."

Concepcion was joined by other accusers of the archbishop - Walter Denton, Roland Sondia, and family of Roy Quintanilla, who testified on Monday in support of Bill 326. All the victims were altar boys at Mount Carmel Church in Agat when they allege they were molested or raped by Apuron. Each of the victims waited decades before coming forward and as a result, cannot seek legal action because Guam law provides only a two-year window to do so.

Denton said, "I'm asking each of you, every senator, to please lift the statute of limitations so people like Anthony Sablan Apuron and any other person or institution who have aided him or covered up for him to be held accountable for the crimes they've committed against innocent children. Like I was then."

Sondia added, "The church was not going to make it easy for me or any other victim to come forward. Instead of reaching out to Roy when he first came out, Archbishop Apuron and his representatives instead called him a liar, saying that he was induced to make false testimony to smear Archbishop Apuron and the Catholic Church."

And Charlene Santos-Bamba said, "Coming forward is not easy. And only victims know when the time is right to come forward."

While Apuron's accusers have had little to no response from the Archdiocese of Agaña, their cries for help were heard loud and clear today. Senator Frank Blas, Jr. thanked the people for their strength, saying, "It's your strength that gave us, gave me, the will and the determination to bring this bill forth." And Senator Frank Aguon, Jr. added, "As horrendous as what you all presented and all experienced, there's no reason why timeframe should be considered. I think the sponsor Senator Blas alluded to it. I'm sorry that we're only coming out now to extend the support that you and other victims experienced."

Although an older Guam law sought to open the window for survivors of child sex abuse to seek legal action, former senator Bob Klitzkie says its provisions discouraged attorneys from taking on such cases. For example, if an attorney failed to prove the claim, he or she could be disciplined for the frivolous lawsuit.



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## Social workers support lifting of statute of limitations

For sexual abuse cases

Louella Losinio | Post News Staff 5 hrs ago

The National Association of Social Workers, Guam Chapter, has expressed support for Bill 326-33, the measure authored by Sen. Frank Blas Jr. that would amend current law to remove the statute of limitations in civil cases involving child sex abuse.

Craig Burns, NASW chapter president, said the group acknowledges the courage of each and every victim who comes forward, whether in the immediate aftermath of an assault or after many decades.

“Any measure to remove barriers to victims coming forward is a move in the right direction,” he said in a release sent yesterday.

According to Burns, recent events have brought the issue of child sexual abuse and molestation into the public consciousness. “Although the events being reported occurred almost four decades ago, the issue of child sexual abuse and molestation is something that has no time limits,” Burns said.

“The impact of child abuse cascades throughout one’s lifetime with a combination of economic, social, mental health and health consequences,” he said.

Burns also noted that in many cases of child sexual abuse, the attacker is a person of authority. He said “this betrayal” is difficult to process for anyone, especially a child who is naturally trusting and has been taught to believe they are safe with these individuals.

“The current discussion revolves around victims who have guarded their secrets for nearly four decades. The courage it takes any victim of abuse to come forward is to be applauded,” he said.

Burns also urged the community to continue its public discourse, which he described as “primarily one of empathy and concern for the victims.”

He said the discussion of child sexual abuse must continue as additional victims come forward.

“NASW Guam supports an open dialogue about these issues on the family, village, parish and island level. Only by acknowledging a problem and beginning a dialogue can we start to heal,” he said.

Burns said any betrayal of a child’s innocence and trust is an abomination of human trust. “NASW Guam supports an empathetic and supportive approach to the victims in this and all situations. As a community, we must rally together in support of the victims, past and present,” he said.

The committee on public safety and judiciary, chaired by Sen. Frank Aguon, met Monday at the Guam Legislature for a public hearing on Bill 326-33. During the public hearing, alleged victims of Archbishop Anthony Apuron and their supporters urged the passage of the measure.

The bill strikes out the current two-year statute of limitation for civil claims. Should the bill become law, victims of child sexual abuse that occurred on Guam who have been barred from filing suit against their abusers due to the expiration of the statute of limitations would be permitted to file those claims in the Superior Court of Guam.

Louella Losinio

# Accusers sue Apuron, Guam archdiocese for libel and slander

Haidee V Eugenio, Pacific Daily News 10 p.m. ChST July 1, 2016

## At least \$2M in total damages sought



(Photo: Mark Scott/PDN)

Four people who publicly accused Archbishop Anthony S. Apuron of sexually abusing altar boys in Agat in the 1970s filed a libel and slander lawsuit against the Archdiocese of Agana, Apuron and up to 50 other unnamed plaintiffs for calling them liars and for accusing them of "instilling hatred, ignorance and violence in the people."

The plaintiffs in the suit are [Doris Y. Concepcion \(/story/news/2016/05/30/mother-deceased-man-accuses-apuron-molesting-son/84888594/\)](#), [Roy T. Quintanilla \(/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/\)](#), [Walter G. Denton \(/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/\)](#) and [Roland Paul L. Sondia \(/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/\)](#). Through their attorney, David Lujan, they filed the lawsuit in the Superior Court Friday morning. The plaintiffs are seeking no less than \$500,000 each for all general damages, for a total of at least \$2 million.

About an hour later, three of the plaintiffs and their relatives held a press conference at the Guam Law Library.



PACIFIC DAILY NEWS

[Former Agat altar boy accuses Guam's archbishop of rape](#)

<http://www.guampdn.com/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/>

"We did this because we want the truth to be public, and to defend our honor and integrity," Denton, who is now a resident of Arizona, said at the press conference. "We want Anthony Apuron, the Agana Archdiocese, and all those involved to take responsibility for their actions."

The Pacific Daily News sought comment from the Archdiocese of Agana, but no statement was received as of late Friday afternoon.

Slander is a false or malicious claim that may harm someone's reputation. Libel is a defamatory statement made in the form of print or broadcast.

## 'Unforgivable'

"What Anthony Apuron did to us and to Sonny was unforgivable," Denton said. "As bad as his actions were, their actions toward the victims now are just as unforgivable. Instead of conducting an honest, transparent investigation, they called every single survivor a liar. Instead of using Church resources to reach out and help victims, they called us liars. They have avoided and shunned us. They did it 40 years ago and they are doing it again."



PACIFIC DAILY NEWS

[Former Agat altar boy accuses Guam's archbishop of rape](#)

<http://www.guampdn.com/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/>

Denton, Sondia and Quintanilla are former altar boys who said Apuron molested them during sleepovers at the Our Lady of Mount Carmel Church rectory in Agat in the 1970s. Denton said Apuron raped him. Concepcion is the mother of former altar boy Joseph Anthony "Sonny" Quinata who, before his death 11 years ago, told her that Apuron molested him in the 1970s, she said.

"We just want the truth out," said Concepcion, who also lives in Arizona and who flew back to Guam in June to bring home her son's ashes. She said the support she has received since speaking out was "unbelievable."

Sondia and Concepcion also were at the press conference. Quintanilla, now a resident of Hawaii, was represented by his niece, Sharleen Santos-Bamba. Some of their family members also were present.

## Special damages

The plaintiffs also are seeking special damages in a sum to be proven at trial, exemplary and punitive damages as allowed by law and in a sum to be proven at trial, costs and fees incurred, attorneys' fees as permitted by law, and for other such and further relief as the court may deem just and proper.

Denton and other accusers wanted the matter to go to court so Apuron can take the stand. He said as far as he knows, this is the first lawsuit of its kind to be filed against Apuron.



PACIFIC DAILY NEWS

Another accuser comes forward with sexual abuse allegations against Guam's archbishop

(<http://www.guampdn.com/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/>)

Apuron still was off island as of Friday, nearly a month after the Vatican temporarily stripped him of his administrative authority over the Archdiocese of Agana, when individuals started coming forward accusing him of molestation.

The plaintiffs said the defendants published press releases and video statements stating that the accusers were "induced" to bring false testimony.

"They stated that we are 'instilling hatred, ignorance, and violence in the people.' Nothing is farther from the truth. We are willing to go to a court of law to prove our case," Denton said.

## 'Not rescinded'

[Fullscreen](#)

Denton said since the statements were distributed, apostolic administrator Archbishop Savio Hon Taan ~~(<http://www.guampdn.com/story/news/2016/06/08/vatican-sent-archbishop-now-guam/85587520/>)~~ "has not attempted to meet with us or to reach out to us."

**Abuse allegations mount against Archbishop Anthony Apuron**

"He has rescinded other decrees, but has not rescinded these publications calling us liars, thereby exposing us to contempt and ridicule. Neither the Agana Archdiocese nor Archbishop Hon has retracted or repudiated any statement contained in these publications," Denton said. "These statements continue to represent the position of the Agana Archdiocese through today."



PACIFIC DAILY NEWS

Vatican-sent archbishop arrives amid sex abuse allegations against Apuron

(<http://www.guampdn.com/story/news/2016/06/08/vatican-sent-archbishop-now-guam/85587520/>)

Apuron or his representatives, through written press releases or video statements, also threatened to file a lawsuit against those who came forward to accuse Apuron of sex abuse and others they said were spreading lies about the archbishop.

"Agana Archdiocese is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained herein," the complaint states.

It adds that Apuron, an individual, was and is a member of the clergy of the Agana Archdiocese, has served as the archbishop of Agana, is a resident of Guam, and is responsible and liable in whole or in part, directly or indirectly, for the wrongful acts complained.

## No response to letters

Prior to the filing of the lawsuit, Lujan wrote letters to the local church's sexual abuse response coordinator Deacon Larry Claros and later on to Archbishop Hon, pressing the local Catholic Church for answers related to its ability to conduct an impartial investigation into multiple child molestation allegations against Apuron.

Lujan did not receive a response to his letters from any representative of the Archdiocese of Agana.

Denton said they share the sentiments of others who want Apuron to be defrocked.

"He does not deserve to be where he is at today, for what he has done not only to us, but to other victims out there and to the people of Guam, so there's a lot more to be said," he said.



PACIFIC DAILY NEWS

Mother of deceased man accuses Apuron of molesting son

(<http://www.guampdn.com/story/news/2016/05/30/mother-deceased-man-accuses-apuron-molesting-son/84888594/>)

The filing of the libel and slander lawsuit came four days after three of the four plaintiffs personally testified before senators (</story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/>) at the Guam Legislature, in favor of a bill that could lift time limits on filing lawsuits against child molesters.

"The only thing we're looking for is for him (Apuon) to come out and tell the truth. That's all we know. We're looking for justice, that's basically it," Denton said.

He hopes other victims of abuse come forward "when they're ready."



PACIFIC DAILY NEWS

Apuron accusers urge passage of bill that would lift time limit on molestation lawsuits

(<http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/>)

Read or Share this story: <http://www.guampdn.com/story/news/2016/07/01/accusers-sue-apuron-archdiocese-libel-and-slander/86587776/>

# Changes recommended for child sex abuse bill

Haidee V Eugenio, Pacific Daily News 9:09 p.m. CHST July 8, 2016

## Archdiocese silent on bill that could allow Apuron accusers to sue



(Photo: PDN file)

A bill that would make it easier for victims to sue alleged child molesters by lifting the statute of limitations is getting wide community support, but the Judiciary, Attorney General Elizabeth Barrett-Anderson and other members of the legal community have recommended changes to the bill to support its intent.

The Archdiocese of Agana has not submitted any comment on the bill, which, if enacted into law, could allow those who recently accused Archbishop Anthony S. Apuron (/story/news/2016/07/01/accusers-sue-apuron-archdiocese-libel-and-slander/86587776/) of molesting them in the 1970s to sue him. The statute of limitations for criminal cases in connection with the allegations by the former altar boys expired decades ago. Apuron and the archdiocese have denied the allegations.

Sen. Frank Aguon Jr.'s Committee on Guam U.S. Military Relocation, Public Safety and Judiciary held a public hearing on Bill 326-33 (/http://guamlegislature.com/Bills\_Introduced\_33rd/Bill%20No.%20B326-33%20(COR).pdf) on June 27 and provided an additional 10-day period to submit comments.

The attorney general and the Judiciary noted that the bill would change an existing law that applies to all types of personal injuries and death, and not specifically the sexual abuse of children.

Barrett-Anderson, in email testimony to Aguon, recommended a separate statute of limitations, specifically for sexual abuse and assault against children.

Robert Klitzkie, an attorney and former senator, also recommended specific changes to the bill's language in order to be effective in allowing survivors of child sexual abuse to seek justice.



**PACIFIC DAILY NEWS**

Apuron accusers urge passage of bill that would lift time limit on molestation lawsuits

(/http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/)

"We are currently working on a substituted version of Bill No. 326-33 and would convene another public hearing for the substitute bill," Aguon told the newspaper.

The public hearing on a substitute bill is tentatively set for 5:30 p.m. July 26.

"The bottom line is: This bill gives the victims of child sexual abuse by adults an opportunity to seek justice for the heinous, criminal acts that have scarred them forever," Concerned Catholics of Guam Inc. President Greg Perez said in written testimony.

Gerald A. Taitano, a Chalan Pago resident, said in written testimony supporting the bill that child abusers need to be held accountable, "regardless of when the victims are able to report."

"When a prosecutor cannot indict a child sexual offender for those types of heinous acts because the statute of limitations has run, it raises serious moral, legal and ethical questions," Taitano said.

Read or Share this story: <http://www.guampdn.com/story/news/2016/07/08/changes-recommended-child-sex-abuse-bill/86841020/>

# Pesch: Allow victims to sue institutions

Bill Pesch 10:16 a.m. ChST July 6, 2016



(Photo: PDN file)

There is an old saying, "Corruption is authority plus monopoly minus transparency." Some would argue that this adage aptly sums up the current situation with the Catholic church in Guam.

For nearly three centuries, the Catholic church has enjoyed a near monopoly on the religious beliefs and practices on the island. As a result, the line between church beliefs and cultural interactions often become blurred. The bond between the two has grown so strong that criticism against church teachings, or those running the church, has, at least until recently, been considered a serious cultural affront.

Without strong voices challenging questionable church edicts and exposing objectionable behavior by those in trusted positions, a perfect storm developed for secrecy and abuse within church leadership, headed by the archbishop. Wielding tremendous power on Guam, the archbishop's sphere of influence has traditionally extended well beyond religious matters and infiltrated into the political realm as well. The distinction between church and state has, in many instances, been completely obliterated. All too often, Guam's politicians have played a complicit role in allowing the church, and the archbishop, to meddle in civil matters.



PACIFIC DAILY NEWS

Accusers sue Apuron, Guam archdiocese for libel and slander

(<http://www.guampdn.com/story/news/2016/07/01/accusers-sue-apuron-archdiocese-libel-and-slander/86587776/>)

Nowhere is this more evident than with the current sad state of affairs concerning allegations of child sexual abuse committed by church leaders, including the archbishop himself. These allegations go back decades. Rumors of abuse have circulated within the local community for years, but fear of familial and public retribution silenced victims and their family members.

Legislative efforts to confront the perverse code of silence were undermined. In 2011, Benjamin Cruz, himself a victim of priestly sexual abuse, introduced Bill 34-31 ([http://guamlegislature.com/Bills\\_Introduced\\_31st/Bill%20No.%20B034-31%20\(COR\).pdf](http://guamlegislature.com/Bills_Introduced_31st/Bill%20No.%20B034-31%20(COR).pdf)). Modeled after a similar bill in Hawaii, the Guam version would have given "victims of child sexual abuse that occurred on Guam who have been barred from filing suit against their abusers by virtue of the expiration of the civil statute of limitations" a two-year window to file their civil cases.



PACIFIC DAILY NEWS

Law limits sexual abuse charges

(<http://www.guampdn.com/story/news/2016/05/22/law-limits-sexual-abuse-charges/84640416/>)

The Guam bill included a provision, borrowed from its Hawaiian counterpart, allowing victims to pursue their cases against a grossly negligent "institution, agency, firm, business, corporation ... that owed a duty of care to the victim." This provision was critical because it opened a window of opportunity for victims to receive both compensation for the wrong committed as well as the means to fund the litigation.

After all, most perpetrators would now be retired, old, or dead. If, in addition, they had taken a vow of poverty, a victim would stand little hope of collecting just compensation. Also, this type of litigation is very expensive. Few victims have the financial means to pay an attorney on an hourly basis to prosecute such a matter.

To move the case forward, an attorney would have to be willing to handle the matter on a contingency basis. That is, the attorney agrees to pursue the matter in exchange for a set percentage of any compensation ultimately awarded the victim. Without a victory, the lawyer receives nothing. As a consequence, before taking such a risky and expensive case, the attorney must be convinced an actual wrong was committed and identify early on a realistic source for compensation. In legal language, this is known as pursuing the "deep pocket."

Predictably, church leaders felt threatened by the bill. After all, church coffers would be at risk.

Abandoning their obligation to look out for the welfare of their constituents, a majority of senators eventually caved in to church pressure and passed a worthless piece of legislation. Not only did the senators remove the "deep pocket" provision, they added a section requiring attorneys to file a "certificate of merit." I have never in my professional life seen such a convoluted provision. Time and space prevent me from going into detail, but the law set up more roadblocks than a presidential motorcade. Does anyone really wonder why no victim filed a lawsuit during the two-year extension?



PACIFIC DAILY NEWS

Bill introduced would allow molested kids to sue perpetrators anytime

(<http://www.guampdn.com/story/news/2016/05/23/bill-would-allow-molested-kids-to-sue-any-time/84762140/>)

Senator Frank Blas Jr.'s Bill 326-33 ([http://guamlegislature.com/Bills\\_Introduced\\_33rd/Bill%20No.%20B326-33%20\(COR\).pdf](http://guamlegislature.com/Bills_Introduced_33rd/Bill%20No.%20B326-33%20(COR).pdf)) continues the charade on behalf of the church. The senator pounds his political chest and proclaims his bill will remove the civil statute of limitations for all child sex abuse cases. So, no matter when an abuse incident occurred, victims will still be able to file their claims.

However, this assurance is undermined by the fact that Blas intentionally failed to include the critical provision allowing victims to file claims against complicit institutions. Without this, don't expect anyone to file a case, and don't expect church reform.

Let's hope the rest of the senators live up to their obligation to separate church and state by taking immediate steps to amend the bill so that it effectively gives victims a voice and a realistic chance for vindication. It is the moral thing to do.

*Bill Pesch is a family law attorney with the Guam Family Law Office in Hagåtña. You can contact him through his website: [GuamFamilyLawOffice.com](http://guamfamilylawoffice.com) (<http://guamfamilylawoffice.com/>).*

Read or Share this story: <http://www.guampdn.com/story/opinion/columnists/2016/07/03/allow-victims-sue-institutions/86631354/>

[http://www.postguam.com/news/local/hearing-today-on-child-sex-abuse-bill/article\\_4b533fc4-53d1-11e6-ba56-fb63b05da576.html](http://www.postguam.com/news/local/hearing-today-on-child-sex-abuse-bill/article_4b533fc4-53d1-11e6-ba56-fb63b05da576.html)

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PREVIOUS

Former Sen. Klitzkie proposes broadening of Bill 326

>

## Hearing today on child sex abuse bill

From the Series: Bill 326 proposes to lift the statute of limitations in cases involving sex crimes against children series

New version incorporates suggestions from AG, public

Robert Q. Tupaz | Post News Staff Updated 1 hr ago

Walter Denton, Roy Quintanilla and Roland Sondia, alleged child sex abuse victims of Archbishop Anthony Apuron, are expected to testify today on a measure that proposes to lift the statute of limitations in cases involving sex crimes against children.

Though a public hearing was initially held on the proposal contained in Bill 326 in late June, the committee on public safety, of which Sen. Frank Aguon Jr. is chairman, marked up the bill with a substitute version. According to Aguon's office, the substitute version strengthens the original proposal introduced by Sen. Frank Blas Jr.

Moreover, the revised bill incorporates the wishes of the public who testified on the original measure, and includes language suggested by the Office of the Attorney General.

Bill 326 strikes out a two-year statute of limitations for civil claims involving sex abuse of children. The substitute measure repeals the entire current law and proposes to replace the statute with the following language under the section, "No Limit for Child Sexual Abuse."

### **Criminal, civil component**

The proposed provision would provide a criminal and civil component in statute if lifted. Sub item A of the proposed law states: "An action for child sexual abuse may be commenced against abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions or corporations sole at any time."

Sub item B follows: "Victims of child sexual abuse that occurred on Guam who have been barred from filing an action against their abusers, their enablers their aiders or abettors, those acting in concert with them and their institutions or corporations sole by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in any court of competent jurisdiction."

Denton testified in support of the original measure and said lifting the statute of limitations would give victims of sexual abuse within and outside the Roman Catholic Church the opportunity to be silent no more. In early June, Denton brought forth his allegations of abuse by Apuron after 40 years of silence.

Sondia echoed Denton's sentiments. Sondia, like Denton, came forward in June, 39 years after his alleged abuse at the hands of Apuron. He said abolishing the statutes of limitations would be a deterrent to potential perpetrators.

The public hearing on Substitute Bill 326 is scheduled to begin at 10 a.m. at the Guam Legislature in Hagåtña.

### **Municipal planning councils**

After hearing Bill 326 as substituted, Aguon's committee will convene again today at 6 p.m. to continue a series of roundtable discussions on a measure that proposes to add municipal planning councils in the approval process of projects, zoning or variances in their respective communities.

Like Bill 326, although a hearing was already held on Bill 318, Aguon, author of the legislation, wants input from all stakeholder groups. The Guam Land Use Commission opposes the addition of the councils to the approval process.

Public hearings are broadcast live on MCV Channel 117 or GUdTV Channel 21, or on the legislature's web page at [www.guamlegislature.com](http://www.guamlegislature.com).

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Robert Tupaz

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## In this Series

Series: Bill 326 proposes to lift the statute of limitations in cases involving sex crimes against children

Jun 28, 2016 image

Roland Sondia, left, and Walter Denton at the Public Hearing for Bill 326.jpg

Updated 1 hr ago article

Hearing today on child sex abuse bill

Updated 1 hr ago article

Apuron accusers to see lawsuit through

▼ 16 updates

[http://www.postguam.com/news/local/apuron-accusers-to-see-lawsuit-through/article\\_9c484792-53d3-11e6-8c59-9f548706aea2.html](http://www.postguam.com/news/local/apuron-accusers-to-see-lawsuit-through/article_9c484792-53d3-11e6-8c59-9f548706aea2.html)



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PREVIOUS

DRT: \$160M uncollected

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## Apuron accusers to see lawsuit through

Skeptical of Hon's offer to meet

Neil Pang | Post News Staff 5 hrs ago

Roy Quintanilla, Walter Denton and Roland Sondia, three of the four plaintiffs who have filed a lawsuit for slander and libel against Archbishop Anthony Apuron, met with the Post yesterday to talk about their motivations, the amended suit and the response they have received since coming

forward with their allegations of childhood sex abuse at the hands of Apuron.

Quintanilla and Denton reside off-island but returned to testify at today's public hearing on Bill No. 326-33, which proposes to lift the statute of limitations in civil cases involving child sex abuse. The men share similar intentions for filing the lawsuit.

"I'm just looking to face Apuron in the court of law, to ask him, 'Why?'" Denton said.

Quintanilla added, "In the beginning, it was not my intent (to pursue legal action), but things have changed. When I first came forward, I was called a liar. Now I have to defend my honor."

The other two men nodded in agreement. It is their stated agenda that they are only pursuing acknowledgement and understanding from Apuron, and it is their opinion that they have waited long enough.

"He had every opportunity to speak with me because I work right next to the archdiocese," Sondia said.

The overarching goal of the suit, according to Denton, is that they "want him to answer to (us) and to the people of Guam."

Since coming forward with their stories of abuse, they have received only positive feedback from the island community, with many coming forward with their own stories – stories of abuse not only at the hands of the clergy, but of child sex abuse from other sources as well.

"I knew I was not the only one," Denton said. "I didn't care about public perception. I wanted to expose him for what he truly is."

Quintanilla said, "All this time I thought I was the only one. ... It was a different time. Now, it's OK to come out."

The men support the bill to lift the statute of limitations for cases such as theirs.

"I think if the statute of limitations is lifted, it would encourage people to come out," Denton said.

### **Skeptical of Hon's offer to meet**

In response to Archbishop Savio Hon Tai Fai's invitation to meet with them, the men responded with skepticism.

"What is the purpose? Why does he want to meet with us? He doesn't have the authority to investigate Apuron," Quintanilla said.

The perceived lack of action on the part of the archdiocese and the larger church organization continues to be a matter of contention for the three.

"We don't even have proof the Vatican received our statements," Sondia said.

Denton said he had extended the wish to meet with Hon, but was ignored.

"I reached out, said I wanted to speak with Archbishop Hon," he said. "They turned their back on me."

The men agreed that the invitation from Hon to meet with them is too little, too late, and they wondered if Hon would have extended that invitation if they had not served him with the amended lawsuit.

The men reaffirmed their commitment to follow through with the lawsuit 'til the end.

"We're going to be relentless," Denton said. "We're not going to stop. We want to see something done."

Neil

[http://www.postguam.com/news/local/abuse-victim-s-brother-testifies/article\\_e710f024-5470-11e6-948d-1bd8335ea9fd.html](http://www.postguam.com/news/local/abuse-victim-s-brother-testifies/article_e710f024-5470-11e6-948d-1bd8335ea9fd.html)

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Man beaten at Barrigada church, car stolen

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## Abuse victim's brother testifies

### Residents support lifting statute of limitations

Jacqueline Perry Guzman | Post News Staff 6 hrs ago



**Matt Weiss**

**FIGHTING CHILD MOLESTERS:** From left: Joe Santos, founder of Silent No More, victims advocacy group; Roy Quintanilla, Walter C and Roland Sondia, all alleged victims of sex abuse by Archbishop Anthony Apuron in the 1970s; Mary Lou Garcia-Pereda; Tim Rol Catholic blogger; and Ken Leon Guerrero take part in a public hearing on Bill 326, which proposes to lift the statute of limitations on sex abuse. Matt Weiss/Post

A public hearing was held yesterday morning on Bill 326-33 which seeks to eliminate the statute of limitations for civil claims involving sexually abused children.

Walter Denton, Roy Quintanilla and Roland Sondia were joined by John "Champ" Quinata, the brother of the late Joseph "Sonny" Quinata, to give testimony in support of the bill. Denton, Quintanilla, Sondia and Sonny Quinata are all alleged child sex abuse victims of Archbishop Anthony Apuron, when they were altar servers at Our Lady of Mt. Carmel Church in Agat.

Champ Quinata testified yesterday that he had kept a promise to his brother for 38 years. Champ Quinata revealed his brother's secret after almost four decades. Champ Quinata testified that his brother had been raped by then "Father Tony" who was pastor of the Agat parish and who is now Archbishop Anthony Apuron. Champ Quinata said he remembered his brother waking up in the middle of the night crying and wetting the bed. Champ Quinata vowed to his brother they would get back at Apuron and burn the priest's house down. When Champ Quinata was 8 and Sonny Quinata 9, the two attempted to carry out their plan to set the priest's house on fire only to get caught in the process as Champ Quinata was lining the house with lighter fluid and Sonny Quinata was armed with matchsticks.

### **'Now they're listening'**

During his emotional testimony, Champ Quinata said when Sonny Quinata was a young boy and he tried to tell people what happened to him, nobody would listen. Champ Quinata ended his testimony by saying, "Now they're listening, brother."

Thirteen people gave testimony in support of the measure, including Annabelle Cruz, a social worker and child sex abuse professional. She said the damage and trauma experienced by a child after being sexually abused can have lasting or, more often, permanent effects on victims.

In their testimony, each speaker asked lawmakers to pass the bill and to pass it quickly so that victims can bring their abusers to justice and to prevent abusers from hiding behind institutions that protect them.

Though a public hearing was initially held on the proposal contained in Bill 326 in late June, the committee on public safety, of which Sen. Frank Aguon Jr. is chairman, marked up the bill with a substitute version. According to Aguon's office, the substitute version strengthens the original

proposal introduced by Sen. Frank Blas Jr.

Moreover, the revised bill incorporates the wishes of the public who testified on the original measure and includes language suggested by the Office of the Attorney General.

### **Statute of limitations**

The bill would strike out a two-year statute of limitations on civil claims involving sex abuse of children. The substitute measure repeals the entire current law and proposes to replace the statute with the following language under the section, "No Limit for Child Sexual Abuse."

The proposed provision would provide a criminal and civil component in statute if lifted. Sub item A of the proposed law states: "An action for child sexual abuse may be commenced against abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions or corporations sole at any time."

Sub item B follows: "Victims of child sexual abuse that occurred on Guam who have been barred from filing an action against their abusers, their enablers their aiders or abettors, those acting in concert with them and their institutions or corporations sole by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in any court of competent jurisdiction."

The public hearing will be continued an Monday, Aug. 1, at 10 a.m.



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Series: Bill 326 proposes to lift the statute of limitations in cases involving sex crimes against children  
Updated 9 hrs ago

Jacqueline Guzman

Responsible for judiciary, law enforcement, Department of Public Works, tourism, telecommunications and environment beats. More than 10 years experience in communications and publishing.

# Man: 'My brother was raped by Archbishop Apuron'

Haidee V Eugenio, Pacific Daily News 12:03 a.m. CHST July 29, 2016

## Strong push for revised bill allowing child sex abuse victims to sue



(Photo: Rick Cruz/PDN)

The younger brother of a man allegedly molested by Archbishop Anthony Apuron told lawmakers Thursday he remembers when his brother, Joseph Anthony "Sonny" Quinata, came home crying.

"Senators, I know my brother was raped by Archbishop Apuron. He was sodomized. He was only 9 years old," John Michael "Champ" Quinata said as he testified on a bill that would lift the statute of limitations, allowing victims of child sex abuse to sue their alleged perpetrators at any time.

Quinata's mother, [Doris Concepcion](/story/news/2016/05/30/mother-deceased-man-accuses-apuron-molesting-son/84888594/) (/story/news/2016/05/30/mother-deceased-man-accuses-apuron-molesting-son/84888594/), first came forward with abuse allegations against Apuron in May, saying "Sonny" told her, just before he died 11 years ago, that Apuron had molested him in the late 1970s.



Joseph A. Quinata, as a child in Guam. (Photo: Courtesy of Doris Concepcion)

Apuron also has been accused of molestation or rape by three other former Agat altar boys — [Roy T. Quintanilla](/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/) (/story/news/2016/05/16/man-alleges-archbishop-molested-him/84469094/), [Walter G. Denton](/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/) (/story/news/2016/06/07/new-accuser-says-apuron-raped-him/85539162/) and [Roland Sondia](/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/) (/story/news/2016/06/14/another-apuron-accuser-comes-forward-sexual-abuse-allegations/85897598/). Apuron was parish priest at the Our Lady of Mount Carmel Church at the time of the alleged attacks. The accusers said he assaulted them during sleepovers at the church rectory. Apuron has denied the allegations.

"Pass this bill. Protect the boys and girls and help my brother Sonny, Roy, Roland and Walter, and others like them to go after their abusers and the institutions that protect them or cover for them for their past crimes and to deter any other potential abusers from doing the same," Champ Quinata said. "Healing cannot begin without justice."



PACIFIC DAILY NEWS

[Former altar boys to Hon: Bring Apuron back to Guam](http://www.guampdn.com/story/news/2016/07/27/former-altar-boys-hon-bring-apuron-back-guam/87604192/)

[\(http://www.guampdn.com/story/news/2016/07/27/former-altar-boys-hon-bring-apuron-back-guam/87604192/\)](http://www.guampdn.com/story/news/2016/07/27/former-altar-boys-hon-bring-apuron-back-guam/87604192/)

Champ Quinata said he was 8 years old when Sonny came home one morning, "very upset, angry, in pain and crying," and "was hurting badly and couldn't use the bathroom" after spending the night at Apuron's place in Agat.

That morning, the Quinata brothers made a promise to each other not to reveal to anyone what Apuron had done, he said.

After 38 years, Champ Quinata broke that promise but said he knows that Sonny Quinata is resting well now because his younger brother is speaking on his behalf to seek justice.

Champ Quinata said Apuron raped his older brother more than once.



PACIFIC DAILY NEWS

[Apuron accusers urge passage of bill that would lift time limit on molestation lawsuits](http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/)

[\(http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/\)](http://www.guampdn.com/story/news/2016/06/27/apuron-accusers-urge-passage-bill-would-lift-time-limit-molestation-lawsuits/86422374/)

Quintanilla and Denton are back in Guam this week to, among other things, testify in support of Sen. Frank Blas Jr.'s [Bill 326-33](https://drive.google.com/viewerng/viewer?url=https://assets.documentcloud.org/documents/2841048/Statute-of-Limitations.pdf) (<https://drive.google.com/viewerng/viewer?url=https://assets.documentcloud.org/documents/2841048/Statute-of-Limitations.pdf>).

Denton, now a resident of Arizona, said Apuron raped him during a sleepover at Apuron's place in 1977. Quintanilla, now a resident of Hawaii, was the first accuser to come forward, on May 17. He said he was 12 when Apuron sexually abused him during a sleepover at the priest's house. Sondia, now 54, said Apuron molested him in 1977 in Agat.

"By lifting the statute of limitations, you will allow me and all those who have been raped, molested and sexually abused to feel confident that justice will be served," Denton told senators.

Champ Quinata said he didn't know that his brother, before dying in 2005, had revealed the secret to their mother. He only knew about it when Concepcion told her story to the Pacific Daily News, in late May.

After being estranged from each other for a long time, Champ Quinata said he and his mother started talking again when she came back to Guam in June to bring home Sonny's ashes. Together, they inurned Sonny's ashes at the Guam Veterans Cemetery.

Apuron said in May that his accusers and their supporters were spreading malicious and calumnious lies, and threatened to sue them.

***(Story continues below.)***

The Vatican temporarily stripped Apuron of his administrative authority over the Catholic church in Guam and sent [Archbishop Savio Hon Tai Fai](http://www.guampdn.com/story/news/2016/06/07/vatican-steps-temporarily-replaces-apuron/85541852/) ([/story/news/2016/06/07/vatican-steps-temporarily-replaces-apuron/85541852/](http://www.guampdn.com/story/news/2016/06/07/vatican-steps-temporarily-replaces-apuron/85541852/)) to manage the local archdiocese.

Apuron is not charged with any crime, and the statute of limitations in place at the time of the alleged assaults prevents criminal prosecution. Hon and other local church officials have said they didn't know where Apuron is right now, but that information about the allegations has been forwarded to the Vatican.



**PACIFIC DAILY NEWS**

[Hon retracts Apuron statements, says church should assume any abuse allegation is serious](http://www.guampdn.com/story/news/2016/07/27/hon-retracts-apuron-statements-says-church-should-assume-any-abuse-allegation-serious/87604122/)

[\(http://www.guampdn.com/story/news/2016/07/27/hon-retracts-apuron-statements-says-church-should-assume-any-abuse-allegation-serious/87604122/\)](http://www.guampdn.com/story/news/2016/07/27/hon-retracts-apuron-statements-says-church-should-assume-any-abuse-allegation-serious/87604122/)

On July 1, Denton, Sondia, Quintanilla and Concepcion, through their attorney David Lujan, filed a \$2 million libel and slander lawsuit against Apuron, the Archdiocese of Agana and up to 50 other individuals for calling them liars when they publicly accused Apuron of sexual abuse.

That lawsuit was amended last Friday to include Hon as defendant, among other things. On Wednesday, Hon retracted and recanted all of Apuron's statements and said he wants to meet the accusers.

Quintanilla told senators lifting the statute of limitations on child sexual abuse civil cases will encourage and allow victims to come forward to seek and receive justice and closure for their pain and suffering.

"Please do the right thing and lift the time limit on when victims of child sexual abuse may pursue and seek justice and closure," Quintanilla said.

Sondia said it is difficult as it is to come forward after being sexually abused, let alone having to fight institutional heavyweights just to get a day in court.

"We pray and hope that upon the passage and signing of this bill, other victims will come forward so that they can begin the long road towards healing and recovery," he said.

All others who testified, including Tim Rohr, Annabelle Cruz, Concerned Catholics of Guam president David Sablan, Mary Lou Garcia Pereda, Andrew Camacho, Gerald Taitano and a few others, also supported the bill's passage. The public hearing on the bill continues on Monday at 10 a.m.

Read or Share this story: <http://www.guampdn.com/story/news/2016/07/28/man-my-brother-raped-archbishop-apuron/87650568/>

# Another priest, 2 other church members accused of sex abuse

Haidée V Eugenio, Pacific Daily News 1:29 a.m. ChST August 2, 2016

*Expert: Apuron is a 'serial child molester'*



(Photo: Rick Cruz/PDN)

Another former altar boy told senators Monday morning that a priest and two other church members sexually abused him in the 1950s.

He is the fifth person since May to publicly accuse Guam clergy of sexual assault. Three former Agat altar boys since May have accused Archbishop Anthony Apuron of sexually abusing them in the 1970s, when he was parish priest. The mother of a dead former altar boy also has accused Apuron of molesting her son in the 1970s.

*(Story continues below.)*



Leo Tudela, 73, pulls off his eyeglasses as he is overcome with emotions during his testimony in support of Bill 326 at the Guam Legislature in Hagatna on Monday, Aug. 1. Tudela testified that as a child, he served as an altar boy with the Mount Carmel Church in Chalan Kanoa, Saipan until he was given the opportunity to attend Catholic school on Guam. Tudela told lawmakers during his testimony that he was sexually abused by three members of Guam's Catholic Church, including a priest, on three different occasions. (Photo: Rick Cruz/PDN)



PACIFIC DAILY NEWS

[Former altar boys say they support Apuron accusers](#)

[\(http://www.guampdn.com/story/news/2016/07/31/former-altar-boys-say-they-support-apuron-accusers/87808056/\)](http://www.guampdn.com/story/news/2016/07/31/former-altar-boys-say-they-support-apuron-accusers/87808056/)

Leo B. Tudela, now 73, said he was sexually abused on three separate occasions by three people, including a priest, connected to the Archdiocese of Agana when he came to Guam in 1956.

Tudela testified during a public hearing on a bill that would lift the statute of limitations on civil lawsuits against those who sexually abuse children.

"I have cried on many occasions since then and continue to have memory flashbacks of the horrible things that happened to me," said Tudela, who broke down several times as he narrated his ordeal. "I feel cheated and molested by people who were supposed to be my protector, comforter and God's guardian angels."

The sexual abuse happened after Tudela, who lived in Saipan, was invited to come to Guam to attend Catholic school, he said. He was 13 years old.

He was born and raised in Saipan in the Commonwealth of the Northern Mariana Islands, and served as an altar boy at Mount Carmel Church in Chalan Kanoa, starting in 1954. Two other boys from Saipan and Tinian were invited to Guam at the time, he said.

Tudela said, while in Guam, he was sexually abused by a church brother — a term referring a man who is part of a religious community but who's not ordained — at the Capuchin Fathers Monastery in Agana Heights. He said he remembers him only by the name "Brother Mariano."

Tudela also said Father Louis Brouillard later abused him at the Santa Teresita Church rectory in Mangilao.

Brouillard, now in Minnesota, was the first pastor at San Isidro Catholic Church of Malojloj in Inarajan when it officially became a parish on July 21, 1973, the Archdiocese's official newspaper said in a July 5, 2013 edition.

Tudela, now director of the U.S. Postal Service's Asia-Pacific Relations, said Brouillard and "Brother Mariano" separately roused him from his sleep in the middle of the night or early morning by touching his private parts and told him, "It's OK."

"All these evil incidents have stuck in my mind for some 60 years, and, to this day, I still have nightmares and continue to relive those events as if they happened only yesterday," Tudela said. "Terrible things come to my mind and I really hate Father Louis and Brother Mariano for what they did to me."

In addition, a Boy Scouts of America scoutmaster, who Tudela said was a "high member of the church" and whom he only remembers by his first name, "Ignacio," asked him and fellow altar boys to stand in a straight line, take their pants down and masturbate at a Yona Beach.

Tudela said all the boys staying at the Santa Teresita Church rectory were required to join the Boy Scouts. The Boy Scouts program, he said, was sponsored by the church.

After finishing high school in Guam, Tudela served in the U.S. Army for three years, then studied in California. He began to work for the U.S. Postal Service, starting as a postal assistant while working on his bachelor's degree, and later while he earned his master's degree. After building a successful career with the U.S. Postal Service, Tudela was instrumental in developing a post office in Saipan.

## Seeking justice

Tudela was among four people who testified Monday morning on Sen. Frank Blas Jr.'s bill, which would lift the time restriction on lawsuits for victims of child abuse. Criminal prosecution is impossible in most cases because of statutes of limitations in effect at the time. The deadline to prosecute offenders expired decades ago, although Guam law recently was changed to eliminate time limits on prosecuting future offenders.

"All I want is justice, due process of the law and the people who did this and condoned these actions to accept responsibility for their evil acts, and to have closure and to start my healing process after over a half century of pain and suffering," Tudela told senators.

He said for so many years, the Archdiocese of Agana, "appears to have failed to not only stop these incidents, but also tolerated and perpetuated these evil acts upon young innocent boys."



PACIFIC DAILY NEWS

Support given for bill that would lift statute of limitations

(<http://www.guampdn.com/story/news/2016/07/30/support-given-bill-would-lift-statute-limitations/87696388/>)

After the public hearing, Tudela was flanked by his friends and attorney David Lujan, who represents the people who have accused Apuron of sexually molesting them.

Pope Francis temporarily stripped Apuron of his administrative authority over the Catholic Church in Guam. Archbishop Savio Tai Fai Hon (</story/news/2016/07/27/hon-retracts-apuron-statements-says-church-should-assume-any-abuse-allegation-serious/87604122/>) currently runs the archdiocese.

Apuron denied the accusations against him and is not facing any charges.

Monday's public hearing on [Bill 326-33 \(http://www.guamlegislature.com/Bills\\_Introduced\\_33rd/Bill%20No.%20B326-33%20\(COR\).pdf\)](http://www.guamlegislature.com/Bills_Introduced_33rd/Bill%20No.%20B326-33%20(COR).pdf) was a continuation of Thursday's hearing, led by Sen. Frank Aguon, chairman of the Legislative Committee on Guam U.S. Military Relocation, Public Safety and Judiciary.

## 'No' to this bill

The only opposition to substitute Bill 326-33 came from Dr. Zoltan Szekely of Yona. Szekely said he's concerned some details in the bill remain unclear and unexplained, and that the bill might be intended to become "a stepping stone toward making untrue connections to vilify a certain faith group inside the Catholic Church."

Szekely also raised concerns about the testimony of others, but Aguon said Szekely should stick to testifying on the bill.

Another person who testified on Monday, Anthony B. San Nicolas, of Tamuning, the island's former postmaster general, provided senators with a character reference and moral support for Tudela, whom he described as his close and special friend, especially during the time they were working together.

"Our relationship and true friendship that carried us throughout these many years can be attributed to the fact that Leo's integrity and dignity is beyond reproach," San Nicolas said. "Today, we are witnessing Leo courageously decide to open up and come forward to tell us his story about his dreadful and traumatic experience that he encountered regarding child sex abuse during his early age as an altar boy at Mangilao Church."

San Nicolas said Tudela and other accusers are looking for closure by seeking and demanding for their basic right to due process in their quest for justice. He urged passage of the bill.

## 'Apuron is a serial child molester'

Apuron is a "serial child molester," said Vincent P. Pereda, who has more than 30 years clinical experience as a professional counselor, program manager and clinical administrator.

[Pereda resigned in May as a member of the archdiocese review board \(/story/news/2016/05/19/member-churchs-sexual-misconduct-board-resigns-says-he-believes-archbishop-accuser/84578788/\)](http://www.guampdn.com/story/news/2016/05/19/member-churchs-sexual-misconduct-board-resigns-says-he-believes-archbishop-accuser/84578788/), saying he believes accusations that Apuron sexually assaulted a minor.

"After hearing all of the accounts of sexual molestation and rape that have been publicly disclosed by the victims that have bravely come forward, I have no doubt that Anthony Apuron can be considered a serial child molester who has perpetrated his criminal sexual conduct behavior undetected and/or unreported over many years," Pereda told senators.

After retiring from the federal and local government, Pereda has continued to work as a part-time counselor for court clients. He works with both juvenile and adult sex offenders, performing clinical evaluations and providing direct treatment intervention.

Pereda said many have referred to Apuron as a pedophile, a sex offender who has a primary interest and sexual attraction to children, as well as a hebephile, a sex offender attracted to adolescents.

"Since Apuron has never been held accountable for any of his sexually illicit acts, we do not know just how far he has gone with additional victims," Pereda said. "It is very possible that in addition to children and adolescents, he may also have continued his sexual deviance with adults."

He noted the statute of limitations prevents criminal prosecution.

"This may be the only course open to child sex abuse victims to finally obtain long awaited and overdue justice. I, therefore, strongly urge the legislature to expeditiously pass this bill into law," Pereda told senators.



PACIFIC DAILY NEWS

[Man: 'My brother was raped by Archbishop Apuron'](http://www.guampdn.com/story/news/2016/07/28/man-my-brother-raped-archbishop-apuron/87650568/)

[\(http://www.guampdn.com/story/news/2016/07/28/man-my-brother-raped-archbishop-apuron/87650568/\)](http://www.guampdn.com/story/news/2016/07/28/man-my-brother-raped-archbishop-apuron/87650568/)

## Church mum on bill

Comments on Bill 326-33 will be accepted until late Wednesday afternoon. As of Monday, the Catholic Church or the Archdiocese of Agana has not submitted any comment on the bill.

Read or Share this story: <http://www.guampdn.com/story/news/2016/08/01/another-priest-2-other-church-members-accused-sex-abuse/87903738/>

# OUR VIEW: Pass bill to abolish statute of limitations in child sex abuse cases

Pacific Daily News 9:40 p.m. ChST August 1, 2016



(Photo: Rick Cruz/PDN)

A deadline shouldn't be imposed on justice.

Lawmakers should pass Bill 326-33, which would lift the 2-year civil statute of limitations in child sex abuse cases.

By removing the time restriction for suing child sex abusers, Sen. Frank Blas Jr.'s bill would give victims a better chance to seek justice. Blas recently revised the bill to strengthen it.

During a public hearing on the bill, three former altar boys who accused Archbishop Anthony Apuron of sexual abuse in the 1970s testified in support of the legislation. A man also testified and accused Apuron of raping his brother, a former altar boy.

When the hearing resumed Monday, a man came forward with other clergy sex abuse allegations.



PACIFIC DAILY NEWS

Man tells lawmakers he was sexually abused by priest, others

(<http://www.guampdn.com/story/news/2016/07/31/live-hearing-measure-lift-limits-filing-lawsuits-against-child-molesters/87897580/>)

As Guam and other jurisdictions address clergy sex abuse allegations, they are looking at reforms for child sexual abuse laws.

States across the country are extending or eliminating civil and criminal statutes of limitation in child sex abuse cases. The statutes have limited the number of lawsuits and prosecutions against people accused of child sexual abuse.

The national trend in reforms stems from research and a better understanding of child sexual abuse. It may take years, or even decades, for victims to break through the emotional barriers of trauma and to speak up.



PACIFIC DAILY NEWS

Support given for bill that would lift statute of limitations

(<http://www.guampdn.com/story/news/2016/07/30/support-given-bill-would-lift-statute-limitations/87696388/>)

Child sexual abuse is a complex problem for victims and the community. A multifaceted approach is needed to right the wrong, to help victims heal, and to prevent further abuse. Lifting the civil statute of limitations is a step in the right direction.

There shouldn't be an arbitrary deadline for bringing about lawsuits alleging a crime so heinous as child sexual abuse. Victims, who might have to endure a lifetime of pain, should have time to seek justice.

Read or Share this story: <http://www.guampdn.com/story/opinion/editorials/2016/08/01/our-view-pass-bill-abolish-statute-limitations-child-sex-abuse-cases/87903380/>

[http://www.postguam.com/news/local/another-sex-abuse-victim-comes-forward/article\\_1cc44acc-57b9-11e6-a709-034bc1a9ecae.html](http://www.postguam.com/news/local/another-sex-abuse-victim-comes-forward/article_1cc44acc-57b9-11e6-a709-034bc1a9ecae.html)

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PREVIOUS

No shenanigans here

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## Another sex abuse victim comes forward

Neil Pang | Post News Staff 4 hrs ago



### Matt Weiss

**PUBLIC HEARING:** Leo Tudela, left, chokes away tears while Anthony San Nicolas offers support. Tudela described how he had been sexually molested by Catholic clergy when he was an altar server in the 1950s. He testified in favor of Bill 326-33 during a public hearing at the Guam Legislature in Hagåtña, Monday, Aug. 1. Matt Weiss/Post

Another sex abuse victim came forward during the continuation of the public hearing on Bill 326-33 yesterday at the Guam Legislature. Leo Tudela, 73, testified during the hearing in support of the bill. He gave a personal narrative in which he alleged that he had been subject to molestation and sexual misconduct at the hands of clergy members on no less than three separate occasions in the 1950s. Tudela's testimony, though unrelated to the accusations of child sex abuse leveled against Archbishop Anthony Apuron since mid-May of this year, implicates church officials who, at the time, held positions of authority at various religious institutions around the island.

"Today, we are witnessing Leo courageously deciding to open up and come forward to tell us his story about his dreadful and traumatic experience that he encountered regarding child sex abuse during his early age as an altar boy at Mangilao church," said Anthony San Nicolas, who served as a character witness for Tudela's testimony and also stated his full support for the bill.

The bill, introduced by Sen. Frank Blas Jr., would eliminate the statute of limitations for filing civil lawsuits against parties who have sexually abused children. This would allow victims to seek civil action against perpetrators regardless of the time in which the abuses took place.

### **Abused three times**

Tudela, originally from Saipan, came to Guam in the summer of 1956 to attend Catholic school. His first place of residence, the Capuchin monastery in Agana Heights, was also where he alleges he was first molested. According to Tudela, a man known to him as "Brother Mariano" visited him in the early morning hours and proceeded to sexually molest him. After reporting the incident to another clergyman at the monastery, Tudela was relocated to the Sinajana parish rectory.

Tudela reported that during his stay at the Sinajana rectory, he met Rev. Louis Brouillard, who he said was teaching at St. Jude Catholic School at the time. Brouillard allegedly invited Tudela to serve as an altar boy at Santa Teresita Church in Mangilao and stay at the rectory there.

Tudela reported an incident during his stay at the Mangilao rectory that involved a Boy Scout scoutmaster and "high member of the church," but who Tudela remembered only as "Ignacio." The incident entailed a trip that Tudela took with other new Boy Scouts to a beach in Yona where "Ignacio" had the boys perform lewd and inappropriate acts.

Tudela further recounted an incident that took place while he was staying at the Mangilao rectory in which Brouillard, who had earlier invited him to serve at the Mangilao parish, reportedly molested him late one night.

"All these evil incidents have stuck in my mind for some 60 years and to this day, I still have nightmares and continue to relive those events as if they happened only yesterday. ... I feel cheated and molested by people who were supposed to be my protector, comforter and God's guardian angels," Tudela said.

Tudela concluded his testimony by asking for support for all those molested or otherwise harmed by individuals operating in the Archdiocese of Agana. "For so many years, the archdiocese appears to have failed to not only stop these incidents, but also tolerated and perpetuated these evil acts upon young innocent boys."

### **Testimony for and against**

During yesterday's hearing, oral testimony was also given by two other individuals - Zoltan Szekely, against the bill, and Vincent Pereda, in favor of it. Szekely voiced concerns about the bill's language and questioned the efficacy and relevance of the bill given the fact that the legislature had previously provided an opportunity for victims to pursue civil claims beyond the term of the statute of limitations.

In 2011, Gov. Eddie Calvo signed into law a bill that provided a two-year window for past victims of child sexual abuse to file civil suits in the Superior Court of Guam. However, no one came forward during that two-year period.

Pereda, a clinical social worker of more than 30 years, stated his professional opinion in favor of the bill. Pereda served on a board that was to review claims of sexual misconduct within Guam's Catholic Church. He resigned after Roy Quintanilla came forward in mid-May of this year with allegations of abuse by Apuron in the 1970s. Part of Pereda's job while a member of that board was to judge the veracity of claims made. Pereda said he judged Quintanilla's claims to be credible.

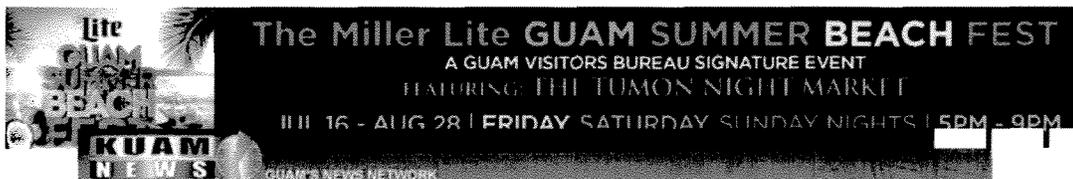


Video: Leo Tudela testifies in a hearing for Bill 326-33

Updated 8 hrs ago

## Neil Pang

English teacher turned reporter - a rags to rags tale

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## Dr. Zolton Szekeley stands against Bill 326



Posted: Aug 01, 2016 4:30 PM

Updated: Aug 01, 2016 4:30 PM

By Krystal Paco [CONNECT](#)

It wasn't unanimous support for [Bill 326](#) today, as [Dr. Zolton Szekeley](#) told lawmakers today the legislation remains unclear and unexplained. "I am concerned by the language the advocates of this bill employ to justify their stance," he expressed.

"I am concerned by the attempts of politicizing faith matters in order to make politically motivated accusations and demands on a group of believers. Finally, I am gravely concerned that this bill might be intended to become a stepping stone toward making untrue connections to vilify a certain faith group outside the catholic church."

Although well intentioned, he noted that the proposed bill in its current form cannot be supported.

Posted by KUAM News  
2,255 Views



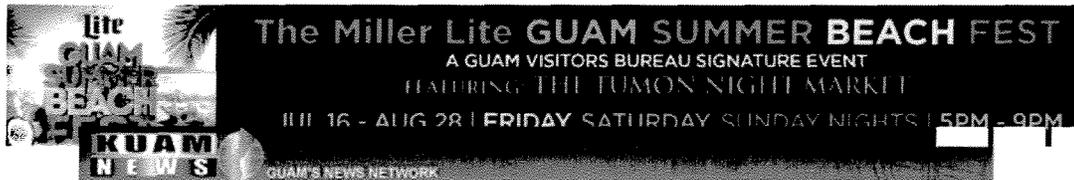
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## Elderly man accuses church members of sex abuse

Posted: Aug 01, 2016 3:32 PM

Updated: Aug 01, 2016 5:27 PM

By Krystal Paco [CONNECT](#)

A public hearing for a substitute version of Bill 326 turned into the tearful testimony of one alleged victim of child sex abuse by multiple members of the church. While Archbishop Anthony Apuron has had four alleged victims come forward and accuse him of molestation, three others of the Archdiocese of Agana stand accused as of today.

Not once, but three times [73-year-old Leo Tudela alleges he fell victim to child sex abuse](#) in the church. In support of a substitute version of Bill 326, which lifts the statute of limitations for such cases, [he detailed three painful and personal memories](#) as a young altar boy leaving his home in Saipan to live in Guam to attend Catholic school. The year was 1956.

"While I was staying at the Capuchin Fathers Monastery in Agana Heights, one night in the early morning hours, I was awakened by someone touching my private area, my penis, and massaging and masturbating me," he recalled, tearing up repeatedly. "He told me, 'It's okay. I'm Brother Mariano.' I told him to please leave me alone, but he continued to do what he was doing."

Posted by KUAM News

2,255 Views

When Tudela told a member of the church, Tudela was moved to another church and introduced to Father Louis Brouillard. Brouillard invited Tudela to the Santa Terisita Church in Mangilao. Because the church sponsored the Boy Scouts, all altar boys were required to join - that's where he met his second alleged perpetrator, a high-ranking member of the church. Over six decades after the alleged incident, Tudela can only remember the man's name as "Ignacio." while on a camping trip on a Yona beach, Ignacio allegedly forced the boys to masturbate.

"He told us to take our pants down and start playing with our penis to masturbate," he said, again pausing to cry.

On a third occasion, Tudela alleges he was sleeping when he was touched by Father Louis. "I looked up and saw Father Louis sitting to my left and told me, 'It

is okay. You will feel good and don't worry about anything.' I was shocked and felt very uncomfortable. I was shaking, scared, and started to cry. I was totally embarrassed and ashamed of what Father Louis was doing to me. He was supposed to be a man of God," he shared.

Tudela now resides in Hawaii. His one request to lawmakers today is to make right what the church has failed to do, saying, "For so many years the archdiocese appears to have failed to not only stop these incidents but also tolerated and perpetuated these evil acts upon young innocent boys. Be the voice of God by passing this very important legislation and make your legacy be that you took bold action to protect all citizens and a step to correct the wrongs of the past done to innocent children."

Father Louis was listed on an official list of clergy members released by the Archdiocese of Duluth with credible allegations of child sexual abuse. He was removed from ministry in 1985.

**Buenas Dias  
Ná'án-hu si Leo Tudela  
Mafangon Saipan ho  
Taotao Hawaii yo patgo;  
Sesenta tres annos yo;  
Si Yuus Msase put este na  
oppotunidad para bai  
testigo gi maenan uljo**

I know being a member of the legislature is not an easy job as you are often called upon to pass laws that affect many individuals during their lifetime. This is most pronounced when it comes to serious issues that involve institutions that have a profound effect on individual lives, especially when they involve religious institutions. A person's religion becomes the foundation of one's faith, and is imbedded in our daily lives. It could be any denomination.

I was born on July 17, 1943. I came from a very strict Catholic family. Almost daily, my grandparents installed in me that the Lord Jesus Christ is the Supreme



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[http://www.postguam.com/news/local/hearing-today-on-child-sex-abuse-bill/article\\_4b533fc4-53d1-11e6-ba56-fb63b05da576.html](http://www.postguam.com/news/local/hearing-today-on-child-sex-abuse-bill/article_4b533fc4-53d1-11e6-ba56-fb63b05da576.html)

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Drug offender sentencing today

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## Hearing today on child sex abuse bill

From the Series: Bill 326 proposes to lift the statute of limitations in cases involving sex crimes against children series

New version incorporates suggestions from AG, public

Robert Q. Tupaz | Post News Staff Updated Jul 28, 2016

Walter Denton, Roy Quintanilla and Roland Sondia, alleged child sex abuse victims of Archbishop Anthony Apuron, are expected to testify today on a measure that proposes to lift the statute of limitations in cases involving sex crimes against children.

Though a public hearing was initially held on the proposal contained in Bill 326 in late June, the committee on public safety, of which Sen. Frank Aguon Jr. is chairman, marked up the bill with a substitute version. According to Aguon's office, the substitute version strengthens the original proposal introduced by Sen. Frank Blas Jr.

Moreover, the revised bill incorporates the wishes of the public who testified on the original measure, and includes language suggested by the Office of the Attorney General.

Bill 326 strikes out a two-year statute of limitations for civil claims involving sex abuse of children. The substitute measure repeals the entire current law and proposes to replace the statute with the following language under the section, "No Limit for Child Sexual Abuse."

### **Criminal, civil component**

The proposed provision would provide a criminal and civil component in statute if lifted. Sub item A of the proposed law states: "An action for child sexual abuse may be commenced against abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions or corporations sole at any time."

Sub item B follows: "Victims of child sexual abuse that occurred on Guam who have been barred from filing an action against their abusers, their enablers their aiders or abettors, those acting in concert with them and their institutions or corporations sole by virtue of the expiration of the civil statute of limitations shall be permitted to file those claims in any court of competent jurisdiction."

Denton testified in support of the original measure and said lifting the statute of limitations would give victims of sexual abuse within and outside the Roman Catholic Church the opportunity to be silent no more. In early June, Denton brought forth his allegations of abuse by Apuron after 40 years of silence.

Sondia echoed Denton's sentiments. Sondia, like Denton, came forward in June, 39 years after his alleged abuse at the hands of Apuron. He said abolishing the statutes of limitations would be a deterrent to potential perpetrators.

The public hearing on Substitute Bill 326 is scheduled to begin at 10 a.m. at the Guam Legislature in Hagåtña.

### **Municipal planning councils**

After hearing Bill 326 as substituted, Aguon's committee will convene again today at 6 p.m. to continue a series of roundtable discussions on a measure that proposes to add municipal planning councils in the approval process of projects, zoning or variances in their respective communities.

Like Bill 326, although a hearing was already held on Bill 318, Aguon, author of the legislation, wants input from all stakeholder groups. The Guam Land Use Commission opposes the addition of the councils to the approval process.

Public hearings are broadcast live on MCV Channel 117 or GUdTV Channel 21, or on the legislature's web page at [www.guamlegislature.com](http://www.guamlegislature.com).

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# In this Series

**Series: Bill 326 proposes to lift the statute of limitations in cases involving sex crimes against children**

Jun 28, 2016 image

**Roland Sondia, left, and Walter Denton at the Public Hearing for Bill 326.jpg**

Updated Jul 28, 2016 article

**Hearing today on child sex abuse bill**

Updated Jul 28, 2016 article

**Apuron accusers to see lawsuit through**

▼ 16 updates

# Guam church issues apology to victims after accused priest's response

Haidee V Eugenio, Pacific Daily News 12:23 a.m. ChST August 6, 2016



(Photo: Rick Cruz/PDN)

Guam's Catholic Church on Friday apologized to victims of a former island priest who told Pacific Daily News on Thursday "it's possible" he abused altar boys in Guam in the 1950s.

A man on Monday publicly accused the priest of sexually abusing him as a child.

Archbishop Savio Hon Tai Fai issued the statement of apology after Father Louis Brouillard, 95, told the media he regrets the abuses and is seeking forgiveness from his victims.

"With the news that Father Louis Brouillard, a priest who served on Guam confessed to having abused altar boys on Guam in the 1950s, I convey my deepest apologies and that of the entire Church to Mr. Leo Tudela and all other persons who were also victimized," Hon said.

The Vatican sent Hon to Guam in early June to temporarily oversee the local Catholic Church after sex abuse allegations against the clergy, specifically Archbishop Anthony S. Apuron, started coming out in May. Apuron has so far been accused of molesting four altar boys in Agat in the 1970s.

## Latest accusation

Leo Tudela, 73, told senators on Monday that Brouillard and two other church members sexually abused him when he was an altar boy in Guam starting in 1956.

Tudela, director of the U.S. Postal Service's Asia-Pacific Relations in Hawaii, spoke during a public hearing on a bill that would lift a time limit on filing lawsuits against accused child molesters. Bill 326-33, authored by Sen. Frank Blas Jr., is under review by a committee headed by Sen. Frank Aguon.

Brouillard, when contacted by Pacific Daily News on Thursday, spoke about his alleged sexual abuse of altar boys as well as his continued receipt of \$550 monthly checks from the Archdiocese of Agana where he was ordained.



PACIFIC DAILY NEWS

Another priest, 2 other church members accused of sex abuse

(<http://www.guampdn.com/story/news/2016/08/01/another-priest-2-other-church-members-accused-sex-abuse/87903738/>)

Brouillard said he does not remember an altar boy named Leo Tudela but said, "I'm sorry if I in any way hurt him. I didn't want to do that and see him like that."

Hon said in his statement: "We are very sorry for what they experienced then, and the tremendous pain they still carry today."

"The Church on Guam has a duty and desire to render pastoral care to all of its Faithful, most especially those who have been severely wounded by those holding trusted positions in our Archdiocese," he added.

Hon said the Archdiocese of Agana's sexual abuse response coordinator Deacon Leonard Stohr has been directed since the start of the week to contact Tudela, as has Father Patrick Castro, the priest he has assigned to reach out to persons making allegations of clergy abuse.

"I encourage and welcome meeting personally with Mr. Tudela and any other persons alleging abuse," Hon said.

Deacon Stohr, the archdiocese sexual abuse response coordinator, can be reached at 727-7373, he added.

Tudela is the latest in a growing number of former island altar boys who've accused members of the local Catholic Church of sexual abuse.

Most of the recent accusations have been directed at Archbishop Anthony Apuron, who was temporarily removed from running the archdiocese's operations as the Catholic Church investigates the allegations against him.

## Groups react

Meanwhile, the world's largest network of clergy abuse survivors and other members of the Guam community said on Friday that Brouillard's statement vindicates not only Brouillard's victims but also victims of other clergy members who started coming forward in May.

"The fact that Brouillard somewhat admitted his crimes is remarkable. Hopefully, that gave his brave victims some sense of vindication," Joelle Casteix, Western Regional Director of the Survivors Network of those Abused by Priests, or SNAP, said in an email response to PDN questions.

David Sablan, president of the Concerned Catholics of Guam, said if only Hon read a report that CCOG gave to him during his January 2015 visit to Guam, the archbishop would have known about their concerns with Brouillard "and he or (Archbishop Anthony) Apuron could have done something about it."

Sablan said the Concerned Catholics of Guam echoes SNAP's statement that Brouillard's admission vindicated other victims of clergy molestation.

"I do hope that others who were abused by Father Louis Brouillard, Apuron and others would come forward. The Concerned Catholics of Guam will be willing to help them with closure, healing and justice for their painful experience," Sablan said, adding that the organization's contact numbers are 777-6836 and 997-6969.

Sablan added that the Concerned Catholics of Guam also is willing and ready to help even those who are victims of clergy abuses in Saipan, Tinian and Rota in the Commonwealth of the Northern Mariana Islands.



PACIFIC DAILY NEWS

Former Guam priest says 'it's possible' he abused altar boys

(<http://www.guampdn.com/story/news/2016/08/04/former-guam-priest-says-s-possible-he-abused-altar-boys/88058346/>)

Sablan also raised concerns that the Guam church is "still taking care of a problematic priest who was sexually abusing our children."

Sharleen Santos-Bamba, niece of one of the former altar boys who accused Apuron of sexual abuse, said Brouillard's statement supports the allegations that the Archdiocese of Agana has known of the abuses for decades.

"Unfortunately, what's mind blowing to me is that nobody stepped up to protect the victims. It really is disappointing and heart-wrenching for the faithful, for many of us," said Santos-Bamba.

## Removed since 1981

Brouillard, after serving as a priest in Guam from late 1940s until 1981, moved back to his home state of Minnesota.

About four years later, he was removed from his position while serving at the Diocese of Duluth in Minnesota after he was credibly accused of sexual abuse.

In 2013, the diocese released a list of former priests who had credible accusations against them. Brouillard was on that list.

The list included priests who served in the Diocese of Duluth, as well as clergy from other dioceses or religious orders who at one time worked or resided in the diocese.

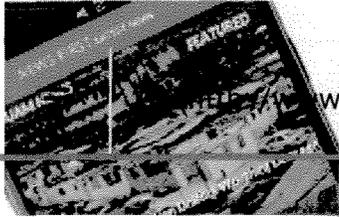


PACIFIC DAILY NEWS

Hon: Church treating latest accusation against church members seriously

(<http://www.guampdn.com/story/news/2016/08/02/hon-church-treating-latest-accusation-against-church-members-seriously/87944964/>)

The mainland-based law firm Jeff Anderson & Associates, which specializes in child sexual abuse cases, on its website states that survivors have taken numerous steps to make public secret documents regarding clergy sexual abuse in the Diocese of Duluth. A lawsuit was filed in June 2013 for this purpose.



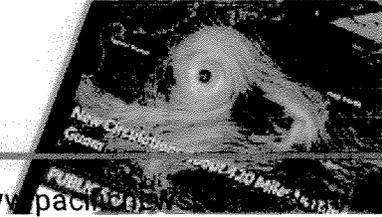
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Thursday, 04 August 2016

# Archbishop Hon: 'I Acknowledge the Tremendous Pain of Mr. Leo Tudela'

Written by Janela Carrera (/local/author/4999-janela-carrera)



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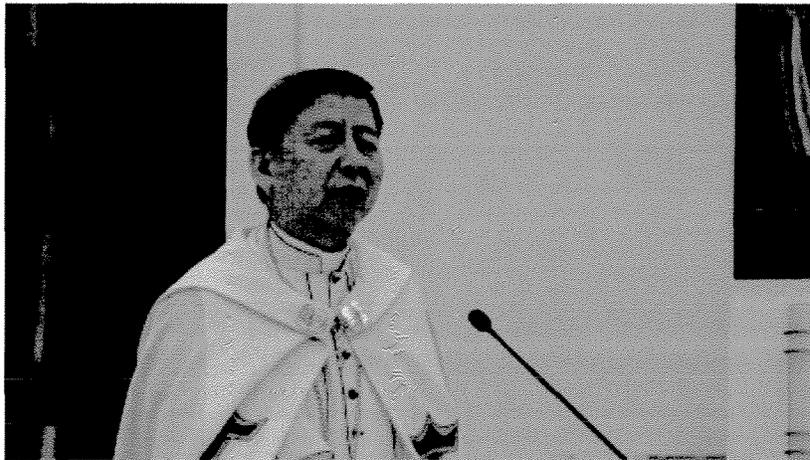
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## **Archbishop Savio Hon Tai Fai says he would like to meet with Leo Tudela, the latest alleged victim to accuse the Church of sexual abuse.**

Guam - Archbishop Savio Hon Tai Fai is responding to the latest sex abuse allegations against the church.

Archbishop Hon: 'I Acknowledge the Tremendous P...



In a statement issued today, Archbishop Hon says he is taking the appropriate measures to address the allegations made by Leo Tudela, saying "I assure all Catholics and the people of Guam that the archdiocese of Agaña takes all accusations of abuse very seriously."

Tudela testified at a public hearing on Monday that he was sexually abused on multiple occasions by priests in the 1950s, one of whom, Father Louis Brouillard, has a record of sexual abuse at the Duluth diocese in Minnesota.

Tudela is the fifth person to come forward on Guam. Four others before him all accused Archbishop Anthony Apuron of sexual assault.

Archbishop Hon, the temporary apostolic administrator, says upon learning of Tudela's accusations, he immediately contacted the church's sex abuse response coordinator and another clergy member to focus on reaching out to Tudela.

You can read Hon's statement by clicking on the file below.

**Published in** Guam News (/local/content/22-guam-news/)

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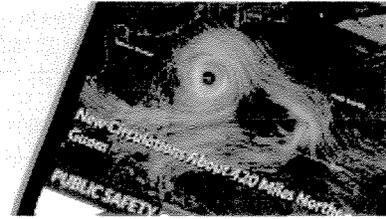
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Wednesday, 03 August 2016

# Archbishop Implements Changes to Church's Sex Abuse Policy

Written by Janela Carrera (/local/author/4999-janela-carrera)



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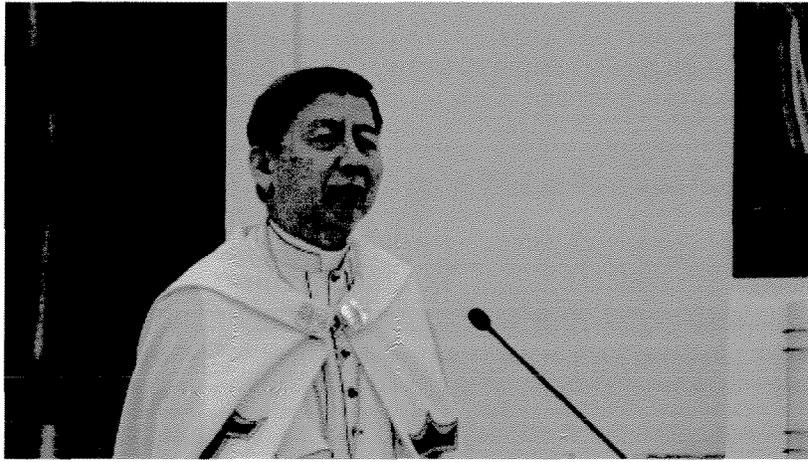
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**The policy addresses what to do if an archbishop is accused of sexual misconduct.**

Guam - Archbishop Savio Hon Tai Fai has issued another directive, this time to strengthen the sexual misconduct policy of the Archdiocese of Agaña (<http://www.pacificnewscenter.com/livestream>)



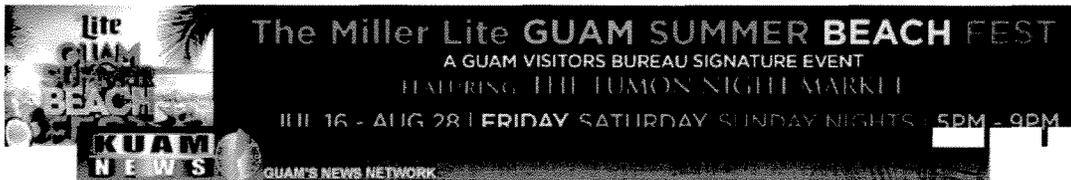
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Archbishop Hon, in a statement, says he's basing this latest action on a letter written by Pope Francis on June 4. The letter addresses the handling of negligent bishops.

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## Priest admits he molested children, says "I'm doing penance"

Posted: Aug 05, 2016 11:13 AM

Updated: Aug 05, 2016 5:08 PM

By Krystal Paco [CONNECT](#)

A former Guam priest admits to molesting young boys. In an [interview with KUAM News](#), Father Louis Brouillard says he's repenting for his sins every day.

Earlier this week, [73-year-old Leo Tudela testified](#) in support of [Bill 326](#), a measure to lift the statute of limitations on child sex abuse cases. In his testimony, he gave personal and painful details of at least three incidents where he was molested by members of the church. One of his alleged perpetrators was Father Brouillard. At the time, Tudela was 13 and serving as an altar boy at Santa Teresita Church.

Posted by KUAM News  
 3,366 Views

Tudela testified, "I looked up and saw Father Louis sitting to my left and told me, 'It is OK. You will feel good and don't worry about anything.' I was shocked and felt very uncomfortable. I was shaking, scared, and started to cry. I was totally embarrassed and ashamed of what Father Louis was doing to me. He was supposed to be a man of God."

Father Brouillard is 95 years old today and lives in Minnesota. In a phone interview with KUAM, transcribed below, he admits there were others.

**W** *KUAM News - Did you molest some boys?*

*Father Louis Brouillard - Yeah.*

*KUAM News - You did? Do you know how many?*

*Father Louis - No.*

*KUAM News - Did you molest some boys while being a priest on Guam?*

*Father Louis - Yeah.*

*KUAM News - Do you remember a boy named Leo Tudela?*

*Father Louis - No, I don't remember him.*

*KUAM News - Do you remember or have any estimation of how many boys you may have molested while on Guam?*

*Father Louis - No, I don't have recollection of the number. No. //*

When asked why he molested young boys, the priest only had this to say, "Hard to say...I guess mostly it pleased the boys. I thought they were happy."

Father Louis added, "I'm sorry and I apologize and I'm doing penance for them right now. I've been working at the senior center, where they serve Meals on Wheels. I've been working there for 30 years without taking any pay. I work there every day and I take no pay for doing it. I do that in reparation for my sins. I'm sorry that it happened and I should have never allowed myself the opportunity or the time for such things. This happened long ago and time has not healed me. I'm sorry that it ever happened."

#### **LISTEN TO KRYSTAL'S INTERVIEW WITH FATHER LOUIS**

While Father Brouillard says he's paying for his sins today, the Archdiocese of Agana continues to cut a check out in his name every month, even after he was removed from the Diocese of Duluth

*// KUAM News - Do you still receive a paycheck from Guam?*

*Father Louis - Yes.*

*KUAM News - How much?*

*Father Louis - \$550 every month.*

*KUAM News - Do you think your penance is enough for the boys to forgive you?*

*Father Louis - I don't think so. I can never repay all that I've done. //*

In a press release issued late Thursday afternoon, the Archdiocese of Agana stated *"It is the practice and policy of the Catholic Church to care for its incardinated priests who are retired through pension funds, even if they reside outside the diocese. The Archdiocese of Agana confirms Father Brouillard receives a monthly pension. In his efforts to learn more about this situation, Archbishop Savio Hon Tai Fai, has directed the Archdiocese to write to the bishop of the Diocese of Duluth in Minnesota, where Father Brouillard now resides."*

As we reported on Thursday, in January 2015 Guam's newly-installed apostolic administrator Archbishop Hon was notified about sex abuse allegations related to Father Louis by the Concerned Catholics of Guam organization.

Posted by KUAM News

3 415 Views

Meanwhile, a December 2015 article by the Wall Street Journal states the Diocese of Duluth, where Father Louis later worked, was one of more than a dozen Catholic dioceses to file for bankruptcy to address claims of past sexual abuse, it was the enactment of the Minnesota Child Victims Act, which opened the door to multiple lawsuits. The law expanded the statute of limitations for sexual abuse

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## Concerned Catholics president says there could be more abuse victims

# FR. LOUIS



Posted: Aug 05, 2016 3:09 PM  
 Updated: Aug 05, 2016 3:09 PM

By Krystal Paco [CONNECT](#)

Although Father Louis Brouillard, as detailed in [an interview with KUAM News](#), doesn't recall how many boys he molested, Concerned Catholics of Guam president David Sablan suspects there could be several more. He said, "Stories have surfaced that when they were students at Father Duenas. Father Louis was a teacher there that he would take some of the boys there on a field trip and they would go swimming

and he would then just wear his underwear and start talking to the boys about going skinny dipping mean some of these things that are coming out are really something should be done and the archdiocese should have dealt with this in a very stern and strict matter, and they haven't."

Sablan adds the Concerned Catholics of Guam has been meeting with victims and will continue to be there for to support them because of their courage and inspiration.



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# Opinion: Bill 326-33 raises concerns

Zoltan Szekely 10:17 p.m. ChST August 13, 2016



(Photo: PDN file)

I would like to acknowledge the alleged victims of childhood sexual abuse and their families who came forward with complaints in the last few months. Their testimonies detailing events that happened over 40 years ago must be heard with attention and sincerity. The proposed bill tries to make justice for the alleged victims. However, some of the circumstances of this piece of legislation raise concerns.

Parts of the bill remain unclear and unexplained. It applies to alleged victims whose claimed abuse occurred a long time ago and the statute of limitation prevented them in the past and still prevents them now from filing a lawsuit. The Guam Legislature had already chosen a solution in 2011. The statute of limitation was lifted for two years, but nobody came forward with a sexual abuse complaint.



PACIFIC DAILY NEWS

Support given for bill that would lift statute of limitations

(<http://www.guampdn.com/story/news/2016/07/30/support-given-bill-would-lift-statute-limitations/87696388/>)

Simply overriding an existing law without substantial and compelling reason raises serious doubts. Bill Pesch writes in the PDN on June 26 ([/story/opinion/columnists/2016/06/26/prospects-justice-dim/86371444/](http://www.guampdn.com/story/opinion/columnists/2016/06/26/prospects-justice-dim/86371444/)): "Although appellate courts may allow a legislature to alter the civil statute of limitations for pursuing cases of child sexual abuse once, there is serious doubt that they will allow it twice. This may well be considered an 'expo facto' law," a law enacted backward in time.

It was said that the "intent is to remove the current section requiring 'certificates of merit,' as such information would have a chilling effect on those sexual abuse survivors who choose to seek justice against their victimizers." Well, was it not the Guam Legislature that created the Certificates of Merit section in the current law at the first place? We need at least some explanation here.

Bill 326-33 ([http://www.guamlegislature.com/Bills\\_Introduced\\_33rd/Bill%20No.%20B326-33%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_33rd/Bill%20No.%20B326-33%20(COR).pdf)), as listed at the Guam Legislature's website, is not the current version of the proposal! At a public hearing on Aug. 1, I was handed out a different version of it. Let me quote: "An action for child sexual abuse may be commenced against abusers, their enablers, their aiders or abettors, those acting in concert with them and their institutions or corporations sole at any time."



PACIFIC DAILY NEWS

Another priest, 2 other church members accused of sex abuse

(<http://www.guampdn.com/story/news/2016/08/01/another-priest-2-other-church-members-accused-sex-abuse/87903738/>)

Who are exactly these people? This language mimics that of lobbyists. Gerard Taitano says, "We must hold child sex abusers and their enablers accountable for their actions."

The substitute bill gives child sex abuse survivors a chance not only to seek justice for the acts that have scarred them, but also allows them to file claims against institutions and organizations and other individuals who have engaged in a conspiracy to cover up those acts, said David Sablan, the president of the Concerned Catholics of Guam (CCoG).

How would the bill define, identify and address enablers, aiders, abettor, etc. of sexual abuse? What would exactly constitute "an engagement in a conspiracy to cover up" these acts?

In the extreme, the Guam Legislature may become culpable for having enacted the certificates of merits section in 2011. Was the Guam Legislature acting "in concert" with child abusers when it enacted this section into law? Is it not the role of senators to guarantee that a high quality of law making and the outcome is constitutional?



Sen. Aguon advocates to protect sexual abuse victims

(<http://www.guampdn.com/story/news/2016/06/16/sen-aguon-advocates-protect-sexual-abuse-victims/85970632/>)

The timeline of the Vatican may differ from the timeline of the advocacy groups. But should this be a reason to rush to ill-fed conclusions by the advocates of the bill?

I am concerned by the attempts of misusing law in order to make politically charged accusations. I am concerned that this bill might be intended to become a stepping stone toward claiming untrue implications to vilify a certain faith group inside the Catholic church. As a citizen, I would like to be able to continue exercising my constitutional right and obtain protection of practicing my religion. A dehumanizing language prevalent among some radical advocates of this bill is revealing an agenda that cannot be supported by any legislature with stature and integrity.

*Zoltan Szekely is a resident of Yona.*

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