

Statement Concerning Yona Property

August 31, 2016

We, the former members of the Archdiocesan Finance Council along with Deacon Steve Martinez, who was the Finance Officer during our tenure, make the following statements.

Since we were abruptly terminated in January 2012, certain statements by Fr. Pius Sammut, current Rector of the Redemptoris Mater Seminary and the Chief Catechist of the Neo Catechumenal Way in Guam, Archbishop Apuron, Fr. Adrian Cristobal, the former Chancellor, and Fr. Edivaldo da Silva Oliveira, the former Archdiocesan Media Relations Person, all members of the Neo Catechumenal Way, that have surfaced in various public publications about the role we took in the purchase in 2002 of the property formerly known as the Accion Hotel located in Yona, upon which the Redemptoris Mater Seminary(RMS) now occupies; and our role in the subsequent transfer by this archdiocese of the Yona property to the RMS corporation, a separate legal entity, controlled by the movement known as the Neo Catechumenal Way (NCW), that operates the seminary.

In light of the recent statements made by Fr. Pius Sammut and Archbishop Apuron, we have collectively concluded that, enough is enough, it is time to set the record straight.

We were there. We were intimately privy to the transactions, as our input, analysis, and approval were all required by Canon Law for any transaction to occur. We know what happened. Fr. Pius was not directly involved. Fr. Adrian was not directly involved. Fr. Edivaldo was not involved. Archbishop Apuron was, but as you shall see, he appears to be suffering from a case of selective memory. So, today, we will debunk these statements and expose them for what they are: fabrications in an attempt to cover-up the secret transfer and recordation of the title of the Yona property to the RMS Corporation.

- 1. Contrary to the impression created by these statements that the Yona land was purchased solely for the use of the RMS,** we approved in 2002 the purchase of the Yona property not only for the purpose of housing the seminary, but also because of its size, it will "...allow the Archdiocese to build other buildings for use by parishioners, without interrupting the operation of the seminary." Thus, it was not purchased for the exclusive use of any particular group in the archdiocese, but for the benefit of all Catholics in Guam.
- 2. Contrary to the statements by Fr. Pius (August 3, 2014, Pacific Daily News)** that "... the money for the purchase of the hotel was donated to the archdiocese by an off-island benefactor who offered it with the explicit intention of erecting the seminary and the theological institute, ... that the previous owner of the hotel sold it with the proviso that the

building be used as an educational facility, and that actually the archdiocese did not put down a penny”, these are the facts:

(a) We approved the purchase in 2002 by securing a \$2.0 million loan with the Bank of Guam. In weighing the risks involved, we concluded that the “...value of the property to the loan provides ample cushion in the event the Seminary is not able to repay the debt.” We further concluded that the “... property can be easily liquidated for an amount that could pay-off the loan and provide a windfall for the Archdiocese.” There was no donor involved.

(b) The previous owner did not have a proviso that the building be used for an educational facility. The Yona property was purchased free of any restrictions and encumbrances. This was our condition.

(c) The donor to whom Fr. Pius referred as donating the money for the purchase of the hotel did not exist in 2002. That donor did not surface until the following year. Thus, it was this archdiocese that purchased the property borrowing and expending \$2 million, plus other closing, loan payments, and related expenses. No donor was involved because the donor had not existed at the time of purchase.

(d) As for the intention of the donor, in a letter to Archbishop Apuron dated February 2, 2015, responding to Archbishop Apuron’s request to sign an enclosed letter confirming that the donor did in fact donate the money with that “explicit intention”, the donor refused and disagreed, explaining as follows:

Dear Archbishop Apuron, in 2003 when the said “funds” were donated, we had absolutely no knowledge of these entities (like Redemptoris Mater Seminary, the Neo-catechumenal Way, or the Theological Institute for the formation of priests), not to speak of any specific intention whatsoever to relate this donation to them. In fact, we did not even know of these lay organizations, so naturally we could not direct anything to them by name. It was our sole intention to help the people of Guam to provide a property for a seminary for the formation of priests for the Church in Guam. At that time, in 2003, we were made aware of the burden you were carrying in regard to the purchase of this property for a seminary. It was our desire to help relieve you of this concern and enable the Archdiocese to conduct a seminary in the former hotel. This was our intent. It was not our intent that the Archdiocese place on the hotel property, purchased with our donation, a deed restriction, in perpetuity, whereby the property is now dedicated to be used only for the Redemptoris Mater Seminary and Theological Institute. As a result, we felt “very ill at ease” when we came to know about the “Deed Restriction” which gives the Redemptoris Mater Seminary control of the said Property in “perpetuity.” The phrase,

“in perpetuity” implies that the seminary now belongs to the Neocatechumenal Way Christians, which is the only group permitted to use the property now or in the future... In conclusion, dear Archbishop Apuron, I cannot sign the letter you drafted for me because it would not in fact be truthful. We are keeping you, the seminarians and all the people of Guam very much in our prayers. May the Spirit of love bring peace and unity to all. Sincerely in Christ, TDR.

(e) The theological institute to which Fr. Pius referred did not exist until 2005, three years after the purchase in 2002. Thus, the assertion by Fr. Pius that it was the donor’s “explicit intention” that the funds be used to purchase the Yona property for the RMS and the theological institute was a physical impossibility.

Is this what they call recreating history to fit your narrative?

3. Contrary to what Fr. Pius said (KUAM, 8/24/2016), Archbishop Apuron said (Declaration released to all media, 8/25/2016), Fr. Adrian said (KUAM, 1/14/2015), and Fr. Edivaldo said (Pacific Daily News, June 1, 2016), whereby they all collectively accused the former AFC of trying to sell the Yona property for various reasons such as paying off the archdiocesan debts, to cover the debt incurred by the Cathedral Basilica and Catholic Cemeteries, and selling the Yona property to some big-time casino operator, these are the facts:

(a) There is only one person in Guam that can sign off and sell the Yona property or any other archdiocesan property: the Archbishop of Agana. To claim otherwise is to deny reality. However, as a way to protect the patrimony of the Catholic Church from the acts of wayward and renegade archbishops, the Catholic Church, in her wisdom and experience, codified under Canon Law (canons 1290-1298) that in order for an archbishop to sell an archdiocesan property, he must first obtain the written consent of the Archdiocesan Finance Council, the College of Consulters, and the Vatican. Archbishop Apuron did not obtain our consent, let alone the College of Consulters and the Vatican, to transfer the Yona property to the RMS under a secretly recorded deed on November 22, 2011.

(b) The fabricated story that we tried to sell the Yona property is as far-fetched as if we were accused of trying to sell the White House, or St. Peter’s Basilica, or Anderson Air Force Base. We were volunteers. We had no corporate authority to sign even a check, let alone selling off a piece of valuable property. The AFC is a consultative body. We typically met several times a year. Canon 492 provides in part that the AFC shall “... consists of at least three members of the Christian faithful truly expert in financial affairs and outstanding in integrity ...” Sister Stephen Torres guided the many accomplishments of the Sisters of Mercy in Guam as its Treasurer for many years. Mr. Joe Rivera was the director of the Department of Bureau Budget

& Management Research for Government of Guam until his retirement, and is now the Chief Financial Officer of Calvo Enterprises. Monsignor James Benavente oversaw the massive multi-million dollar renovation of the Cathedral Basilica and the restoration of the Catholic Cemeteries and founded the Archdiocesan Development Group. Mr. Richard Untalan has a degree in economics and law, is president of CU Holdings, and in his volunteer capacity, guided the massive renovation of the Cathedral Basilica, the construction of the multi-purpose gym at Bishop Baumgartner Memorial School, the reconstruction of St. Francis School, and the construction of the Boys' Chapel at Father Duenas Memorial School. Sister Stephen was a founding member of the AFC serving 26 years, Monsignor James served 15 years, Richard Untalan served 12 years, and Joe Rivera served for 9 years.

(c) Fr. Pius himself admitted that this story is false. In an email to Richard Untalan, dated March 11, 2012, in response to Untalan's demand that he, as the Chief Catechist of the NCW in Guam, put an immediate stop to the dissemination of this fabricated story among the NCW communities, and after assuring Untalan that this story is indeed untrue, he emphatically stated to Richard Untalan that "I hope these things never happen/have happened/will happen!".(Sunday, March 11, 2012 11:15 AM, from Edwin Sammut at pius@cheerful.com).

(d) Statements such as "Over My Dead Body" are melodramatic and sensational attempts to portray and characterize Archbishop Apuron, Fr. Pius and the NCW/RMS as martyrs and the victims of persecution, fighting off some malevolent and powerful interests lumped under the collective name of "Tim Rohr and Associates", which will do anything to sell the Yona property for their own profit and gain. We were fired for doing our job, too well apparently. We had no power or authority to sell archdiocesan assets. We did not stand to gain from the sale of the Yona property. Only the archbishop can, although now that the NCW/RMS is the owner, it alone stands to profit from it.

4. We would also like to correct one other misleading impression propagated by said false statements. Contrary to what Archbishop Apuron, Fr. Adrian, Fr. Pius, and others are attempting to portray that the Yona property and the Redemptoris Mater Seminary/Theological Institute are one and the same in order to characterize any attempt to return the Yona property to the Archdiocese as attacking and destroying the RMS/Institute, the two are not one and the same. The RMS/Institute are institutions, separate and apart from the brick/mortar/ground of the property. I know you know this to be obviously true, but the misleading impression being created by them is that one cannot exist without the other, in order to block any attempts to return the title of the property to the Archdiocese of Agana. The viability of the RMS/Institute is not tied to the property. There is nothing sacred or historic about the Yona property. The RMS/Institute can exist anywhere other than on the Yona property, as the RMS previously did at FD prior to 2002. In fact, back in 2002, we were

considering, among other places, a 60-acre property owned by the archdiocese in Umatac to build a seminary before the opportunity to purchase the Yona property surfaced.

Why then is Fr. Pius and Archbishop Apuron so vehement in their opposition to return the title of the property, which will certainly advance the cause of peace, reconciliation, and unity that Catholics in Guam desire? Furthermore, if what they claim is true that the archdiocese is still the owner of the Yona property anyway, then resolve all doubt, dispute, controversy, and outcry by deeding the property back to the archdiocese. The former Rector of the RMS, Fr. Pablo Rodriguez, wanted to do just that, expressing that the RMS/Institute does not need the Yona property to exist, as it had on another piece of property. He was dismayed that the NCW had become too attached to the Yona property, or to use the terminology frequently used by the NCW, the Yona property has become the idol of the NCW.

5. We can only speculate why Archbishop Apuron, Fr. Pius, Fr. Adrian, and Fr.

Edivaldo have fabricated this narrative that we were fired because we attempted to sell the seminary property. Let us look at the facts: In a special AFC meeting on September 7, 2011, wherein Archbishop Apuron presided and wherein Attorney Ed Terlaje, the archdiocesan legal counsel was present along with the Finance Officer, Deacon Steve Martinez, the AFC denied the request of the RMS to transfer the title of the property to the RMS. Archbishop Apuron agreed and directed us to directly transmit the decision of the archdiocese to the RMS. That was done on September 8. On November 25, the AFC received a letter (please note that it was dated November 16 but not delivered until the 25, three days after the secret recordation of a deed transferring the property to the RMS, of which we had no knowledge at that time) from the archbishop stating that because we were ignorant of canon law, the transfer was merely an assignment, not alienation, and therefore was permissible. Our learned archdiocesan legal counsel, Attorney Ed Terlaje, responded in an email (dated Sunday, November 27, 2011 at 4:53 PM) to the AFC, including Monsignor David the Vicar General, stating: "...'alienation' and 'assignment' are words of distinction without a difference. Any documents containing these words would place a huge cloud on title to real property which would result in a protracted litigation and prohibitive cost to remove such cloud. Do you really want to risk title to the property conservatively valued at 75 million dollars?"

In an attempt to resolve this ongoing dispute before the return of Archbishop Apuron with some kind of compromise, a meeting was called for December 5. However, that meeting was cancelled after Monsignor David, the Vicar General, accused us of a "vulnus" to the archbishop and after receiving word from the archbishop(who was in Rome) to stop this "nonsense." At this point, we were scratching our heads as our efforts were sincere and earnest to resolve this issue to the satisfaction of everyone. Please keep in mind that we had

no idea at this point that Archbishop Apuron, Monsignor David, Fr. Pius, Fr. Adrian and others had already secretly recorded the deed of transfer.

So, after Archbishop Apuron had returned, a regular meeting was scheduled for the following month, January of 2012, but before we were able to convene, we were unceremoniously fired en masse. For three years, we were dumbfounded as to why we were fired, the reason being given at the time was that our terms had expired, which they had not. It was not until January 2015 when it was disclosed on JungleWatch that we were able to understand why.

Unbeknownst to us, Archbishop Apuron, with the help of Monsignor David, Fr. Pius, Fr. Adrian, and the NCW, secretly and without consulting and securing the consent of the AFC, let alone the College of Consulters and the Vatican, transferred the Yona property to the RMS and recorded the deed on November 22, 2011. This is why the November 16 letter was never delivered to us until after November 22 and why the Vicar General and Archbishop were so vehement in their reaction to us that we were holding a meeting to discuss the issue. They wanted to eliminate and preempt the possibility that we will discover during a meeting of the AFC that they had already secretly transferred the property, a disclosure that would have ignited a canonical firestorm. We were fired to hide the fact that the archbishop and others secretly and in violation of canon law, and perhaps civil law as well, not to mention their fiduciary responsibility to the Catholic faithful, gave away the Yona property to the RMS, a separate entity controlled by the NCW, for free.

A copy of our statement will be forwarded to Archbishop Hon, the Apostolic Administrator, his Delegate, Fr. Jeff, and Chancellor, Fr. Lito, and members of the Presbyteral Council.

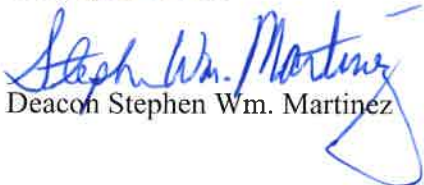
Si Yuus Mase.



Richard J. Untalan



Monsignor James L.G. Benavente



Deacon Stephen Wm. Martinez



Sister Mary Stephen Torres, RSM



Joseph E. Rivera