

TAMMO

C-FIL

PLAST

COOY ~~RODOL~~

**CONFIDENTIAL**

RIP 10/2/96  
Santiago TAMAYO

**CONFIDENTIAL**

**CONFIDENTIAL**

AD FUTURAM MEMORIAM REI

Memorandum

2:15 P.M. - 19a/vii/83

Subject: Interview with REDACTED

REDACTED

had requested an appointment with His Eminence to discuss a fraternity matter which involved a priest. See attached # from Msgr. Connolly.

Because Cardinal Manning was leaving for vacation on the following day, Msgr. Connolly said that the Cardinal wanted the undersigned to give REDACTED an appointment. Accordingly, on the same day, on which Msgr. Connolly gave the information on attachment #1, that is July 15, 1983, the undersigned reached REDACTED by telephone at REDACTED asking her to indicate a convenient day and time for her appearance at the Chancery Office. She suggested July 19, 1983 at 2:00 P.M. The date was the following ~~Thursday~~ following the Friday call.

+ J. Ward

Page Two

Memorandum

REDACTED

In Re

REDACTED

REDACTED About 2:00 P.M. on this date.

appeared in the waiting room asking to see the undersigned. When the undersigned went to the waiting room REDACTED identified herself and the man and woman with her as her parents, Mr. & Mrs. REDACTED

After the introduction, the undersigned invited all three to come to the Conference Room. Immediately REDACTED said, "No, not them". The undersigned mentioned to the parents what was obvious and that was that she did not want her parents to be part of the discussions. The parents replied that they would remain in the waiting or reception area.

REDACTED

then accompanied the undersigned to the Conference Room where Meg. Rawden was awaiting to be a party to the interview. Meg. Rawden was introduced to REDACTED

+ J. Ward

Page three. (Cont)

Memorandum  
REDACTED

Subject -

The undersigned asked REDACTED full name  
address and telephone number. She said her  
name was REDACTED and that she  
lived with her parents at REDACTED  
REDACTED

and that she was born on REDACTED 1961.

The undersigned asked in what way  
might the Chancery assist her. She replied  
that she wanted the priest who was the  
father of her child, REDACTED, to acknowledge  
her as his child and to assume his  
responsibility to support the child.

Subsequent question asked by the  
undersigned elicited the following  
statement from REDACTED. She alleged  
that Fr. Valentine Tugade was the father  
of her daughter who was born on  
REDACTED REDACTED  
REDACTED 1982 at -

She did not know the date of  
conception but that it must have been  
in the first part of REDACTED 1982 when  
she had sexual relations with Fr. Valentine  
+ Ward Tugade in the parish house of St. Philomena.

Pags-Tava (Cont.)

Memorandum

REDACTED

Subject

She volunteered that she had sexual relations on the same day with Fr. Henry Cabang but that he could not be the father because he withdrew himself.

She went on to say that she has had similar relations with Frs. Tomayo, Cruzes, Silvio and Ruben.

She wanted Fr. Tugade to acknowledge his child and to support his child. She claimed she was receive support from Los Angeles County's Aid to Dependent Children. But that her Father was an invalid because of a heart and ulcer condition, and she could not expect support from them.

The undersigned advised her that Fr. Valentin Tugade belonged to a Diocese in the Philippine Island and had left this jurisdiction in January of this year. In view of that fact she was advised to contact Fr. Tugade and ask that he fulfill his responsibility of child support, and if necessary to speak with Bishop Shubeda.

+ J. W. A. C.

REDACTED  
in Monterey. REDACTED said she knew  
Fr. Tugade address on Church street  
and that two days before this interview  
Father Tugade had seen the child but  
REDACTED ed not even hold it. This disappointed  
very much. As a result she had  
already spoken with a certain, Mr.  
Millegas, an attorney in the Wilmington  
Area.

The undersigned repeated the question, Why  
had she REDACTED come to this office, since  
she knew Fr. Tugade was in Monterey.  
She said that she came to this office  
because the acts had taken place on  
Parish property. She then asked if  
the office wanted to know the names  
of the other priests with whom she  
had had relations. With a smile of  
aside she said; May 1981 Fr. Tomayo,  
Jan. 1982 Fr. Tugade & Ceboang on the  
same day, at other times, Fr. Cruz, Silvi,  
and Rubin.

+ J. Ward

The undersigned advised her that, if her allegation that Father Tugade is the father of her child born on REDACTED - REDACTED

she should ask Fr. Tugade to take care of his responsibility of child support and since she knows where he is she should contact him immediately and she might also seeking the assistance of bishop Shubda for additional advice.

REDACTED

Then asked what the office would do to the other priests whom she had named. The undersigned advised her that her very grave allegations against each priest would be investigated to determine the validity of her accusations and that whatever action taken would be the internal disciplinary affair of a Religious Body.

REDACTED

left the undersigned and Mrs. Rawden to join her parents waiting for her in the general reception area of the Chancery.  
+ J. Wood



Resher Shubser  
408 / 373-4345  
will be back around  
October 5<sup>th</sup>

Telephoned  
By Shubser  
10 Oct 83 jek

9/21/83

- ① Fairfax + Pico
- ② Claudia Chase

REDACTED

Receptionist at SS Peter + Paul - 81-82  
 Valentin TEGADA - \*Henry CABONG - \*Santiago \*Tanaya  
 \*Angel Cances \*Sylvia \*Teresa  
 \*Basilio  
 out work } Vicente BALBIN P.I.  
 Ryan #BAYAN \*Jenny

REDACTED

Miguel, attorney

Pedro Valencia

December 13, 1983

This is a copy of a letter I wrote to Father Valentine Tugade while I was in Quezon City, the Philippines. It is dated July 17, 1982. I wrote the letter but I never sent it, I was probably afraid that it sounded too harsh:

Val,

Why the hell haven't you written me or called me. Aren't you interested to know how I am or how your baby is? You make me extremely angry. I've cried so many times because of your lack of concern. I don't care if you love me or not but I do have your baby and that at least should concern you.

You were extremely cruel to me when you denied that the baby was yours. I thought you would be happy to know that you were going to be a father. I come close to hating you when I remember that. I understood that maybe you were frightened and that's why you denied the baby. But still you should of considered my feelings. No one was as frightened as I was. And now I'm on the other side of the world. Far from my family and everything I know. I want to go back to America but I know that would raise hell with all of you. And believe me it would be hell for you when people found out it was your baby. It would also be hell for Father Tamayo. But i'm getting despret here. So far I've gotten no money from any of you. And I need lots of money. The hospital and the delivery are going to be expensive. And if the deliv-ery isn't normal it will be more expensive. Already I think there could be some serious complications. You should at least write me and let me know your exact blood type. The doctor said that the baby might die if the blood is not right, or the baby might not even be born alive. So you tell me what type of blood you have. And send me enough money for an emergency. If I don't get this I'll be forced to return to America for the baby's own safty and also for mine. But if I go back people will know that it's your baby. I don't want to sound cruel or anything but I am angry. It's hard to be pregnant & it's hard to be in a strange country. And I'm tired of putting up with all of you. Especially you. You have been irresponsible. It's time that you realized that you do have responsibilities to me and to your baby. And it is your baby. Even if you don't want it you still were the one who made it. So you go see Tamayo and tell him to start doing something to help me here. Otherwise AGAWIDAKON.

Write to me soon at least only to send me your blood type. I'm sorry that this letter doesn't sound nice but I'm frightened, and will return to America before the baby is born unless I get support from you soon. The baby will be born on REDACTED. If I don't get anything from you this month I'll go back early in August.

REDACTED

XAD

**LA mom:  
I was  
seduced  
by seven  
priests**



Rita Milla hugs daughter, Jackle, who she claims was fathered by a priest. She says the affair made her scrap plans to become a nun.

## Claims she got pregnant, sues them for \$21 million

**Post Wire Services**  
LOS ANGELES — A young California woman has filed suit accusing seven priests of seducing her — and one of them of fathering her 16-month-old daughter, Jacqueline.

With her lawyer Gloria Allred at her side, Rita Milla, 22, announced her \$21 million suit and claimed one of the priests suggested that she have an abortion after learning she was pregnant.

And, she said, when she told two bishops about what was happening, they refused to take action.

The suit, filed in Los Angeles Superior Court by Miss Milla and her mother, names the seven priests and the Los Angeles Catholic Archdiocese as defendants.

Miss Milla said she had been vulnerable to seduction at age 16 because the priests were "authority" figures and "I felt they



**GLORIA ALLRED**  
Rita's lawyer.

would know what is a sin."

She claimed the sexual advances began in 1978 when she wanted to become a nun.

She said she was told sex was natural and that priests "got lonely too."

She said she lost faith when no action was taken by the two bishops she approached with her nightmare tale of seduction.

In the suit, Miss Milla names two priests as probable fathers of her daughter, Jacqueline.

In a separate court action yesterday, her lawyer asked the court to order blood tests to determine which is the father.

The church, in a statement released at a press conference, said it would wait for the "true facts" before deciding whether to take any action against the priests.

The Rev. Joseph Battaglia, spokesman for the archdiocese, said he couldn't comment "because the matter is under litigation and it would not be fair to comment one way or the other."

However, Battaglia said the archdiocese had put no restrictions on the priests and was not investigating the allegations.

None of the priests named in the suit could immediately be reached for comment.

MEMORANDUM

FROM: MONSIGNOR RAWDEN  
TO: CARDINAL MANNING  
RE: REVEREND SANTIAGO TAMAYO  
DATE: 10 FEBRUARY 1984

Your Eminence:

Father Tamayo has called me this morning from Hawaii. His number is (808) 841-8480.

He is asking that his salary be continued. His sister would pick it up for him.

He denies the allegation of "abortion". His brother and several other doctors attended her in P.I.

I will be calling him later today. What do you wish me to tell him?

A Father Abaya from New Jersey called - he is also one of the group.

San Angeles, Calif. a 13 de febrero de 1984

A quien corresponda  
Respecto a la demanda hecha  
por REDACTED a la Discern

Mi nombre es Gustavo  
Cortés, REDACTED y yo tuve  
unas relaciones sexuales du-  
rante el año de 1981 y por  
espacio de 1982, a quien la  
encuentro vigente.

Cuando ella me  
dijo que yo la emburci  
le di dinero en efectivo  
para que se atendiera  
donde ella quisiera

Por último pape que  
mi REDACTED nació y que me  
con su madre a quien  
ya no sabi'a ver  
Respete

Gustavo Cortés

1626 H. H. Meijer Lane  
Redondo Beach Ca. 90278  
Feb. 14, 1984

Cardinal Manning  
1531 W. 9th St.  
Los Angeles Ca. 90015

Your Highness,

I am shocked and appalled with the allegations made with Fr. Tamarzo. Such allegations are incredible and I'd like to express my sadness, that having dealt with him in the past, he was always helpful, he was always there to listen, accommodate and do whatever he can.

Must I say that.. I am not a religious person, when confronted with difficulties such as immigration problems, the non-related to religion, personal relations nor human emotions, he was always there to give the right answers, .. directions ... and referral to the right people.

My observations with this man is that... he do too much for anyone. He always find time time to help even with a hectic schedule.

I fully support him & his colleague and with fairness, may justice do what is due to them.

Truly yours,  
...

GLORIA ALJ-RED  
Priests Being Sued for Rape  
KMEX CH. 34  
Feb. 16, 1984  
Video Playback

6:03 P.M.  
News

---

The Bishop Juan Arzube gives his opinion regarding the lawsuit presented last week against the Catholic Church.....Jorge Ramos has the information for us.....

As we informed you some days ago, seven Catholic priests were sued for having utilized their influence to have sexual relations with a young girl. There was no response at that time from the Los Angeles Archdiocese, which was also accused of conspiracy and covering up.

This is the reason that we are now speaking with the Bishop Juan Arzube, who gave us his opinion about the lawsuit presented by  
REDACTED

Bishop Arzube: "Only two days ago a man called me who says that he knows one of these priests very intimately and he says he feels like a brother, and says, 'I, who know this priest, understand that this cannot be true. This girl has had very bad actions even with altar boys. She is a person of bad reputation.'

Nevertheless, for me, this is not the subject. One is dealing here not with angels, divine beings, humans. If they have acted badly, they have acted badly and will be punished.


But, to begin with, we do not judge beforehand, but even when they are declared guilty, we shall not say because of that, well, I'm not going to church anymore. Religion is finished for me, but that we should understand that if under Christ's vigilance, it was possible that 11 of the 12 apostles should behave badly, I do not believe that at the present, there is that percentage of bad priests in the world.

What the people must understand is that if it is proven that they have acted badly, they will be punished, not only by the civil authorities and ecclesiastical, but what is most important, by God Himself."

The lawsuit against the priests, one of which is the supposed father of a REDACTED old girl is for 10 Million Dollars.

Jorge Ramos.....News 34

Translated from a recording, to the best of my ability,

  
Helen Samuels  
Certified Court Interpreter  
3/7/84

Remotion of  
REDACTED

EX-2

9/23/87



February 17, 1984

Ms. Tita Sanang  
1626 Havemeyer Lane  
Redondo Beach, Calif. 90278

Dear Ms. Sanang:

His Eminence, Cardinal Manning, has asked that I respond with his gratitude to your kind letter of 14 February 1984, in reference to Father SANTIAGO TAMAYO.

Since I know Father Tamayo personally I am in agreement with your remarks 100 %.

Let us both pray that this will all turn out well and soon.

Sincerely yours,

Reverend Monsignor John A. Rawden  
Chancellor

ag

MEMORANDUM

FROM: MONSIGNOR RAWDEN  
TO: MONSIGNOR HAWKES  
DATE: 24 FEBRUARY 1984

Monsignor Hawkes:

About 7 February 1984, the day after the News Conference, I heard from Father Tamayo in the Hawaiian Islands. I could give him no advise or information. He said that the matter had already been in the newspapers over there.

I called him back in a few days and suggested that he go to the Vicar General of Honolulu, and ask for an assignment there, which he never did. I, myself did not call the Vicar General regarding him.

His younger sister, <sup>REDACTED</sup>, came to see me, and informed me that their mother whom she lives with is very dispondent over the situation. She brought a summons here, intended for her brother. I told her to return it to the rectory. She has called me a few times since for advice and news for her brother.

Finally I called Father Tamayo and told him that the involved priests would have to get their own personal attorney(s). He was disturbed at this, indicating that the diocese was putting him out in the cold.

I gave the same message to Father Cruces, with the same results. I also spoke with Father Abaya, New Jersey, same message, same results. On 23 February Father Tugade called from Monterey, same situation. Father Tugade was asked to leave our diocese because of his inability to get along with the rectory staff. ( St. Martha's, La Puente and St. Mary Magdalen, Camarillo)

I called Hawaii, and found that Father Tamayo had returned to Los Angeles. He has called me since, and likewise his sister, with questions, for advice and generally to find out what's going on.

Meeting at Chauncy ofc 7/29/84

John P. Mc Nicholas  
Morgan Wenzel & Mc Nicholas for Recd  
in "Pomer" and "REDACTED" cases

Carl Brantenwan  
Underwriters Mutual Co.  
3400 Torrance Blvd Torrance Ca  
540-6663

TED POLICH  
MOLLIS POLICH + PUNY  
606 S. OLIVE ST. LA 90014  
ATT. FOR PCA - VIC

J.V. BRANDLIN  
Brandlin & Mc Allister  
~~15477 Santa Monica Blvd~~ 10960 Melrose Blvd  
La 90024

DENNIS A. FISCHER  
FISCHER & HILL  
1448 - 15th St. #104  
SANTA MONICA CA 90404

Charles W. Wolfe  
(Farwell & Wolfe)  
1631 Beverly Blvd.  
S.A. Cal. 90026  
Tele. 481-7377

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

WM. MARSHALL MORGAN  
LEE B. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIVAN  
JOHN D. DWYER  
JUDITH A. LONSDALE

JOSEPH A. MAHONEY  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
JEFFREY G. KAVIN  
WALTER M. YOKA  
DAVID E. CAMPANA  
TIMOTHY D. MURPHY  
STEPHEN H. SMITH  
PAUL R. MARKLEY  
SCOTT J. STOCKDALE  
MICHAEL E. DOYLE  
STEPHEN J. MODAFFERI

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, SUITE 800  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1981

ORANGE COUNTY OFFICE  
19782 MAC ARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015

CABLE ADDRESS: "MWM LSA"

TWX NO. 9103213607

March 1, 1984

Charles W. Wolfe, Esq.  
LARWILL & WOLFE  
1631 Beverly Boulevard  
Los Angeles, Ca 90026

Re: REDACTED v. FR. SANTIAGO TAMAYO,  
et al. (RCA)  
L.A.S.C. Case No. C 485 488

Dear Mr. Wolfe:

It was a pleasure to meet you at the meeting at the  
Chancery office on February 29, 1984.

I am enclosing a copy of the attendance sheet which we  
all signed at that time.

If you have any ideas concerning the defense of these  
cases please call me at your convenience.

Very truly yours,

JOHN P. McNICHOLAS

JPM:alj  
Encl.

bcc: Msgr. Benjamin G. Hawkes

*File*

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

WM. MARSHALL MORGAN  
LEE B. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIVAN  
JOHN D. DWYER  
JUDITH A. LONSDALE  
JOSEPH A. MAHONEY  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
JEFFREY G. KAVIN  
WALTER M. YOKA  
DAVID E. CAMPANA  
TIMOTHY D. MURPHY  
STEPHEN H. SMITH  
PAUL R. MARKLEY  
SCOTT J. STOCKDALE  
MICHAEL E. DOYLE  
STEPHEN J. MODAFFERI

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, SUITE 800  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1961

ORANGE COUNTY OFFICE  
19782 MAC ARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015  
CABLE ADDRESS: "MWM LSA"  
TWX NO. 9103213607

March 1, 1984

Carl Christensen, Esq.  
UNDERWRITERS ADJUSTING COMPANY  
3400 Torrance Boulevard  
Torrance, Ca

Re: REDACTED v. FR. SANTIAGO TAMAYO,  
et al. (RCA)  
L.A.S.C. Case No. C 485 488

Dear Carl:

I am enclosing a copy of the attendance sheet which we all signed at the meeting at the Chancery office on February 29, 1984. It was a pleasure to meet you. If I can be of any assistance to you during the pendency of this or any other case please call me at your convenience.

Very truly yours,

JOHN P. McNICHOLAS

JPM:alj  
Encl.

bcc: Msgr. Benjamin G. Hawkes

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

WM. MARSHALL MORGAN  
LEE B. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIVAN  
JOHN D. DWYER  
JUDITH A. LONSDALE

JOSEPH A. MAHONEY  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
JEFFREY G. KAVIN  
WALTER M. YOKA  
DAVID E. CAMPANA  
TIMOTHY D. MURPHY  
STEPHEN H. SMITH  
PAUL R. MARKLEY  
SCOTT J. STOCKDALE  
MICHAEL E. DOYLE  
STEPHEN J. MODAFFERI

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, SUITE 800  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1961

ORANGE COUNTY OFFICE  
19782 MAC ARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015

CABLE ADDRESS: "MWM LSA"

TWX NO. 9103213607

March 1, 1984

Dennis A. Fischer, Esq.  
FISCHER & HILL  
1448 15th Street, Suite 104  
Santa Monica, Ca 90404

Re: REDACTED v. FR. SANTIAGO TAMAYO,  
et al. (RCA)  
L.A.S.C. Case No. C 485 488

Dear Dennis:

It was a pleasure to meet you on February 29, 1984 at the meeting at the Chancery office.

I am enclosing a copy of the attendance sheet which we all signed.

If you have any thoughts or ideas for defending these cases please give me a call at your convenience.

Very truly yours,

  
JOHN P. McNICHOLAS

JPM:alj  
Encl.

bcc: Msgr. Benjamin G. Hawkes

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

WM. MARSHALL MORGAN  
LEE B. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIYAN  
JOHN D. DWYER  
JUDITH A. LONSDALE

JOSEPH A. MAHONEY  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
JEFFREY G. KAVIN  
WALTER M. YOKA  
DAVID E. CAMPANA  
TIMOTHY D. MURPHY  
STEPHEN H. SMITH  
PAUL R. MARKLEY  
SCOTT J. STOCKDALE  
MICHAEL E. DOYLE  
STEPHEN J. MODAFFERI

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, SUITE 800  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1961

ORANGE COUNTY OFFICE  
19782 MAC ARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015

CABLE ADDRESS: "MWM LSA"

TWX NO. 9103213607

March 1, 1984

J. J. Brandlin, Esq.  
BRANDLIN & McALLISTER  
10960 Wilshire Boulevard  
Suite 2220  
Los Angeles, Ca 90024

Re: REDACTED v. FR. SANTIAGO TAMAYO,  
et al. (RCA)  
L.A.S.C. Case No. C 485 488

Dear Joe:

I am enclosing a copy of the attendance sheet which we all signed from our meeting on February 29, 1984 at the Chancery office

If you have any ideas concerning the defense of these cases please give me a call; I'll do the same.

I'm glad to see you're on the mend.

Best regards,

JOHN P. McNICHOLAS

JPM:alj  
Encl.

bcc: Msgr. Benjamin G. Hawkes

LAARCH 014307

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

WM. MARSHALL MORGAN  
LEE B. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIVAN  
JOHN D. DWYER  
JUDITH A. LONSDALE

JOSEPH A. MAHONEY  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
JEFFREY G. KAVIN  
WALTER M. YOKA  
DAVID E. CAMPANA  
TIMOTHY D. MURPHY  
STEPHEN H. SMITH  
PAUL R. MARKLEY  
SCOTT J. STOCKDALE  
MICHAEL E. DOYLE  
STEPHEN J. MODAFFERI

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, SUITE 800  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1981

ORANGE COUNTY OFFICE  
19782 MAC ARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015

CABLE ADDRESS: "MWM LSA"

TWX NO. 9103213607

March 1, 1984

Theodore P. Polich, Jr.  
MORRIS, POLICH & PURDY  
606 S. Olive Street  
Los Angeles, Ca 90014

Re: REDACTED v. FR. SANTIAGO TAMAYO,  
et al. (RCA)  
L.A.S.C. Case No. C 485 488

Dear Teddy:

It was good to see you again after 10 these many years.

I am enclosing a copy of the attendance sheet which we all signed at our meeting of February 29, 1984 at the Chancery office.

Best regards,

JOHN P. McNICHOLAS

JPM:alj  
Encl.

bcc: Msgr. Benjamin G. Hawkes



M E M O R A N D U M

*OK if we establish  
he is working.  
How much do you  
wish to send?*

TO: MONSIGNOR HAWKES

FROM: MONSIGNOR RAWDEN *JWR*

SUBJ: HONORARIUM FOR FATHER TAMAYO *Msgr. Ben,*

DATE: MAY 3, 1984

*Answers to your questions.  
Last report from Fr. T's sister  
was that he had not started to  
work. I believe that the  
customary \$375.00 would be  
in keeping with the "congrua  
sustentatio" in  
this instance.*

I would strongly recommend we send a monthly honorarium to Father Tamayo through his sister <sup>REDACTED</sup>, who lives with her Mother and Father in San Pedro.

*+JWR  
4-VI-84*

I think we could avoid adverse publicity if anything should surface.

I understand he is living in the Philippines with his family. We are presuming that he is acting as a priest, but that is merely a presumption.

He is an Incardinated priest of this Archdiocese.

*Msgr. Hawkes,  
A honorarium is charitable and canonical (219-11)  
I would concur with the caution about the manner  
in which it is given to be sure there is not  
civil law liability.*

dk

*+JWR  
6-V-84*

+AC

M E M O R A N D U M

TO: MONSIGNOR HAWKES  
FROM: MONSIGNOR RAWDEN *JER*  
SUBJ: HONORARIUM FOR FATHER TAMAYO  
DATE: MAY 3, 1984

I would strongly recommend we send a monthly honorarium to Father Tamayo through his sister <sup>REDACTED</sup>, who lives with her Mother and Father in San Pedro.

I think we could avoid adverse publicity if anything should surface.

I understand he is living in the Philippines with his family. We are presuming that he is acting as a priest, but that is merely a presumption.

He is an Incardinated priest of this Archdiocese..

*Vic  
T...*

dk



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 388-8101

May 3, 1984

LETTER OF REDACTED (April 19, 1984)

page 2 #4

*No + JW*  
The Archdiocese in the person of Bishop John Ward became aware of these incidents in July 1983. No prior similar conduct on the part of any of these priests was ever brought to our attention. We have asked all of them to relinquish their assignments in the Archdiocese NOT BECAUSE WE FEEL THEM GUILTY AS CHARGED but because their effectiveness as parish priests had been compromised due to publicity. *+ JW*

Father Tamayo has, at our suggestion, resigned his pastorate of Saints Peter and Paul, Wilmington.

page 2 #6

We have no record of Father Balbin. Presumably he was a visitor on a very short visit at either Carson or Wilmington.

page 3 #7

Father Tamayo and Father Cruces are in the Philippines, address unknown. Father Tugade is in the Diocese of Monterey; Father Lacar is somewhere in the Archdiocese; Father Abaya is somewhere in New Jersey; Father Balbin presumably in the Philippines; Father Cabaong is somewhere in the Chicago area (we have no knowledge of his participation in his priestly ministry) though we would conjecture that Fathers Tamayo, Cruces, Tugade and Cabaong are still involved in their priestly ministry, where ever that might be.

page 3 #9

Interviews were taken by Bishop John Ward and Monsignor John Rawden beginning approximately 22 July from each of the priests. *No + JW*  
We have no written record of these interviews, other than confirmation or denial of association with this woman. *+ JW*

May 3, 1984  
page 2

Letter of REDACTED

page 3 #10

*not by + [signature]*  
Suggestions were given to all priests that they leave their assignments until such time as publicity and the trial have subsided.

Since Father Tamayo "Belongs", that is Incardinated in the Archdiocese of Los Angeles, we have a serious obligation in conscience and Canon Law for his support.

These instructions were given immediately upon press release by Monsignor John Rawden, with the knowledge of His Eminence, Cardinal Manning.



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 388-8101

May 3, 1984

LETTER OF REDACTED (April 19, 1984)

page 2 #4

The Archdiocese in the person of Bishop John Ward became aware of these incidents in July 1983. No prior similar conduct on the part of any of these priests was ever brought to our attention. We have asked all of them to relinquish their assignments in the Archdiocese NOT BECAUSE WE FEEL THEM GUILTY AS CHARGED but because their effectiveness as parish priests had been compromised due to publicity.

Father Tamayo has, at our suggestion, resigned his pastorate of Saints Peter and Paul, Wilmington.

page 2 #6

We have no record of Father Balbin. Presumably he was a visitor on a very short visit at either Carson or Wilmington.

page 3 #7

Father Tamayo and Father Cruces are in the Philippines, address unknown. Father Tugade is in the Diocese of Monterey; Father Lacar is somewhere in the Archdiocese; Father Abaya is somewhere in New Jersey; Father Balbin presumably in the Philippines; Father Cabaong is somewhere in the Chicago area (we have no knowledge of his participation in his priestly ministry) though we would conjecture that Fathers Tamayo, Cruces, Tugade and Cabaong are still involved in their priestly ministry, where ever that might be.

page 3 #9

Interviews were taken by Bishop John Ward and Monsignor John Rawden beginning approximately 22 July from each of the priests. We have no written record of these interviews, other than confirmation or denial of association with this woman.

May 3, 1984

page 2

Letter of | REDACTED

page 3 #10

Suggestions were given to all priests that they leave their assignments until such time as publicity and the trial have subsided.

Since Father Tamayo "Belongs", that is Incardinated in the Archdiocese of Los Angeles, we have a serious obligation in conscience and Canon Law for his support.

These instructions were given immediately upon press release by Monsignor John Rawden, with the knowledge of His Eminence, Cardinal Manning.



CARDENAL

TIMOTHY MANNING

114 E. SECOND ST

L.A. 90012

1531 9TH ST

L.A.



SACRA CONGREGAZIONE  
PER IL CLERO

Roma, May 23, 1984

PROT. 173456/I

(Citare questo numero nella risposta)

His Eminence  
Timothy Cardinal Manning  
Archbishop of Los Angeles  
1531 West Ninth Street  
Los Angeles, California 90015

Your Eminence:

Some faithful of the Archdiocese of Los Angeles have written to this Sacred Dicastery about an "unpleasant" story regarding six priests in the Archdiocese who allegedly were accused of having had relations with a young girl.

It seems that the girl's family is now suing the Archdiocese for damages.

Even though the priests apparently are all from the Philippines and are now all back in their Country, we would like to have some information from Your Eminence on such a delicate case which has been reported in several papers in the Los Angeles area. The Rev. Santiago Tamayo is openly mentioned in the press and the name of the girl is REDACTED.

With sentiments of fraternal esteem and every best wish, I remain

Faithfully in Christ,

*John Louis Odeti*  
Prof

*G. Zamora Subsec.*



June 15, 1984

Reverend Santiago Tamayo  
c/o REDACTED  
St. James Medical Clinic  
Laoag City, Philippines 0301

Dear Father Ago,

Enclosed please find a check for \$375.00. We would ask that you do not reveal that you are being paid by the Los Angeles Archdiocese unless requested under oath for this check ds congrua sustentatio because you are incardinated here in Los Angeles.

If, however, you would take a position in the Diocese in which you live, I would request that you have your Bishop send us a copy of your assignment.

I wish you well and pray for you and your family.

Sincerely yours in Christ,

Reverend Monsignor John A. Rawden  
Chancellor

JAR/scc

Encl.

cc: Cardinal Timothy Manning  
Most Reverend John Ward  
Reverend Monsignor Benjamin Hawkes

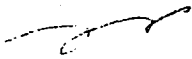
*See attached*


There was a Nota Bene added to the original letter of June 15th which, through error, does not appear on this carbon copy.

In effect and to the best of my knowledge the N.B. states: Your attorney is being furnished by the Los Angeles Archdiocese  
George Hillsinger  
Hillsinger & Costanzo  
3055 Wilshire Blvd. 7th Floor  
Los Angeles, Ca. 90010  
Phone: 388-9441

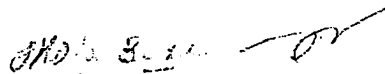
Please contact your attorney immediately (N O W !)

scc

  
Fr. Tamayo's attorney

  
George Hillsinger  
Hillsinger & Costanzo  
3055 Wilshire Blvd. 7th floor  
Los Angeles, Ca 90010

Phone: 388-9441





ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES CALIFORNIA 90015-1154  
(213) 388-2101

June 15, 1974

Reverend Santiago Tamayo  
c/o REDACTED  
St. James Medical Clinic  
Laoag City, Philippines 0301

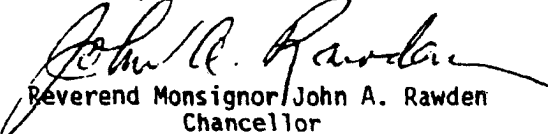
Dear Father Ago,

Enclosed please find a check for \$375.00. We would ask that you do not reveal that you are being paid by the Los Angeles Archdiocese unless requested under oath. This check is congrua sustentatio because you are incardinated here in Los Angeles.

If, however, you would take a position in the Diocese in which you live, I would request that you have your Bishop send us a copy of your assignment.

I wish you well and pray for you and your family.

Sincerely yours in Christ,

  
Reverend Monsignor John A. Rawden  
Chancellor

JAR/scc

Encl.

cc: Cardinal Timothy Manning  
Most Reverend John Ward  
Reverend Monsignor Benjamin Hawkes

Nota Bene Please contact immediately (NOW!) the attorney which is being furnished by the Archdiocese:

George Hillsinger  
Hillsinger & Costanzo Phone: 3889441  
3055 Wilshire Blvd. 7th Floor  
Los Angeles, Ca. 90010



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 388-8101

MEMORANDUM

TO: His Eminence  
Timothy Cardinal Manning

FROM: Bishop John J. Ward

SUBJECT: REDACTED

July 19, 1984

---

Your Eminence:

May I respectfully submit the following Summary Memorandum of Facts in the matter of Miss REDACTED as of this date. The report will be a chronological recitation of statements and events together with copies of Newspaper accounts.

Part I

On July 15, 1983, REDACTED telephoned the Chancery requesting an appointment with Cardinal Manning to discuss a paternity matter involving a priest. Because Cardinal Manning was leaving on the following day for Europe, Bishop Ward, the Vicar General, was asked to give REDACTED an appointment. Accordingly, Bishop Ward telephoned REDACTED on July 15, 1983 and arranged for her appearance in the Chancery on the following Tuesday, July 19, 1983 at 2:00 P.M.

At 2:00 P.M. on July 19, 1983 REDACTED together with her parents appeared in the reception area of the Chancery Office. Bishop Ward invited REDACTED and her parents to enter the office. REDACTED however, said that she did not want her parents to participate in the interview. The parents agreed to remain in the reception area. Bishop Ward, then, admitted REDACTED to a private office and introduced REDACTED to Monsignor John Rawden, the Chancellor.

After identifying herself to Bishop Ward and Monsignor Rawden, REDACTED alleged that the Reverend Valentin Tugade was the father of her child and that she wanted him to acknowledge that fact and to support the child, and to this end wanted the Archdiocese of Los Angeles to force Father Tugade to assume his responsibilities. Bishop Ward advised her that Father Tugade was not incardinated in the Archdiocese of Los Angeles, nor was he now assigned in this jurisdiction but had moved in January of 1983 to Monterey, California under the jurisdiction of Bishop Thaddeus Shubsda. REDACTED said she knew where Father Tugade was and she had been in his presence with other persons a few days before but Father Tugade would not even hold the child in his arms.

REDACTED then disclosed the fact that she had consulted a certain Mr. Millgrus, a civil lawyer in the Wilmington, California area with a view to have the Los Angeles Superior Court declare Father Tugade the father of her REDACTED

....continues....

Memorandum  
to His Eminence, Cardinal Marning  
July 19, 1984  
Page -two-

born REDACTED, 1982 in REDACTED. Bishop Ward then reminded REDACTED that as a citizen of the United States she had a right to seek the protection of Civil Law but first it would be well for her to ask Father Tugade to respond his alleged paternal obligation and to request the intervention, if necessary, of Bishop Shubsda in the Diocese of Monterey were Father Tugade was serving as parish priest. REDACTED replied that she knew the address of Father Tugade on Church Street in Monterey, California.

Bishop Ward asked REDACTED how certain she was that Father Tugade was the father of her REDACTED. REDACTED replied that she had sexual relations with Father Valentin Tugade and Father Henry Caboang on the same day in January of 1982 at the rectory of St. Philomena, Carson, California and since the illicit activity occurred on church property, the Archdiocese should be liable.

In view of REDACTED's disclosure that she had been intimate with each priest on the same day, Bishop Ward asked again how she could be absolutely certain that Father Valentin Tugade was the father of her daughter. REDACTED replied that Father Henry Caboang withdrew himself prior to ejaculation saying that he knew how to protect himself.

REDACTED next gave the following information. Her REDACTED was the house-keeper at the rectory of Saints Peter and Paul Parish where Father Tamayo, who was formerly an Associate Pastor at St. Philomena's in Carson, California, was now Pastor. REDACTED likewise was employed as a receptionist at Saints Peter and Paul Rectory. Accordingly, REDACTED informed Father Tamayo that she was pregnant. Father Tamayo arranged for her to go to Loag City, Philippine Islands where she would be given pre-natal and post-natal care by Doctor Tamayo, the REDACTED of Father Tamayo. There were certain complications at the birth of REDACTED but eventually REDACTED and her REDACTED survived. Father Tamayo and others paid for all the charges connected with the birth of REDACTED child. After her recovery from the medical complications of giving birth, REDACTED returned to REDACTED California taking herself and child to her parents home with whom she continues to live. She receives a monthly allowance from the Los Angeles County for the support of herself and child, but receives no financial support from Father Tugade.

REDACTED then asked if the Archdiocese was interested in knowing the names of other priests with whom she had had sexual relations. Before a response could be given REDACTED alleged that she had been intimate with Father Tamayo, Father Angel Cruces, Father Sylvio Lacar, Father Victor Balbin and Father Ruben Abaya at various times and places. After her disclosure, REDACTED asked what the Archdiocese would do to the priests whom she had named. Bishop Ward advised her that her allegations were very serious and that they would be investigated as a grave matter of internal discipline. REDACTED seemed vindictive and wanted the priests punished.

Bishop Ward again advised REDACTED that the Archdiocese of Los Angeles had lost all jurisdiction over Father Valentin Tugade when he left in January of 1983 and since she knew his current address in Monterey, California she should sneak with Father Tugade about his alleged paternal responsibility and to that purpose, if necessary, to request the intervention of Bishop Shubsda under whose jurisdiction Father Tugade was working. While REDACTED wanted the Archdiocese of Los Angeles to

....continues....

Memorandum  
to His Eminence, Cardinal Manning  
July 19, 1984  
Page -three-

acknowledge a certain responsibility for the tort of Father Tugade, she seemed to accept the fact that Father Tugade was no longer in the Archdiocese and that she knew the address of the parish to which he was assigned in Monterey, California.

## Part II

In view of the paternity allegation against Father Valentin Tugade. Bishop Shubsda, the Bishop of Monterey was notified immediately of REDACTED accusation and of the possibility of a civil suit. Father Tugade was an associate pastor at the Cathedral of San Carlos, Monterey, California.

Fathers Tamayo, Cruces, Caboang and Lacar were interviewed and informed of the very grave charge of misconduct which REDACTED had made against them. Because Father Ruben Abaya was never assigned in the Archdiocese of Los Angeles and was reportedly in New Jersey it was impossible to interview him. In like manner, Father Victor Balbin was never assigned in this jurisdiction and nothing was known about him or his whereabouts.

Father Santiago Tamayo was the only one among the seven who was incardinated in the Archdiocese of Los Angeles. He had served splendidly as an extern priest for many years and had become incardinated in 1982 and was made the pastor of Saints Peter and Paul Parish in Wilmington, California. There had never been any kind of unfavorable complaint about Father Tamayo's conduct. He has resigned his parish and returned to the Philippines. Because of his incardination in this jurisdiction, the Archdiocese continues to give his monthly salary. Because Fathers Caboang, Cruces and Lacar were not incardinated in this jurisdiction, the archdiocesan faculties have been withdrawn and they have left this area.

## Part III

### Civil Suit of REDACTED

On January 8, 1984, six months after her first and only appearance in the Chancery, REDACTED held a press conference in which she announced her civil suit against the Archdiocese of Los Angeles and seven priests. Gloria Allred who is REDACTED ; Attorney is a flamboyant individual who specializes in civil suits on behalf of women's liberation movement, lesbians, etc. A very recent article in the Los Angeles Times gives some idea of the general character of Gloria Allred. The suit is a civil suit. There are no criminal charges.

The press conference received much publicity in the newspapers and television on the day it took place and for a few days thereafter. In a few days there was no more mention in the media of the matter until March 8, 1984 when a second civil suit was filed by REDACTED accusing Bishop Juan Arzube of slander.

Newspaper clippings are enclosed giving additional details regarding the actions and statements of REDACTED and her attorney, Gloria Allred.

The statements attributed to REDACTED in the newspaper accounts made disclosures which REDACTED had not made on the occasion of her interview in the Chancery on July 15, 1983. On that occasion her sole purpose was to have Father Valentin Tugade acknowledge his paternity of the child, REDACTED. She never made any

...continues...

Memorandum  
to His Eminence, Cardinal Manning  
July 19, 1984  
Page -Four-

any reference to the alleged misconduct of Father Tanayo in the confessional. Moreover, on July 15, 1983 she repeatedly stated that she was absolutely certain that Father Tugade was the father of her child and that Father Caboang could not possibly be the father. There are, therefore, contradictions and omissions between her original interview described in Part One of the Memorandum and her subsequent statements to the press.

#### Part IV

The civil suits names the Archdiocese of Los Angeles as defendant and also each of the seven priests, and in addition the second suit names Bishop Arzube.

Naturally as a Defendant the Archdiocese was properly served with subpoena in each civil suit. Accordingly, the Archdiocese has engaged a special attorney to defend against the charge. A demurrer denying the Church's liability has been filed. No final decision has been given by the Superior Court. The matter is, therefore, still pending.

The suit against each of the priests can not proceed because the whereabouts of the priests defendants is not known and they can not be located to accept proper subpoena service. It would seem that the formal hearing of the issues may not be possible until all priests defendants are properly served. Each priest will have the assistance of his own attorney. Finally, there is always the hope that the plaintiff may accept a quiet settlement outside of court and withdraw her petition.

*Respectfully submitted*  
*+ John J. Flanagan V.A.*

July 19th, 1984

His Eminence  
Silvio Cardinal Oddi  
Sacred Congregation for the Clergy  
3 Piazza Pio XII  
00193 Rome, Italy

Your Eminence:

This is in response to your letter of  
May 23rd, No. 173456/I.

His Excellency, Bishop John Ward, the  
Vicar General, has graciously and succinctly submitted  
a memorandum giving the history of the case involved.

I enclose this with several other news-  
paper reproductions which should provide an adequate  
file for Your Eminence on this distasteful situation.

With sentiments of esteem and every best  
wish, I am

Very sincerely yours,

C  
encl.

Timothy Cardinal Manning  
Archbishop of Los Angeles



Lois.

Can we file. Maybe  
under Kansas or <sup>REDACTED</sup>  
In my confidential  
to drawer.



SACRA CONGREGAZIONE  
PER IL CLERO

Roma, October 13, 1984

Prot. 174126/I

(Citare questo numero nella risposta)

His Eminence  
Timothy Cardinal Manning  
Archbishop of Los Angeles  
1531 West Ninth Street  
Los Angeles, California 90015

Your Eminence:

This Sacred Congregation gratefully acknowledges your thorough report concerning the unfortunate case of the priests from the Philippines who allegedly were accused by Miss REDACTED

While we hope and pray that the scandal which has developed from the incident may in some way be remedied, we cannot help but suggest that in the future the priests coming from outside the Archdiocese be scrutinized in such a way that similar cases may not take place.

With sentiments of cordial esteem and every best wish, I remain

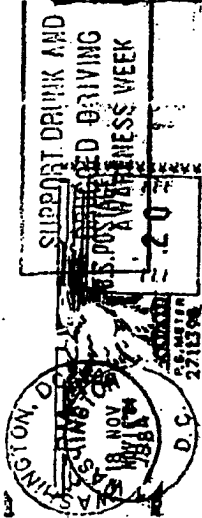
Faithfully in Christ,

*John Lewis O'Connell*  
*JLO*

*G. Zanone Subsecr.*

62

APOSTOLIC NUNCIATURE  
3339 Mass. Ave., N.W.  
Wash., D.C. 20008



His Eminence  
Timothy Cardinal Manning  
Archbishop of Los Angeles  
1531 West Ninth Street  
Los Angeles, California 90015

HB  
of  
V.D.

St James Clinic  
42 Don Mauricio Castro St  
Lagay City, Philippines  
April 25, '85

Dear Msgr. Rawden:

Just got back from my vacation in Southern Philippines. Had to take advantage of the doctor's offer to take the trip with the family. That's why I couldn't answer your kind letter immediately. Thanks very much for writing. I've been enclosed in my own dark world & communication hasn't been easy. But I'm mindful & grateful to the Cardinal, to you & the Archdiocese for your support.

2  
I had a chance to help out  
in the remote barrio during  
the Holy Week & the simple  
age-tested faith of those  
farmers was most edifying  
& inspiring.

I worry no end about the welfare  
of my poor Mom & Dad. They depended  
so much upon me. Thanks for  
calling them once in a while.

Some questions:

1. Can I use my Blue Cross  
here. Not so much for  
my medical expenses as  
for my dental.

2. Can REDACTED come to you for  
my 55 tax refund.

Please, please pray for me.

Sincerely yours,  
Santiago

4220k Mauricio Castro St  
Luzon City, Philippines  
April 25, 85

Dear Msgr. Rawden:

Just got back from my vacation in  
Southern Philippines. Had to take  
advantage of the Hooker's offer  
to take the trip with the family.  
That's why I couldn't answer your  
kind letter immediately. Thanks  
very much for writing. I've been  
encloused in my own dark world  
& communication hasn't been  
easy. But I'm mindful &  
grateful to the Cardinal, to you  
& the Archdiocese for your  
support.

2 May 1985

MSGR HAWKES:

Fr. Tamayo is asking for reimbursement for  
his Social Security Tax for 1984.

Would you advise that he start looking  
for priestly work in the Philippines, in stead  
of the Chancery paying him to sit around?

2 May 85

OLYMPIC UNION BRANCH  
BANK OF AMERICA  
LOS ANGELES, CALIFORNIA

THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES  
A CORPORATION SOLD  
Los Angeles, California 90015

A 47058

16-66  
1220

DATE	CHECK NO.	AMOUNT
05/03/85	47058	678.00

PAY  
TO THE  
ORDER  
OF

SANTIAGO L. TAMAYO

THE ROMAN CATHOLIC ARCHBISHOP  
OF LOS ANGELES

*[Handwritten Signature]*

⑆ 447058 ⑆ 12200005 ⑆ 030900030301 ⑆



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

7 May 1985

Reverend Santiago Tamayo  
% St James Clinic  
42 Don Mauricio Castro Street  
Laoag City, Philippine Islands

Dear Father Tamayo:

Please accept my sincere appreciation for your kind letter of 25 April 1985. It was good to hear from you.

Enclosed please find your requested reimbursement for your 1984 Social Security taxes (RCA check A 47058 - \$678.00 - 3 May 85).

In conversation with Monsignor Hawkes, we discussed your monthly honorarium from the Archdiocese of Los Angeles. Since you have been receiving this for more than a year, it probably will be discontinued in the near future.

It is our urgent suggestion that you find priestly work that will support your financial needs. You may approach any diocese in the Philippines and we will respond to them with a letter of recommendation.

If you have any questions or need for further assistance please do not hesitate to contact me directly. It has been extremely difficult to reach your sister, REDACTED by telephone. So, if it is all right with you, I prefer to write you directly at the above address.

You may continue to use your AETNA Dental and Medical Insurance until advised to the contrary. Forms for both dental and medical are enclosed.

With kindest personal regards, I remain,

Very sincerely yours,

*John A. Rawden*  
Rev. Msgr. John A. Rawden  
Chancellor

encls:



OLYMPIC-UNION BRANCH  
BANK OF AMERICA  
LOS ANGELES, CALIFORNIA

THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES  
(A CORPORATION SOLD)  
Los Angeles, California 90015

A 47058

16-48  
1220

PAY  
TO THE  
ORDER  
OF

SANTIAGO L. TAMAYO

THE ROMAN CATHOLIC ARCHBISHOP  
OF LOS ANGELES

*[Handwritten Signature]*

DATE	CHECK NO.	AMOUNT
05/03/85	47058	678.00

⑆147058⑆ ⑆1220066⑆ ⑆03098⑆

TC:

The letter from Msgr. Rawden to Fr. Tamayo is dated June 15, 1984.

Payroll has checked and the last payroll check issued to Tamayo was for June 1985.

They can give me no further information (i.e., as to how come it stopped).

*Wm. H. H. H.*

**ST. JAMES MEDICAL CLINIC**

42 Mauricio Castro St., Laoag City  
Tel. Nos. 2984 & 22-03-53

EDUARDO L. TAMAYO, M.D.

**R**

Date: ..... 19.....

It hurts me no end to see him tethered and confined, turning violent against us all, even, my own and specifically against me.

I do want to come back soon if only to arrange whatever is left of my things. I tried my best to put them together but till now God knows how and where they are. I only had one small tote bag when I flew to the Philip.

I hate to beg and I don't want to be a welfare case but in your charity please resume your subsidy until I get an assignment. Perhaps you've read about the terrible economic crisis in the Philippines and I hate to depend too much on my family.

My best regards and prayers. I'll write the new Archbishop when I get your go signal. What's his name? Is he a Cardinal yet?

Sincerely yours,

*Eduardo L. Tamayo*  
Eduardo L. Tamayo

....., M.D.

License No. \_\_\_\_\_

PTR No. \_\_\_\_\_

**ROCE PHIN Once a day**

**ST. JAMES MEDICAL CLINIC**

42 Mauricio Castro St., Laoag City  
Tel. Nos. 2984 & 22-03-53

EDUARDO L. TAMAYO, M.D.

**R**

Date: ..... Nov. 25....., 1985.

Dear Msgr Rawden:

I just heard about the untimely demise of Msgr. Rawden. Needless to say I personally felt the loss of this great man and friend.

News trickles rather meagerly to me and I haven't been able to greet our new Archbishop. Would it be proper to write him at this point?

Christmas is around the corner. I do hope and pray that a ray of light will come my way. You are my one big hope to get back in form.

What is your honest opinion about my landing an assignment. Of course, I chose to remain a member of the Archdiocese of Los Angeles. I hope you can help me obtain that privilege. I am dying to get back on the job. Any assignment, even a lowly one, in the remotest corner of the Archdiocese under any condition the Archbishop lay down will be my first choice.

My second choice would be to become a Navy Chaplain. I did apply when I was 32 but was denied because I was not yet a U.S. citizen.

Please pray for me and my family, most special, my Dad. he had a nervous breakdown. Very sad.

....., M.D.

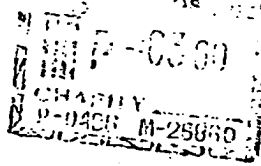
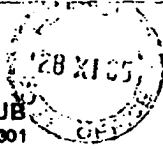
License No. \_\_\_\_\_

PTR No. \_\_\_\_\_

**ROCE PHIN Once a day**



LIONS INTERNATIONAL  
 DISTRICT 301 - C  
 PAMULINAWEN LIONS CLUB  
 LAOAG CITY - ILOCOS NORTE 0301  
 PHILIPPINES



VIA AIRMAIL

VIA AIR MAIL

VIA AIRMAIL

REV. MSGR JOHN A RAWDEN  
 CHANCERY OFFICE  
 1531 W. Ninth Street  
 Los Angeles, California  
 U.S.A.

VIA AIR MAIL

87 PC  
 NB

**ST. JAMES MEDICAL CLINIC**

42 Mauricio Castro St., Laoag City  
Tel. Nos. 2984 & 22-03-53

REDACTED

**R**

Date: Nov. 25, 1985

Dear Msgr Rawden:

I just heard about the untimely demise of Msgr. Hawkes. Needless to say I personally felt the loss of this great man and friend.

News trickles rather eagerly to <sup>me</sup> and I haven't been able to greet our new Archbishop. Would it be proper to write him at this point?

Christmas is around the corner. I do hope and pray that a ray of light will come my way. You are my one big hope to get back in form.

What is your honest opinion about my landing an assignment. Of course, I chose to remain a member of the Archdiocese of Los Angeles. I hope you can help me obtain that privilege. I am dying to get back on the job. Any assignment, even a lowly one, in the remotest corner of the Archdiocese under any condition the Archbishop may lay down will be my first choice.

My second choice would be to become a Navy Chaplain. I'm 51. I did apply when I was 32 but was denied because I was not yet a U.S. citizen.

Please pray for me and my family, most special my Dad. He had a nervous breakdown. Very sad.

\_\_\_\_\_, M.D.  
License No. \_\_\_\_\_  
PTR No. \_\_\_\_\_

**ROCE PHIN** Once a day

**ST. JAMES MEDICAL CLINIC**

42 Mauricio Castro St., Laoag City  
Tel. Nos. 2984 & 22-03-53

REDACTED

Date: \_\_\_\_\_, 19.....

**R**

It hurts me no end to see him tethered and confined, turning violent against us all, even my Mom and specifically against me.

I do want to come back soon if only to arrange whatever is left of my things. REDACTED tried her best to put them together but till now God knows how and where they are. I only had one small tote bag when I flew to the Phillipines

I hate to beg and I don't want to be a welfare case but in your charity please resume your subsidy until I get an assignment. Perhaps you've read about the terrible economic crisis in the Phillipines and I hate to depend too much on my family.

My best regards and prayers. I'll write the new Archbishop when I get your go signal. What's his full name? Is he a Cardinal yet.?

Sincerely yours,

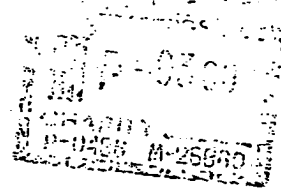
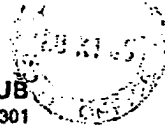
*[Signature]*  
F.R. Santiago L. Tanajo

\_\_\_\_\_, M. D.  
License No. \_\_\_\_\_  
PTR No. \_\_\_\_\_

**ROCE PHIN** Once a day



LIONS INTERNATIONAL  
DISTRICT 301 - C  
PAMULINAWEN LIONS CLUB  
LAOAG CITY - ILOCOS NORTE 0301  
PHILIPPINES



VIA AIRMAIL

VIA AIR MAIL

VIA AIRMAIL

REV. MSGR JOHN A RAWDEN  
CHANCERY OFFICE  
1531 W. Ninth Street  
Los Angeles, California  
U.S.A.

14  
MAY 1963

PC



ARCHDIOCESE OF LOS ANGELES

1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

6 December 1985

Reverend Santiago Tamayo  
ST JAMES MEDICAL CLINIC  
42 Mauricio Castro Street  
Laoag City - Ilocos Norte  
Philippines

Dear Father Tamayo:

Please accept my sincere appreciation for your kind letter of 25 November 1985.

I am deeply sorry that your father has suffered such a severe illness. Please be assured that he will be remembered in my Masses and prayers.

The name of our new archbishop is:

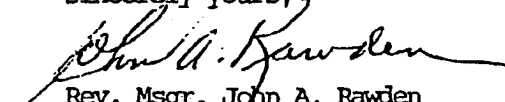
Most Reverend Roger Michael Mahony  
1531 West Ninth Street  
Los Angeles, CA. 90015

In answer to your inquiry about an assignment, unfortunately under the circumstances I feel that would be practically impossible.

Bishop Ward has assumed the financial responsibilities of Msgr. Hawkes (R.I.P.). I have given him a copy of your letter in reference to your financial status.

May the Infant Saviour bless you and your family.

Sincerely yours,

  
Rev. Msgr. John A. Rawden  
Chancellor

CC: Bishop Ward



PE

6 December 1985

ARCHBISHOP MAHONY:

In conversation with the Attorney on this famous case, he advised me to make no mention of the case, nor any advice of any attorney.

Is my letter OK? Please change it in any way.

O.K. as is!

JARAWDEN



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

6 December 1985

Reverend Santiago Tamayo  
ST JAMES MEDICAL CLINIC  
42 Mauricio Castro Street  
Laoag City - Ilocos Norte  
Philippines

Dear Father Tamayo:

Please accept my sincere appreciation for your kind letter of 25 November 1985.

I am deeply sorry that your father has suffered such a severe illness. Please be assured that he will be remembered in my Masses and prayers.

The name of our new archbishop is:

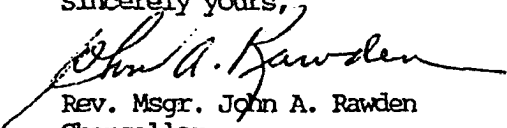
Most Reverend Roger Michael Mahony  
1531 West Ninth Street  
Los Angeles, CA. 90015

In answer to your inquiry about an assignment, unfortunately under the circumstances I feel that would be practically impossible.

Bishop Ward has assumed the financial responsibilities of Msgr. Hawkes (R.I.P.). I have given him a copy of your letter in reference to your financial status.

May the Infant Saviour bless you and your family.

Sincerely yours,

  
Rev. Msgr. John A. Rawden  
Chancellor

CC: Bishop Ward

WM. MARSHALL MORGAN  
LEE B. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIVAN  
JOHN D. DWYER  
JUDITH A. LONSDALE  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
WALTER M. YOKA

STEPHEN H. SMITH  
SCOTT J. STOCKDALE  
RICHARD J. MURPHEY  
M. MICHAEL MORGAN  
MARGARET O'CONNOR  
JOHN A. KANIEWSKI  
GRETCHEN M. NELSON  
NEIL H. BROWN  
DAVID T. MCCANN, JR.  
PAUL Y. LEE  
THOMAS H. VICKERS  
CARL J. PENTIS  
VINCENT F. De MARZO  
THOMAS H. CADDEN  
CANDICE J. TAECKER

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, SUITE 800  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1961

March 28, 1986

ORANGE COUNTY OFFICE  
19782 MAC ARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015

CABLE ADDRESS: "MWM LSA"  
FAX NO. (213) 413-8631  
TWX NO. 9103213607

OF COUNSEL  
STANLEY R. RADER

Mr. Jose A. Debasa  
Chief Financial Officer  
Archdiocese of Los Angeles  
1531 West Ninth Avenue  
Los Angeles, CA 90015

Re: REDACTED v. Tamayo, et al.  
L.A.S.C. Case No. C 485 4881

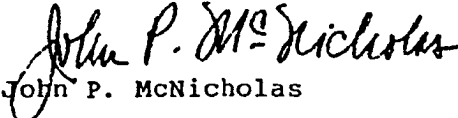
Dear Mr. Debasa:

I am enclosing a copy of the plaintiffs-appellants' opening brief which was served on us yesterday. (This is the case where seven Filipino priests are accused of seducing REDACTED REDACTED from the time she was 16 until the birth of REDACTED on REDACTED 1982 in REDACTED )

This case has some potential adverse and far reaching implications and, therefore, should be brought to the attention of Archbishop Mahony.

Please give me a call to discuss the above at your earliest convenience. The RCA's reply brief is due April 27, 1986.

Best regards,

  
John P. McNicholas

jdc  
Encl.  
14329c2

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION \_\_\_\_\_

RITA MILLA, RITA D. MILLA and ) Case No. B 009259  
HECTOR RICHARD MILLA, )  
 ) [Superior Court Case  
Plaintiffs/Appellants. ) No. C 485 488]  
 )  
v. )  
 )  
FATHER SANTIAGO TAMAYO; )  
FATHER ANGEL CRUCES; FATHER )  
HENRY CABOANG; FATHER RUBIN )  
ABAYA; FATHER SYLVIO LACAR; )  
FATHER VICTOR BALBIN; FATHER )  
VALENTINE TUGADE; LOS ANGELES )  
ARCHDIOCESE OF THE CATHOLIC )  
CHURCH, DOES 1 through 50, )  
inclusive, )  
 )  
Defendants/Respondents. )

RECEIVED

MAR 27 1986

MORGAN, WENZEL &  
McNICHOLAS

APPEAL FROM THE SUPERIOR COURT  
FOR THE COUNTY OF LOS ANGELES  
HONORABLE JOHN COLE, JUDGE PRESIDING

APPELLANTS' OPENING BRIEF

ALLRED, MAROKO, GOLDBERG & RIBAKOFF  
GLORIA ALLRED  
JOHN S. WEST  
6380 Wilshire Boulevard, #1404  
Los Angeles, California 90048  
(213) 653-6530

Attorneys for Appellants

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION \_\_\_\_\_

RITA MILLA, RITA D. MILLA and     ) Case No. B 009259  
HECTOR RICHARD MILLA,             )  
                                   ) [Superior Court Case  
                  Plaintiffs/Appellants. ) No. C 485 488]  
                                   )  
                  v.                     )  
                                   )  
FATHER SANTIAGO TAMAYO;             )  
FATHER ANGEL CRUCES; FATHER        )  
HENRY CABOANG; FATHER RUBIN        )  
ABAYA; FATHER SYLVIO LACAR;        )  
FATHER VICTOR BALBIN; FATHER        )  
VALENTINE TUGADE; LOS ANGELES     )  
ARCHDIOCESE OF THE CATHOLIC        )  
CHURCH, DOES 1 through 50,         )  
inclusive,                            )  
                                   )  
                  Defendants/Respondents. )

---

APPEAL FROM THE SUPERIOR COURT  
FOR THE COUNTY OF LOS ANGELES  
HONORABLE JOHN COLE, JUDGE PRESIDING

---

APPELLANTS' OPENING BRIEF

ALLRED, MAROKO, GOLDBERG & RIBAKOFF  
GLORIA ALLRED  
JOHN S. WEST  
6380 Wilshire Boulevard, #1404  
Los Angeles, California 90048  
(213) 653-6530

Attorneys for Appellants

TABLE OF CONTENTS

	<u>Page</u>
Table of Authorities.....	(1)
Appellants' Opening Brief.....	1
I. STATEMENT OF FACTS.....	2
A. The Parties to this Appeal.....	2
1. Appellants.....	2
2. Respondent.....	2
B. The Wrongdoing of the Defendant Priests and the Archbishop's Liability Therefor.....	3
1. Introduction.....	3
2. The Allegations of the Second Amended Complaint.....	3
(a) Rita's Claims.....	5
(b) The Claims of Rita D. and Hector.....	10
(c) Claims Common to all Plaintiffs.....	12
3. The Causes of Action Contained in the Second Amended Complaint.....	13
C. The Orders from which this Appeal is taken.....	13
(1) First, Third and Sixth Causes of Action.....	14
(2) Second, Fourth and Fifth Causes of Action.....	14
(3) Seventh Cause of Action.....	14
D. Assignments of Error by the Superior Court.....	15
(1) The Superior Court Erred as a Matter of Law in Ruling that the Statute of Limitations Barred the First Cause of Action.....	15
(2) The Superior Court Erred as a Matter of Law in Ruling that the Second, Fourth and Fifth Causes of Action Failed to State a Cause of Action upon which the Archbishop Could be Held for Fraud.....	18

(3) The Superior Court Erred as a Matter of Law in Ruling that the Statute Barred the Third and Sixth Causes of Action.....	20
(4) The Superior Court Erred as a Matter of Law in Ruling that Rita D. and Hector Failed to State Facts Sufficient to Constitute a Cause of Action for Professional Malpractice..	21
II. THE SECOND AMENDED COMPLAINT ALLEGES ACTS IN FURTHERANCE OF THE SECRECY ASPECT OF THE SUBJECT CONSPIRACY WHICH WERE PERFORMED WITHIN ONE YEAR OF THE FILING OF THE ORIGINAL COMPLAINT. THE TRIAL COURT ERRED IN ITS SUBJECTIVE, ARBITRARY DETERMINATION THAT THE SUBJECT CONSPIRACY TERMINATED WHEN THE DEFENDANT PRIESTS ACCOMPLISHED INTERCOURSE WITH RITA.....	22
III. BASED UPON RECOGNIZED PRINCIPLES OF AGENCY LAW, THE ARCHBISHOP MAY BE HELD LEGALLY RESPONSIBLE FOR THE FRAUD AND DECEIT PRACTICED BY THE DEFENDANT PRIESTS UPON RITA, RITA D. AND HECTOR. THE TRIAL COURT THEREFORE ERRED IN SUSTAINING THE ARCHBISHOP'S DEMURRER TO THE SECOND, FOURTH AND FIFTH CAUSES OF ACTION.....	35
IV. THE CONFIDENTIAL RELATIONS WHICH EXISTED BETWEEN THE DEFENDANT PRIESTS, ON ONE HAND, AND APPELLANTS, ON THE OTHER HAND, TOLLED THE STATUTE OF LIMITATIONS WITH RESPECT TO THE PROFESSIONAL MALPRACTICE CLAIMS. FOR THIS REASON, THE TRIAL COURT ERRED IN RULING THAT THE THIRD AND SIXTH CAUSES OF ACTION WERE TIME BARRED.....	43
V. DEFENDANT TAMAYO IS ALLEGED TO HAVE ACTED IN A PROFESSIONAL CAPACITY TOWARD HECTOR AND RITA D. THE TRIAL COURT THEREFORE ERRED IN RULING THAT HECTOR AND RITA D. FAILED TO STATE A CAUSE OF ACTION FOR PROFESSIONAL MALPRACTICE.....	49
VI. CONCLUSION.....	50

TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page</u>
<u>Alkins v. Starr</u> 112 Cal.App.3d 158, 169 Cal.Rptr.136 (1980).....	36
<u>Amen v. Merced County Title Co.</u> 58 Cal.2d 528, 25 Cal.Rptr.65 (1962).....	45
<u>Andrews v. United States</u> 548 F.Supp.603 (Dist.S.C. 1982).....	39
<u>Bellah v. Greenson</u> 81 Cal.App.3d 614, 146 Cal.Rptr.535 (1978).....	14
<u>Bowman v. Home Life Insurance Company of America</u> 243 F.2d 331 (3rd Cir. 1957).....	36,37,38
<u>California State Employees Assn. v. State of California</u> 32 Cal.App.3d 103, 106, fn.1, 108 Cal.Rptr.60 (1973).	14
<u>Hale v. Farmers Insurance Exchange</u> 42 Cal.App.3d 631, 117 Cal.Rptr.146 (1975).....	42,43
<u>Henson v. City of Dundee</u> 632 F.2d 897 (11th Cir.1982).....	40,41
<u>Holland v. Nelson</u> 5 Cal.App.3d 308, 85 Cal.Rptr.117 (1970).....	43
<u>Livett v. F.C. Financial Associates</u> 124 Cal.App.3d 413, 177.....	24,25, 29,31
<u>Lonabaugh v. United States</u> 179 F.476 (8th Cir. 1910).....	26
<u>Marston v. Minneapolis Clinic of Psychiatry &amp; Neurology</u> 329 N.W.2d 306 (Sup.Ct. Minn. 1982).....	38,39
<u>McChristian v. Popkin</u> 75 Cal.App.2d 249 (1949).....	43
<u>Mills v. Mills</u> 147 Cal.App.2d 107, 305 P.2d 61 (1956).....	47,48,49
<u>Neel v. Mayana, Olney, Levy, Cathcart &amp; Gelfand</u> 6 Cal.3d 176, 98 Cal.Rptr.37 (1971).....	44,45, 46,47
<u>Nuffer v. Insurance Company of North America</u> 236 Cal.App.2d 349, 45 Cal.Rptr.918 (1965).....	36



<u>People v. Williams</u>	
97 Cal.App.3d, 158 Cal.Rptr.778 (1979).....	29, 30, 31.
<u>People v. Zamora</u>	
18 Cal.3d 538, 134 Cal.Rptr. 784.....	25, 26, 27
	28, 29, 31, 32, 33
<u>Sandoval v. Southern California Enterprises</u>	
98 Cal.App.2d 240 (1950).....	43
<u>Spahn v. Guild Industries Corp.</u>	
94 Cal.App.3d 143, 156 Cal.Rptr.375 (1979).....	36

STATUTES

<u>California Civil Code</u>	
Section 3294.....	19
<u>Code of Civil Procedure</u>	
Section 339.....	44
Section 340(3).....	14
<u>Restatement of Agency 2d</u>	
Section 219(2)(d).....	40, 41
Section 261.....	35, 37

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION \_\_\_\_\_

RITA MILLA, RITA D. MILLA and ) Case No. B009259  
HECTOR RICHARD MILLA, )  
 ) [Superior Court Case  
Plaintiffs/Appellants. ) No. C 485 488]  
 )  
v. )  
 )  
FATHER SANTIAGO TAMAYO; )  
FATHER ANGEL CRUCES; FATHER )  
HENRY CABOANG; FATHER RUBIN )  
ABAYA; FATHER SYLVIO LACAR; )  
FATHER VICTOR BALBIN; FATHER )  
VALENTINE TUGADE; LOS ANGELES )  
ARCHDIOCESE OF THE CATHOLIC )  
CHURCH, DOES 1 through 50, )  
inclusive, )  
 )  
Defendants/Respondents. )  
\_\_\_\_\_ )

APPELLANTS' OPENING BRIEF

Plaintiffs RITA MILLA ("RITA"), RITA D. MILLA ("RITA D.") and HECTOR RICHARD MILLA ("HECTOR") appeal the November 16, 1984 Order of the Los Angeles Superior Court which (1) sustained the general demurrer of defendant ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES ("ARCHBISHOP"), a corporation sole, to plaintiffs' Second Amended Complaint without leave to amend and (2) struck the Seventh Cause of Action of said complaint without leave to amend.

I.

STATEMENT OF FACTS

A. The Parties to this Appeal

1. Appellants

RITA was the primary intended victim of the tortious conspiracy alleged in the Second Amended Complaint. She is a plaintiff in the First, Second, Third and Sixth Causes of Action described hereinafter.

RITA D. is the natural mother of RITA and was herself a victim of the defendants' wrongful conduct. She is a plaintiff in the Fourth, Fifth, Sixth and Seventh Causes of Action described hereinafter.

HECTOR is the natural father of RITA and the husband of RITA D. He was also a victim of the defendants' wrongful conduct. HECTOR is a plaintiff in the Fourth, Fifth, Sixth and Seventh Causes of Action described hereinafter.

2. Respondent

The ARCHBISHOP is the sole Respondent in this appeal. Plaintiffs/Appellants allege that the ARCHBISHOP employed defendants FATHER SANTIAGO TAMAYO ("TAMAYO"), FATHER ANGEL CRUCES ("CRUCES"), FATHER HENRY CABOANG ("CABOANG"), FATHER RUBIN ABAYA ("ABAYA"), FATHER SYLVIO LACAR ("LACAR"), FATHER VICTOR BALBIN ("BALBIN") and FATHER VALENTINE TUGADE ("TUGADE") (collectively referred to as the "defendant priests") as priests and clothed them with the means to perpetrate the

wrongs described hereinafter. Appellants allege that the ARCHBISHOP is liable for the conduct of those priests. None of the defendant priests are parties to this appeal.

B. The Wrongdoing of the Defendant Priests and the ARCHBISHOP'S Liability Therefor.

1. Introduction

In the second Amended Complaint, RITA, RITA D. and HECTOR seek recovery under a variety of theories for damages caused to them by the tortious conduct of the defendant priests. As described hereinafter, the defendant priests entered into a conspiracy the object of which was to use their positions as priests and the power of the Catholic Church to subvert RITA into having sexual relations with them. They further conspired to cause RITA to maintain the utmost secrecy with respect to the sexual activity that was taking place.

2. The Allegations of the Second Amended Complaint

In Paragraphs 16-20 of the Second Amended Complaint ("the Complaint"), the power and authority of the Church are described in detail. The essence of the complaint is that the authority and power of the Church were used by the defendant priests as the vehicle through which they hatched their tortious conspiracy. But for the authority and power which the Church conveyed upon the defendant priests, the tortious conspiracy could not have been accomplished.

Specifically, it is alleged that the Church, a worldwide organization, represents its teachings to be divine in origin. In addition, the Church represents that its representatives, such as priests, stand in a special relationship with God. Thus, organs of the Church, such as the ARCHBISHOP, represent that priests are holy men and superior beings who are married to and invested with the special powers of the Catholic Church. Such special powers include the power to lead the faithful, interpret the tenets of the Church, provide spiritual guidance, counsel, hear confessions and grant forgiveness. (Complaint, para. 16).

Plaintiffs/Appellants also allege that despite Church tenets which prohibit priests from engaging in sexual activity, many priests do, in fact, engage in sexual activity with parishioners and other persons. The occurrence of sexual activity between priests and parishioners is alleged to a well-known phenomenon to the Church. Such sexual activity is the foreseeable result of a number of factors, including the following: (a) priests are encouraged to share the intimate details of their parishioners' lives; (b) priests regularly spend time alone with female parishioners; (c) priests are clothed with the authority to dictate right and wrong to parishioners and, in particular, to interpret whether given acts are sinful; (d) priests are invested with the authority to grant forgiveness, and (e) relations of the utmost confidence and trust exist between priests and their parishioners,

enabling priests to exercise tremendous influence over parishioners. (Complaint, para. 17). By virtue of these facts, the employment situation of priests is alleged to give rise to a peculiar opportunity for priests to engage in wrongful sexual activity with parishioners. (Complaint, para. 19). Moreover, the ARCHBISHOP is specifically alleged to have had actual knowledge of the foreseeability and occurrence of sexual relations between priests and parishioners. (Complaint, para. 19).

As an organ of the world-wide Catholic Church, the ARCHBISHOP, through its teachings and representations, has placed priests, including the defendant priests, in positions which enable those priests, while apparently acting within their authority as priests, to perpetrate wrongful acts such as those alleged in the Complaint upon third persons. (Complaint, para. 20). In particular, the ARCHBISHOP granted the defendant priests the authority to give spiritual advice, counsel, take confession and grant forgiveness. (Complaint, para. 20).

(a) Rita's Claims

The outrageous conduct underlying this suit commenced when RITA was but sixteen years of age. At that time, she was a deeply religious girl who aspired to become a Catholic Nun and whose life centered around the St. Philomena Church in Carson, California. (Complaint, para. 22). Defendants TAMAYO and

CRUCES were parish priests at St. Philomena. RITA took confession with TAMAYO and CRUCES and admired and respected them both. (Complaint, para. 22 and 23).

While RITA was still sixteen, TAMAYO made sexual advances toward her and succeeded in kissing and fondling her breasts. Such advances took place in a private room and in a confessional booth at St. Philomena. (Complaint, para. 24). Other sexual activity took place at the home of TAMAYO's brother. (Complaint, para. 25).

Prior to January of 1980, TAMAYO and CRUCES entered into a conspiracy with the following objects in mind: (1) to utilize the Catholic Church, their positions as priests and their confidential relationships as RITA's advisors, counselors and confessors to persuade her to have sexual intercourse with them and with other priests, (2) to undermine RITA's will and to otherwise exercise such undue influence upon her as to make her have intercourse with other priests, and (3) to do everything necessary to maintain complete silence with respect to all sexual activities between the priests and RITA. (Complaint, para. 28). In furtherance of the conspiracy, TAMAYO and CRUCES persuaded RITA to have sexual intercourse with them in January of 1980; they also instructed RITA not to tell anyone what had occurred. (Complaint, para. 29).

The sexual activity and intercourse only took place after TAMAYO and CRUCES had represented to RITA that those acts were ethically and religiously permissible. Those representations were accepted by RITA on the basis of the confidential relations which existed between the priests and RITA, the

positions of the priests within the Church and the fact that the two priests were RITA's spiritual advisors, counselors and confessors. (Complaint, para. 30).

During and after January of 1980, TAMAYO and CRUCES regularly had sexual intercourse with RITA at the home of TAMAYO's brother. (Complaint, para. 31). Thereafter, other priests joined the conspiracy. In April of 1980, defendant priests ABAYA and CABOANG joined the conspiracy and had intercourse with RITA at a motel. (Complaint, para. 32). On one occasion, TAMAYO, CRUCUS, ABAYA and CABOANG all took RITA to a motel, where each had intercourse with her. TAMAYO then introduced RITA to defendant priest LACAR, who had joined the conspiracy. LACAR proceeded to have intercourse with RITA. (Complaint, para. 34). In 1981, TAMAYO introduced RITA to defendant priest BALBIN, who had also joined the conspiracy, and BALBIN had intercourse with RITA. (Complaint, para. 35). TAMAYO introduced RITA to defendant priest TUGADE, who also had intercourse with RITA. (Complaint, para. 36 and 37). On at least one occasion, two of the priests had intercourse with RITA on the same day in TAMAYO's room in the rectory of the St. Peter and Paul Church in Wilmington, California. (Complaint, para. 37). Such acts of sexual intercourse continued until March of 1982. (Complaint, para. 38). During the entire period of RITA's sexual relationships with the defendant priests, she was instructed by TAMAYO and other priests that she was to maintain complete silence and secrecy with respect to the sexual activities. (Complaint, para. 39).

The defendants' course of outrageous conduct, however,



continued long after the acts of actual intercourse stopped. In approximately March of 1982, RITA became aware that she was pregnant. She told TAMAYO of her plight. In furtherance of the secrecy aspect of the conspiracy, TAMAYO cooked up a plan to send RITA to the Philippines. He instructed her to go there, live in his brother's house, give birth to the baby, leave the baby in the Philippines and then return to the United States without informing anyone of the sexual activity, her pregnancy or the birth of her child. TAMAYO promised that he would send RITA money for her support while she was in the Philippines. (Complaint, para. 40).

In furtherance of the conspiracy, defendant priests CABOANG and LACAR bought RITA's ticket to the Philippines and arranged for her passport. TAMAYO told HECTOR and RITA D. that RITA was going to the Philippines to study medicine. (Complaint, para. 41). Pursuant to the wishes of the defendant conspirators, RITA went to the Philippines in April of 1982. (Complaint, para. 42).

While in the Philippines, RITA told Bishop Abaya of the Catholic Church, not a defendant herein, that the father of her then unborn child was a priest. Bishop Abaya told RITA not to tell anyone what had occurred. He further stated that he would help to take care of the matter when he returned to Los Angeles in August of 1983. (Complaint, para. 43).

During RITA's seven months of exile in the Philippines, the defendants sent her less than \$450.00 for her support. (Complaint, para. 58). As a result, she became malnourished and complications developed in her pregnancy. On October 12,

1982, RITA delivered a baby via Cesarian section; she almost died in the process. (Complaint, para. 42). Prior to the birth, in September of 1982, RITA D. learned of RITA's plight. RITA D. rushed to the Philippines to be at her daughter's side. (Complaint, para. 86). After the birth of the child, RITA and RITA D. returned to California in November of 1982. (Complaint, para. 42).

The conspiracy of the defendant priests continued after RITA's return to Los Angeles. In January of 1983, TAMAYO met with RITA and once again told her not to tell anyone what had occurred. (Complaint, para. 44). In May of 1983, RITA met with defendant TAMAYO in a church rectory. At that meeting, RITA told defendant TAMAYO that she had consulted an attorney and that she planned to talk to a Bishop of the Church about the actions of defendant TUGADE, whom RITA suspected as being the father of her baby. In furtherance of the conspiracy, defendant TAMAYO again requested that she maintain silence concerning the sexual activities. (Complaint, para. 45). Another meeting took place in July of 1983 among RITA and defendants TAMAYO and TUGADE. Once more, TAMAYO and TUGADE requested that RITA not reveal anything of what had occurred. (Complaint, para. 46). And, in October of 1983,<sup>1</sup> RITA met with defendant CRUCES, who expressed a desire to have sexual relations with RITA and suggested that she procure an apartment

---

<sup>1</sup> Paragraph 49 of the Complaint erroneously alleges that the meeting with CRUCES took place in October of 1984. The meeting actually took place in October of 1983.

so that he might see her in privacy. Finally, in December of 1983, defendant TAMAYO told RITA not to reveal the full extent of the sexual activities to her parents, who were not yet aware of the extent of RITA's sexual involvement with the defendant priests. (Complaint, para. 50).

Prior to the October, 1983 meeting with CRUCES, RITA met with Bishop Ward of the Church in Los Angeles, That meeting took place in July of 1983. At that meeting RITA told the Bishop that a priest had fathered her child and she gave Bishop Ward the names of some of the priests with whom she had intercourse. Bishop Ward promised RITA to investigate and then, in October of 1983, told RITA that there was nothing he could do for her. Only at that point in time did RITA lose faith in the Catholic Church. (Complaint, para. 47).

RITA contends that the acts of the defendant priests constituted batteries upon her person. By virtue of the undue influence and representations of the defendant priests acting under color of the Church, RITA was deprived of her will to refuse the defendants' advances. (Complaint, para. 52). Her faith in the Catholic Church prevented RITA from bringing suit.

(b) The Claims of RITA D. and HECTOR

In the Fourth Cause of Action, HECTOR and RITA D. allege that on numerous occasions from 1978 until January of 1980, defendant TAMAYO falsely and fraudulently induced them into giving permission for RITA to accompany TAMAYO on excursions. TAMAYO obtained such permission by representing to HECTOR and RITA D. that RITA was accompanying him to perform missionary work in convalescent hospitals. (Complaint, para. 78). In

fact, TAMAYO used those opportunities to take RITA to his brother's house, where TAMAYO engaged in sexual activity with RITA. (Complaint, para. 79). Beginning in January of 1980 TAMAYO joined by CRUCES, used the same ruse so that RITA could accompany them to TAMAYO's brother's house to engage in sexual intercourse. (Complaint, para. 80). HECTOR and RITA D., who trusted these purported men of God, did not learn of their deception until approximately December of 1983. (Complaint, para. 83, 84).

In the Fifth Cause of Action, HECTOR and RITA D. allege that in April of 1982, TAMAYO fraudulently caused HECTOR and RITA D. to give permission for RITA to go to the Philippines. TAMAYO did so by falsely representing to RITA's parents that RITA was going to the Philippines to study medicine. In reality and unbeknown to HECTOR and RITA D., RITA was pregnant at that time; the true purpose of the trip was for RITA to deliver her baby in secrecy, leave the baby in the Philippines and then return to the United States without having exposed the pregnancy or the sexual activity with the defendant priests. (Complaint, paras. 40, 88 and 90). RITA D. and HECTOR learned of RITA's pregnancy in September of 1982, whereupon RITA D. rushed to the Philippines to be at her daughter's side. (Complaint, para. 91).

As a result of the fraud and deception which TAMAYO practiced upon RITA D. and HECTOR, RITA D. and HECTOR suffered severe emotional distress and other damages. (Complaint, paras. 85 and 92). TAMAYO's fraudulent conduct took place while he acted as a priest and within the apparent

course and scope of his duties as such. Plaintiffs/appellants further allege that TAMAYO's conduct was intended to and did, in fact, directly benefit the Church and Respondent ARCHBISHOP. (Complaint, paras. 87 and 93).

In the Seventh Cause of Action, HECTOR and RITA D. claim that TAMAYO committed professional malpractice upon them. The professional relationship between HECTOR and RITA D., on one hand, and TAMAYO, on the other hand, is established by the allegations that HECTOR and RITA D. took confession with TAMAYO, placed the utmost confidence and trust in him and received personal and spiritual guidance from him. (Complaint, para. 101). TAMAYO committed professional malpractice upon his "clients", RITA D. and HECTOR, by fraudulently deceiving them in the manner described in the complaint. (Complaint, para. 102). The Seventh Cause of Action was stricken by the trial court's Minute Order of August 20, 1984 and was restated in the Second Amended Complaint due to an excusable mistake.

(c) Claims Common to all Plaintiffs

In the Sixth Cause of Action, HECTOR, RITA D. and RITA all sued the ARCHBISHOP. They allege that at the time the ARCHBISHOP assigned TAMAYO and LACAR to parishes within the jurisdiction of the ARCHBISHOP, the ARCHBISHOP knew or should have known that defendants TAMAYO and LACAR had histories of sexual misconduct of female parishioners. (Complaint, para. 91). In light of that knowledge, it was foreseeable to the ARCHBISHOP that TAMAYO and LACAR would engage in the sorts of wrongful activity alleged in the Complaint. (Complaint, para. 91). Furthermore, the assignment

of TAMAYO and LACAR to parishes exposed parishioners such as plaintiffs to unreasonable risks of the sort of misconduct that actually occurred.

3. The Causes of Action Contained in the Second Amended Complaint.

<u>Cause of Action</u>	<u>Plaintiff(s)</u>	<u>Defendant(s)</u>	<u>Claim</u>
First	RITA	The defendant priests and ARCHBISHOP	labelled "Conspiracy", actually intentional infliction of severe emotional distress
Second	RITA	The defendant priests and ARCHBISHOP	Fraud & Deceit
Third	RITA	The defendant priests and ARCHBISHOP	Professional Malpractice
Fourth	HECTOR & RITA D.	TAMAYO, CRUCES and ARCHBISHOP	Fraud & Deceit
Fifth	HECTOR & RITA D.	TAMAYO, CRUCES and ARCHBISHOP	Fraud & Deceit
Sixth	RITA, HECTOR & RITA D.	ARCHBISHOP	Negligence
Seventh	HECTOR & RITA D.	The defendant priests and ARCHBISHOP	Professional Malpractice.

C. The Orders from which this Appeal is Taken

The present appeal is taken from a Minute Order of Los Angeles Superior Court dated November 16, 1984. That order sustained the ARCHBISHOP's demurrers to various causes of action of the Second Amended Complaint without leave to amend,

thereby completely dismissing the ARCHBISHOP from this action. Since absent a successful appeal, no further proceedings may be had against the ARCHBISHOP, the order of the trial court is appealable. Bellah v. Greenson, 81 Cal.App.3d 614, 146 Cal.Rptr.535 (1978), citing California State Employees Assn. v. State of California, 32 Cal.App.3d 103, 106, fn. 1, 108 Cal.Rptr.60 (1973).

The Minute Order of November 16, 1984 sustained the ARCHBISHOP's demurrer as follows:<sup>2</sup>

(1) First, Third and Sixth Causes of Action - The ARCHBISHOP's demurrer was sustained without leave to amend on the grounds that said causes of action were barred by the one year statute of limitations (Code of Civil Procedure, section 340(3));

(2) Second, Fourth and Fifth Causes of Action - The ARCHBISHOP's demurrer was sustained without leave as to these causes of action on the grounds that no cause of action for fraud was stated against the ARCHBISHOP;

(3) Seventh Cause of Action - The Seventh Cause of Action was stricken for failure to state a cause of action.

---

<sup>2</sup> In addition, the trial court ordered plaintiffs' counsel to appear and show cause why monetary sanctions should not be imposed for the repetition of certain allegations which had been stricken by an earlier minute order dated August 20, 1984. The trial court ultimately found that the repetition of the stricken allegations was due to an excusable mistake and therefore discharged the order to show cause without imposing any sanctions. Thus, the order to show cause is not relevant to this appeal.

D. Assignments of Error by the Superior Court.

- (1) The Superior Court Erred as a Matter of Law in Ruling that the Statute of Limitations Barred the First Cause of Action.

As noted above, RITA alleges in the First Cause of Action that the defendant priests entered into a conspiracy the object of which was to perform outrageous acts and inflict severe emotional distress upon her. According to the Superior Court, the statute of limitations began to run as soon as RITA became aware of sexual activity between herself and the defendant priests and, therefore, the First Cause of Action is time barred despite any subsequent acts in furtherance of the conspiracy. This reasoning, which RITA claims to be erroneous, is evident from the following comments of the court during oral argument on the ARCHBISHOP's demurrer:

"But here I think on the other side of the case the plaintiffs run into a real problem, and that problem is that paragraph 28C says -- let's read it so we have it precisely correct as to what the object of this conspiracy is alleged to be in this respect, and it's the only paragraph to help you on the statute of limitations:

'...The object was to do everything necessary to maintain complete secrecy with respect to the sexual activities



between plaintiff Rita Milla and the defendant conspirators and each of them.'

Now, by definition then those sexual activities were not secret to plaintiff Rita Milla and she knew about them. She had to by definition, and, therefore, the wrongful conduct which is asserted cannot have been secret from her and the statute of limitations bars the action." [Transcript of November 16, 1984 hearing, page 21, lines 6-22].

In the opinion of the Superior Court, the alleged acts of the defendant priests in May, July, October and December of 1983 were not in furtherance of the original conspiracy, but were instead part of a new conspiracy. That holding of the Superior Court is reflected in the following comments of the Court at oral argument:

"I believe I'm going to stick with my tentative ruling that says if anything, this has to be a separate charge, not really within the composition of this action and maybe the subject of a new action if you have the facts. Therefore, this reason in paragraph 45 if you alleged that plaintiff Milla consulted an attorney about the whole thing that had been going on, that probably would put an effective end as a

matter of law to any conspiracy that had been going on up to that time."

[Transcript of November 16, 1984 hearing,  
p. 30, l. 4-12]

Apparently, the Superior Court was of the opinion that RITA's consultation with an attorney in approximately May of 1983 somehow operated to terminate the defendants' conspiracy. That opinion is further evidenced by the following exchange between the Court and appellants' Attorney, Mr. Goldberg:

"[By Mr. Goldberg] Let's assume,  
if I just take this hypothetical,  
Your Honor, that two people conspire  
against me and I found out about it. I  
found out that two people are out in the  
community conspiring to ruin my business  
and my reputation. And I go to a lawyer,  
and I consult that lawyer and that lawyer  
gives me advise. And the day after I con-  
sult the attorney those conspirators take  
one additional overt act in furtherance of  
their conspiracy. Does the fact that I  
consulted with a lawyer or does the fact  
that I knew about the conspiracy in any  
way affect the fact that that overt act  
has occurred?

THE COURT: I would say yes to that, Mr. Goldberg. I would think that your conspiracy is effectively over at that point."

[Transcript of November 16, 1984 hearing, p. 32, l. 16 to p. 32, l. 1]

By means of the authorities and arguments to follow, RITA will establish that the trial court's analysis of the statute of limitations issue is erroneous as a matter of law. Specifically, it will be shown (1) that the alleged acts of the defendant priests were all in furtherance of a single, continuous conspiracy, (2) that the RITA's awareness of sexual activity between herself and the defendant priests did not start the running of the statute of limitations and (3) that RITA's consultation with an attorney in May of 1983 did not terminate the conspiracy or start the running of the statute of limitations.

(2) The Superior Court Erred as a Matter of Law in Ruling that the Second, Fourth and Fifth Causes of Action Failed to State a Cause of Action upon which the ARCHBISHOP Could be Held Liable for Fraud.

On August 20, 1984, the ARCHBISHOP's demurrer to the First Amended Complaint was heard. Portions of that demurrer were addressed to the Second, Fourth and Fifth Causes of Action. In its demurrer, the ARCHBISHOP argued that those causes of action failed to state any cause of action for fraud against the

ARCHBISHOP because the pleading requirements of California Civil Code section 3294 were not met. With respect to the Second, Fourth and Fifth Causes of Action, the Superior Court ruled as follows in its Minute Order of August 20, 1984:

"Fraud Causes of Action -- The serious nature of fraud charges requires much more stringent proof, particularly against one sought to be held liable on a derivative basis. Cases such as *Mason v. Drug, Inc.*, 1939, 31, C.A.2d 697, 703 show what is required as against a corporate defendant. General demurrers sustained."

It should be noted that in its August 20, 1984 order, the Superior Court granted leave to amend these causes of action.

In the Second Amended Complaint, the allegations of the Second, Fourth and Fifth Causes of Action remained the same as they were in the First Amended Complaint. The ARCHBISHOP demurred once again to these causes of action; that demurrer was sustained without leave to amend.

In the discussion to follow, appellants will establish that the sustaining of the demurrers to the Second, Fourth and Fifth Causes of Action was erroneous. In fact, under longstanding principles of law these causes of action as set forth in both the First and Second Amended complaints clearly set forth bases for holding the ARCHBISHOP liable for the fraud and deceit of the defendant priests. Specifically, appellants will show that a principal who puts his agent or servant in a position which enables the agent, while apparently acting within his authority, to commit a fraud upon third persons is

subject to liability to such third persons for the fraud. In addition, appellants will show that facts sufficient to show foreseeability of fraud and ratification thereof after the fact have been alleged.

(3) The Superior Court Erred as a Matter of Law in Ruling that the Statute of Limitations Barred the Third and Sixth Causes of Action.

The Superior Court held that the Third and Sixth causes of action for "professional malpractice" were barred by the statute of limitations. At oral argument on November 16, 1984, the Superior Court stated the basis for its decision with respect to the Third Cause of Action:

"And, then there is one more cause of action to be talked about, the third cause of action of Rita Milla dealing with alleged professional malpractice, but there is no tolling period for that one. So there is no basis for getting around the statute of limitations."

[Transcript of November 16, 1984 hearing,  
p.22, l. 1-5]

The Court applied the same reasoning to the Sixth cause of action, as noted in the Minute Order of November 16, 1984.

Appellants will show that the ruling with respect to the Third and Sixth causes of action was erroneous. Under the facts alleged, the defendant priests stood in a fiduciary

relationship to the appellants. Thus, this case should be treated as one involving fraudulent concealment of a cause of action by the defendant priests and the accrual of the malpractice causes of action was postponed until the appellants discovered, or should have discovered, the material facts. Such discovery is itself a question of fact. Since the Second Amended Complaint alleges that the appellants did not discover the defendant priests' breaches of fiduciary duty until less than a year before the original complaint was filed, the Third and Sixth causes of action are not time barred.

(4) The Superior Court Erred as a Matter of Law in Ruling that RITA D. and HECTOR Failed to State Facts Sufficient to Constitute a Cause of Action for Professional Malpractice.

In the Minute Order which issued after the August 20, 1984 hearing on the ARCHBISHOP's demurrer to the First Amended Complaint, the Superior Court ruled as follows:

"Parents as plaintiffs -- Seventh Cause of Action -- Sustained without leave. 'Professional malpractice' may exist vis-a-vis a parishioner, for purposes of argument, but only as to acts done to that parishioner."

This ruling of the Superior Court ignores the fact that the complaint alleges a professional relationship between HECTOR and RITA D., on one hand, and TAMAYO, on the other hand. TAMAYO and his co-conspirators fraudulently deceived HECTOR and

RITA.D. into permitting RITA to accompany priests for sexual purposes and into permitting RITA to go to the Philippines.

II.

THE SECOND AMENDED COMPLAINT ALLEGES ACTS IN FURTHERANCE OF THE SECRECY ASPECT OF THE SUBJECT CONSPIRACY WHICH WERE PERFORMED WITHIN ONE YEAR OF THE FILING OF THE ORIGINAL COMPLAINT. THE TRIAL COURT ERRED IN ITS SUBJECTIVE, ARBITRARY DETERMINATION THAT THE SUBJECT CONSPIRACY TERMINATED WHEN THE DEFENDANT PRIESTS ACCOMPLISHED INTERCOURSE WITH RITA.

In the First Cause of Action, RITA seeks to recover damages caused by a tortious conspiracy which began prior to January of 1980. At that time, defendants TAMAYO and CRUCES entered into a conspiracy the objects of which were (1) to utilize the Catholic Church, their positions as priests and their confidential relationship with RITA to persuade RITA to have sexual intercourse with them and with other priests, (2) to so undermine the will of RITA and to exercise such undue influence over her as to make her have sexual intercourse with them and with other priests, and (3) to do everything necessary to maintain complete secrecy with respect to sexual activities between RITA and the defendant priests, and each of them. In furtherance of this conspiracy, beginning in January of 1980, defendants TAMAYO and CRUCES, both Catholic priests, had intercourse with RITA. Also in furtherance of the conspiracy, TAMAYO and CRUCES instructed RITA that she was not to tell

anyone what had occurred. Thereafter, the other defendant priests joined the conspiracy and proceeded to have sexual intercourse with RITA. Throughout the course of her dealings with the defendant priests, RITA was instructed that she was to maintain complete silence and secrecy with respect to what was occurring.

In March of 1982, RITA became aware that she was pregnant. She told defendant TAMAYO of her plight. As part of the conspiracy to maintain silence, TAMAYO generated a plan to send RITA to the Philippines. TAMAYO told RITA to go to the Philippines and live there in his brother's house. While in the Philippines, RITA was to give birth to her baby. She would then leave the baby behind and return to the United States without informing anyone of her pregnancy, the birth of her child or the sexual reations with the defendant priests.

RITA complied with the instructions of the defendant conspirators and went to the Philippines. While in the Philippines, she became very ill because the defendants failed to fulfill their promises of support. In approximately November of 1982, after the birth of her child, RITA returned to the United States.

After RITA's return to the United States, the defendant priests performed numerous acts in furtherance of the secrecy aspect of the conspiracy. In January of 1983, TAMAYO met with RITA and told her she was not to tell anyone what had occurred. In May of 1983, TAMAYO reiterated these instructions. Defendant TUGADE met with defendant TAMAYO and RITA in July of 1983 and the two priests again asked RITA not to reveal



anything. Thereafter, in October of 1983, RITA met with defendant CRUCES, who expressed a desire to have sexual relations with RITA at that time. CRUCES further suggested that RITA procure an apartment so that he might have sex with her in privacy. Finally, in December of 1983, TAMAYO once again told RITA not to tell anyone what had occurred. Only two months later, in early February of 1984, this action was commenced.

All of the parties and the Superior Court seem to agree on a number of the ground rules for the statute of limitations discussion. There is no controversy over the fact that a conspiracy theory has been pleaded and the rule that in conspiracy cases, the statute of limitations begins to run on the date of the "last overt act" of the conspiracy. The parties differ in their interpretations of the applicable "last overt act" in the present case. As the discussion to follow will establish, numerous overt acts in furtherance of the secrecy aspect of the conspiracy took place well within a year from the filing of the original complaint. In addition, defendant CRUCES' October 1983 proposition was in furtherance of the sexual aspect of the conspiracy.

At the trial court level, appellants and respondent cited Livett v. F.C. Financial Associates, 124 Cal.App.3d 413, 177 Cal.Rptr. 411 (1981) for the proposition that where a civil conspiracy is alleged, the applicable Statute of Limitations does not begin to run "until the 'last overt act' pursuant to the conspiracy has been completed." 124 Cal.App.3d at p. 418, 177 Cal.Rptr. at p.413. That case involved an alleged

conspiracy between a defendant bank ("Bank") and a defendant purchaser of realty ("Associates") to deprive the plaintiff of profits that the plaintiff would have received from the development of certain real property. The three-year statute of limitations for Fraud was held to apply to that case. Livett filed his original Complaint in June of 1977. The original Complaint alleged that Associates and other defendants breached a contract with him. On June 22, 1979, another Complaint was filed in which defendant Bank was alleged to have participated in a conspiracy to deprive Livett of the compensation he was to derive from the development of the realty. The defendants moved for summary judgment on the grounds that the allegations of the amended complaint were barred by the three-year statute for fraud. Summary judgment was granted and Livett appealed.

On appeal, the court stated that in order to sustain the summary judgment, the court must find "that no substantial issue of fact exists undermining the conclusion the conspiracy was completed prior to June 22, 1976 in that all "'overt acts', pursuant to the conspiracy took place before that time." Id. In Livett, supra, as in the present case, there was no dispute over the dates of significant events. "The difference in the parties' positions, therefore, is not one of dispute as to the factual history of the case, but is as to the significance of that history in terms of the definition of "'overt act' as defined in conspiracy law." 124 Cal.App.3d at p. 419, 177 Cal.Rptr. at p. 414. The court looked to People v. Zamora, 18 Cal.3d 538, 134 Cal.Rptr. 784 (1976) as the "leading case"

on criminal conspiracy. Id. Although People v. Zamora dealt with a criminal conspiracy, "its conclusions are applicable as well to a civil conspiracy." Id.

In People v. Zamora, supra, the defendants were charged and convicted with conspiracy to burn insured property with the intent to defraud the insurer. On April 10, 1968, the defendants burned a residence which was owned indirectly by defendant Zamora. No criminal indictment was issued until June 22, 1972. The defendants appealed their conviction on the grounds that the conspiracy charges were barred by the applicable three-year statute of limitations.

The court in People v. Zamora, supra, began its analysis by noting that the courts "have struggled through the years to formulate a definition for the term 'overt act'..." 18 Cal.3d at p. 549, 134 Cal.Rptr. at p. 791, fn. 8. Although "no single definition can be adequate for all conspiracy cases", Id., the court held that "'an overt act is an outward act done in pursuance of the crime and in manifestation of an intent or design, looking toward the accomplishment of the crime.' (Citations omitted)" Id. Further, defining the term "overt act", the court in People v. Zamora, supra, quoted the case of Lonabaugh v. United States, 179 F.476 (8th Cir. 1910) for the following proposition, which is directly applicable to the case now before the court:

"It is not enough for the conspiracy to be directed to the attainment of some unlawful object, or to the attainment of some lawful object by unlawful means; it must be directed to the attainment of one of the objects specified." (Quoted at 18 Cal.3d, p. 549, 134 Cal.Rptr. at p. 791.)

Having thus defined the critical term, the People v. Zamora court framed the issue before it as follows:

"Simply stated, the crucial question is: Can acts of concealment committed by conspirators subsequent to the completion of the substantive offense which is the object of the conspiracy be construed as overt acts in furtherance of the conspiracy so as to delay the commencement of the running of the limitation period?"

18 Cal.3d at p. 551, 134 Cal.Rptr. at p.793.

The prosecution argued that certain attempts in late December of 1970 or early January of 1971 by the arsonist to obtain payment from defendant Zamora for the arsonist's participation in the scheme were "overt acts" in furtherance of the conspiracy. The arsonist attempted to obtain funds from Zamora through a third defendant named Saling. It was necessary for the arsonist to go through Saling in order to conceal Zamora's involvement in the scheme.

The Zamora court actually faced two separate conspiratorial agreements. The first agreement was, of course, to torch the residence in question. Some two years after the residence was burned and the insurance proceeds were received, there was another agreement made in an effort to conceal the underlying plan. Clearly, the initial conspiracy was completed when the conspirators received the last insurance payment. "The conspiracy to commit grand theft was complete with receipt of the last insurance payment on September 16, 1968." 18 Cal.3d at p. 560, 134 Cal.Rptr. at p. 799. Thus, the court further narrowed its inquiry, asking:

"[C]an such an explicit agreement to conceal extend the duration of the conspiracy and thereby forestall commencement of the running of the limitation?" 18 Cal.3d at p.555, 134 Cal.Rptr. at p. 795.

The court held that acts by the conspirators which occurred subsequent to the accomplishment of the primary objective of the conspiracy could not, under the facts presented therein, be deemed to be overt acts in furtherance of that conspiracy.

"We conclude accordingly that acts committed by conspirators subsequent to completion of the crime which is the primary object of a conspiracy cannot be deemed to be overt acts in furtherance of that conspiracy. Consequently, upon success-

ful attainment of the substantive offense which is the primary object of the conspiracy, the period of limitations for the conspiracy begins to run at the same time as for the substantive offense itself." 18 Cal.3d at p.560, 134 Cal. Rptr. at p. 798.

Plainly, the facts in People v. Zamora, supra, are distinguishable from the facts in the present case. In that case, the substantive offense was completed when the last insurance payment was received in 1968. The agreement two years later to take actions to conceal the earlier crime was obviously not a part of the earlier conspiracy. Thus, according to the ruling of the court, a later conspiracy related to an earlier conspiracy will not operate to extend the statute of limitations with respect to the earlier conspiracy.

While the court in Livett v. F.C. Financial Associates, supra, referred to People v. Zamora as the "leading case" on the subject of Statutes of Limitation in conspiracy settings, that court also found the case of People v. Williams, 97 Cal.App.3d 382, 158 Cal.Rptr.778 (1979) to be "more instructive for our purposes". 124 Cal.App. at 420, 177 Cal.Rptr. at 414. As the discussion to follow will establish, People v. Williams, supra, should control in the present case.

In People v. Williams, supra, defendant Wood was a claims manager for an insurance company. He therefore had access to a confidential insurance investigation file on the claim of Joan Walker, who had sustained catastrophic brain damage while

receiving medical treatment in a hospital. Wood sold a copy of the file to attorneys Cheren & Goldberg. They, in turn, associated defendant attorney Williams into the case because of Williams' experience as a malpractice attorney. Throughout the preparation of the Walker case for trial, attorneys Cheren, Goldberg and Williams consulted the confidential insurance file which had been sold to them by Wood. The attorneys then negotiated a large settlement, pursuant to which they received \$445,000 as attorneys fees and costs. That payment was received by a check dated October 28, 1974. Thereafter, in January of 1975, Wood demanded an additional payment of money for the confidential file that he had obtained. Attorney Cheren made that payment and gave Wood a written acknowledgment thereof.

On February 17, 1977, a grand jury indictment was returned against Cheren, Goldberg, Williams and Wood charging them with various offenses, including concealment of stolen property. The stolen property in question consisted of the purloined insurance file. The defendants demurred to the indictment on the grounds that it was barred by the statute of limitations. The trial court sustained the demurrer and the prosecution appealed. On appeal, the defendants argued that the conspiracy ended on October 28, 1974, the date that the defendant attorneys received their attorneys' fees. They therefore argued that any subsequent acts were not committed in furtherance of the conspiracy.

Turning to the merits, the court in People v. Williams, supra, noted that for purposes of the statute of limitations,

a conspiracy terminates upon the completion of its primary object. The court cited People v. Zamora, supra, for the proposition that the "primary object" of a conspiracy refers to the substantive offense which the conspirators agree to commit. 97 Cal.App.3d at p. 389, 158 Cal.Rptr. at p. 781-782. In People v. Williams, supra, the substantive offense with which the defendants were charged was the concealment of stolen property. Thus, the receipt of attorneys fees did not as a matter of law terminate the conspiracy to conceal.

"We cannot agree that such settlement necessarily terminated the conspiracy to conceal stolen property. That conspiracy terminated when the crime of concealment terminated."

97 Cal.App.3d at p.390, 158 Cal.Rptr. at p.782.

It was held that since the January , 1975 payment from Cheren to Wood may have been in furtherance of the conspiracy to conceal, the indictment stated sufficient facts.

As noted above, the court in Livett v. F.C. Financial Associates, supra, reviewed both People v. Zamora, supra, and People v. Williams, supra, before holding that People v. Williams, supra, was the controlling authority upon the facts alleged therein. Applying People v. Williams, supra, the court in Livett v. F.C. Financial Associates, supra, noted that the conspiracy in question was not only to destroy Livett's contractual expectancies, but also to conceal the actions of the defendants. In the words of the Livett court:

"We rule that the ratio decidendi of Williams has more application to the instant



case than that in Zamora. The thrust of plaintiff's case, giving it all permissible favorable inferences as must be done on summary judgment motion, is that the several defendants conspired to destroy Livett's contractual beneficial expectancies not only by terminating his contract, but by a series of other clandestine actions designed to mislead Livett as to the basis and motivations for the termination. Accepting plaintiff's theory of the case ... the secret agreement between Bank and First City was an integral part of the fraud by which the Sawyers' and Livett's interests in the realty were destroyed. The purpose of the conspiracy was to prevent those formerly interested in the realty from knowing that the purchasing group...continued as practical owners of the realty even after the foreclosure sale, so that the ultimate disposition of the realty for the benefit of this group would not be questioned by those former owners. On this theory, the continued transaction of various items of business relating to the realty by Bank as title holder for the benefit of First City where "'overt acts', as were the creation and indirect financing of the

ultimate purchaser, Lexington. If the conspiracy be deemed not only a plan to remove it from the property, but also to package and dispose of the property in a manner so as to avoid alerting Livett to the substantive of the transaction, the conspiracy becomes a conspiracy to conceal."

124 Cal.App.3d at p.420-421, 177 Cal.Rptr.

at p. 415. (emphasis added).

Because these issues were brought before the court in a summary judgment setting, the Court of Appeals declined to resolve whether there actually was a conspiracy to conceal. The questions of fact presented as to the nature and scope of the conspiracy were deemed sufficient to warrant reversal of the summary judgment. 124 Cal.App.3d at p.421, 177 Cal.Rptr. at p.415.

A reading of the Second Amended Complaint in the case now before the Court of Appeals reveals that a conspiracy to conceal is clearly alleged. Unlike the conspiracy in People v. Zamora, supra, the conspiracy in the present case included a conspiracy to conceal from the outset. And, in furtherance of the conspiracy to conceal, the defendant priests concertedly abused fiduciary relations with RITA and otherwise misused the color of their offices so as to manipulate RITA into not divulging the sexual conduct that had taken place. Thus, the actions of the defendant priests in instructing RITA not to disclose what had occurred up to and including December of 1983

were all "overt acts" in furtherance of the concealment aspect of the conspiracy. Such actions fall well within the statutory period.

Once again, appellants must stress that this is a general demurrer setting. The allegations of the complaint must be accepted as true. Where the complaint alleges that the original underlying conspiracy included a concealment aspect and further alleges acts in furtherance of the concealment aspect up to and including December of 1983, a cause of action was clearly stated. RITA's ability to prove her conspiracy allegations which were verified, does not concern the court.

It is further respectfully submitted that the trial court's assumption that there were two separate conspiracies, the first one having terminated when RITA consulted an attorney in about May of 1983, is arbitrary and unjustified. The fact that RITA may have spoken to an attorney does not in any way affect the agreement among the defendant priests to manipulate RITA. Nor did RITA's conversation with the attorney cause the defendant priests to cease trying to manipulate RITA. Furthermore, RITA's conversation with an attorney did not necessarily mean that the defendant priests had lost the ability to manipulate RITA. For these reasons, the trial court's ruling was erroneous.

Similarly, the fact that RITA was aware of the sexual relations between herself and the defendant priests did not start the running of the statute of limitations. The crux of the complaint is that the defendant priests sought to conceal their misconduct from the outside world. Thus, acts designed to conceal the sexual relations and/or RITA's pregnancy from the

outside world were in furtherance of the conspiracy. In the meanwhile, RITA was duped into believing that the sexual relations were morally and ethically permissible and not otherwise harmful.

For all of these reasons, the ruling of the Superior Court was erroneous.

III.

BASED UPON RECOGNIZED PRINCIPLES OF AGENCY LAW,  
THE ARCHBISHOP MAY BE HELD LEGALLY RESPONSIBLE  
FOR THE FRAUD AND DECEIT PRACTICED BY THE  
DEFENDANT PRIESTS UPON RITA, RITA D. AND HECTOR.  
THE TRIAL COURT THEREFORE ERRED IN SUSTAINING  
THE ARCHBISHOP'S DEMURRER TO THE SECOND, FOURTH  
AND FIFTH CAUSES OF ACTION.

There are a number of longstanding principles of law under which the ARCHBISHOP may be held liable for the frauds practiced upon the appellants by the defendant priests. By means of the discussion to follow, appellants will set forth and apply those principles to the present case. Upon proper application of the relevant principles, it is clear that the sustaining of the ARCHBISHOP's demurrer to the Second, Fourth and Fifth causes of action was erroneous.

Section 261 of the Restatement of Agency 2d provides as follows:

"A principal who puts a servant or other agent in a position which enables the agent, while apparently acting within his authority, to commit a fraud upon third persons is subject to liability to such third persons for the fraud."

This provision has been adopted as the law of this state.

Alkins v. Starr, 112 Cal.App.3d 158, 169 Cal.Rptr.136 (1980), Spahn v. Guild Industries Corp., 94 Cal.App.3d 143, 156 Cal.Rptr.375 (1979), Nuffer v. Insurance Company of North America, 236 Cal.App.2d 349, 45 Cal.Rptr.918 (1965).

In Bowman v. Home Life Insurance Company of America, 243 F.2d 331 (3rd Cir. 1957), Section 261 was applied to impose liability upon an employer under circumstances analogous to those in the present case. The defendant insurance company employed Bruno as a field underwriter. His job was to receive insurance application cards from potential customers and then call upon the applicants to determine whether the risk involved in insuring those persons was appropriate for his company to assume. As part of his job, Bruno was to take each insurance applicant's complete medical history.

Bruno purchased a bag which resembled a doctor's kit and called upon the plaintiff, Mrs. Bowman. He stated that he was a doctor sent by the defendant insurance company and proceeded to conduct intimate examinations of Mrs. Bowman and her daughter. During the examination, he consulted the Bowman's application cards. Thereafter, the physician actually employed by the insurance company called upon the Bowmans and the deceit

of the field underwriter was discovered. Mrs. Bowman and her daughter then sued the defendant insurance company, claiming physical injuries as a result of Bruno's tortious conduct.

The sole question on appeal was whether the insurance company could be liable for Bruno's intentional torts. As controlling authority, the court turned to Restatement of Agency 2d, Section 261, supra, and Section 262, which provides:

"A person who otherwise would be liable to another for the misrepresentations of one apparently acting for him, under the rule stated in §261, is not relieved from liability by the fact that the apparent agent acts entirely for his own purposes, unless the other side has notice of it."

It was held that the facts presented fell under Sections 261 and 262 and that the insurance company was therefore liable. By providing the application cards to Bruno, the insurance company provided him with apparent authority to ask a good many questions. The deceit which he perpetrated was held to be "the kind of deceit which was well within the insignia of office with which he had been clothed." 243 F.2d at 334. The fact that Bruno's fraud consisted of tortious touching, rather than the procurement of money, was held to be "not important". Id.

The facts in the present case are quite analogous to those in Bowman, supra. In the present case, the defendant priests represented to RITA that the sexual activity was "ethically and religiously permissible" (Complaint, para. 30), that by engaging in intercourse "she would be helping [the priests] and

herself" and that such intercourse "would not in any way interfere with her mental well-being ..." (Complaint, para. 69). The false representations made to RITA D. and HECTOR were also made "within the insignia of office" with which the ARCHBISHOP had "clothed" the priests. Bowman v. Home Life Insurance Company of America, supra. It follows that under Sections 261 and 262 of the Restatement, which have been adopted in California, the ARCHBISHOP is liable for the torts of the defendant priests.

There exists a compelling analogy between the overreaching of the defendant priests in this case and the case of a therapist who misuses his position to gain sexual favors from a patient. In the therapist-patient area, entities that employ the offending therapists have been held liable for the offensive conduct. By the same analogy, it follows that the ARCHBISHOP should be liable in the present case.

In Marston v. Minneapolis Clinic of Psychiatry and Neurology, Ltd., 329 N.W.2d 306 (Sup.Ct.Minn.1982), the defendant psychologist, employed by the defendant clinic, misused his position to engage in sexual touching with the plaintiffs. Addressing the issue of the clinic's liability, the Supreme Court of Minnesota held as follows:

"Dr. Nuernberger, however, did act intentionally. In his relations with his patients, he intentionally departed from the standards of his profession, not, it is true, to cause harm to the two patients, but rather to confer a personal benefit on himself. This does not

appear to be a case of a mutual infatuation; rather it seems to be one where it is shown that the doctor imposes his personal, improper designs on the patient in a professional setting and--as some of the evidence suggests--the patients submits to the advances because of the very mental and emotional problems for which she is being professionally treated, thereby exacerbating these problems. In such a case, a jury might find that the employee's conduct is so related to the employment that the employer may be vicariously liable." 329 N.W.2d at 310-311.

The above quoted language should be applicable to the present case as well. Here, the essence of the worshipper-clergyman relationship between RITA and the defendant priests was perverted into the device whereby the priests imposed their designs upon her. Similarly, the priests misused their positions to dupe HECTOR and RITA D. As held in Marston, supra, the motivation of the employee/agent/servant is irrelevant. 329 N.W. 2d at 311. Where the conduct is so related to employment that a jury might find vicarious liability on the part of the employer, a general demurrer should be overruled. See, also, Andrews v. United States, 549 F.Supp. 603 (Dist. S.C. 1982).

Employers have also been held liable for the sexual assaults of their employees in the area of employment



discrimination ("Title VII"). The rationale for imposing liability in the employment setting applies equally well to the present case, as will be explained.

In Henson v. City of Dundee, 632 F. 2d 897 (11th Cir. 1982), the plaintiff, a female employee of the defendant city, was subjected to sexual harassment by her supervisor. He supervisor threatened her job security and employment advancement if she did not consent to sexual relations with him. Ultimately, the plaintiff resigned and sued her employer under Title VII. The trial court dismissed her claims and the plaintiff appealed.

On appeal, the Eleventh Circuit addressed the issue of the city's liability for the sexual harassment committed by the plaintiff's supervisor. Based upon Restatement of Agency 2d, Section 219(2)(d), the court found that the defendant city could be held liable for the wrongs of the supervisor. Section 219(2)(d) provides that an employer is subject to liability for the torts of its servants outside the scope of their employment where:

"the servant ... was aided in accomplishing the tort by the existence of the agency relation."

Citing Section 219(2)(d), the court held:

"The typical case of quid pro quo sexual harassment is fundamentally different. In such a case, the supervisor relies upon his apparent or actual authority

to extort sexual consideration from an employee. Therein lies the quid pro quo. In that case the supervisor uses the means furnished to him by the employer to accomplish the prohibited purpose. He acts within the scope of his apparent authority to 'hire, fire, discipline or promote'. (citations omitted) Because the supervisor is acting within at least the apparent scope of the authority entrusted to him by the employer when he makes employment decisions, his conduct can fairly be imputed to the source of his authority." 682 F.2d at 910.

The rationale in Henson v. City of Dundee, supra, is applicable to the present case. It is of course outside the scope of a priest's normal duties to have sex with parishioners. Nevertheless, a priest may use the "means furnished him by the employer", Henson v. City of Dundee, supra, to cause a parishioner to have sex with him or to commit other torts upon parishioners. To the extent that a priest uses his priestly position of trust, superiority and confidence to commit torts upon parishioners, the priest was "aided in accomplishing the tort by existing of the agency relation", Restatement of Agency, 2d, Section 219(2)(d), and his employer should be held liable.

The fact that the defendant priests accomplished their objectives by misusing the apparent authority of the Church

cannot be overemphasized. But for the powers and apparent authority which the ARCHBISHOP conveyed upon the priests, the torts complained of herein could not have taken place. On the basis of the foregoing, it is respectfully submitted that the ARCHBISHOP may be held liable for plaintiffs' damages.

Moreover, it is alleged that the ARCHBISHOP had knowledge of sexual improprieties by TAMAYO and LACAR with other parishioners prior to the events complained of in the Second Amended Complaint [Second Amended Complaint, paras. 21 and 96]. Such knowledge on the part of the ARCHBISHOP that some of the defendant priests were unfit to serve in that capacity, coupled with the fact that the priests were placed by the ARCHBISHOP in positions which enabled the priests to take advantage of RITA, suffice to establish the liability of the ARCHBISHOP for fraud and, consequently, for punitive damages. California Civil Code, section 3294. See, also, Hale v. Farmers Insurance Exchange, 42 Cal.App.3d 681, 117 Cal.Rptr. 146 (1975), wherein the Court of Appeal held that California "follows the rule laid down in Restatement Torts, section 909, which provides punitive damages can properly be awarded against a principal because of an act by the agent if, but only if... (b) the agent was unfit and the principal was reckless in employing him." 42 Cal.App.3d at p.691, 117 Cal.Rptr.at p. 157.

Finally, it is respectfully submitted that facts have been pled from which a finding of ratification by the ARCHBISHOP could be established. It is well settled that ratification may consist of "mere failure to discharge the agent when the

challenged act comes to the attention of the principal." Holland v. Nelson, 5 Cal.App.3d 308, 85 Cal.Rptr.117 (1970). See, also, Sandoval v. Southern California Enterprises, 98 Cal.App.2d 240 (1950), McChristian v. Popkin 75 Cal.App.2d 249 (1949). In the present case, plaintiffs have alleged that RITA told Bishop John Ward, not a defendant, of her plight after she had returned from the Philippines. Bishop Ward did nothing. (Complaint, para.45). The failure of Bishop Ward to either discharge the priests or repudiate their actions may, under the authorities cited above constitute ratification. Such ratification would impose liability upon the ARCHBISHOP. Civil Code, section 3294, Hale v. Farmers Insurance Exchange, supra.

For all of these reasons, appellants respectfully submit that the sustaining of the ARCHBISHOP's demurrers to the Second, Fourth and Fifth Causes of Action was erroneous.

#### IV.

THE CONFIDENTIAL RELATIONS WHICH EXISTED  
BETWEEN THE DEFENDANT PRIESTS, ON ONE HAND,  
AND APPELLANTS, ON THE OTHER HAND, TOLLED  
THE STATUTE OF LIMITATIONS WITH RESPECT TO  
THE PROFESSIONAL MALPRACTICE CLAIMS. FOR THIS  
REASON, THE TRIAL COURT ERRED IN RULING THAT  
THE THIRD AND SIXTH CAUSES OF ACTION WERE TIME  
BARRED.

The Superior Court was of the opinion that no fact or

factor tolled the statute of limitations with respect to the professional malpractice claims set forth in the Third and Sixth Causes of Action. Appellants contend that the Superior Court overlooked the fact that the professional relationship between the defendant priests, on one hand, and the appellants, on the other hand, by its nature imposed a high degree of trust and fiduciary responsibility upon the defendant priests. That relationship is analogous to the relationship between an attorney and his client. The effect of such a relationship upon the statute of limitations was extensively analyzed in Neel v. Magana, Olney, Levy, Cathcart & Gelfand, 6 Cal.3d 176, 98 Cal.Rptr.837 (1971). In that case, the plaintiff sued the defendant law firm for legal malpractice. The defendant firm had negligently permitted an action filed on behalf of the plaintiff to be dismissed for failure to serve summons within three years. Thereafter, the defendants falsely represented that the suit in question was still pending.

The underlying suit was filed on May 25, 1962. On December 10, 1965, the court dismissed the underlying suit. Plaintiff's malpractice action was not filed until August 13, 1968.

The defendants filed a motion for summary judgment on the grounds that the malpractice action was barred by the two year period of limitations set forth in California Code of Civil Procedure §339. In their motion, they argued that plaintiff's malpractice cause of action accrued on May 25, 1965, which was the last day for service of the complaint in the underlying

action. According to the defendants, the malpractice action was barred as of May 25, 1967, two years later.

In reversing of the granting of summary judgment, the California Supreme Court sampled the accrual rules applicable to various types of malpractice actions. After exhaustively reviewing California precedent in the area of professional malpractice, the court held that in such cases the period of limitations is to be postponed until the malpractice is discovered.

In so holding, the court was motivated in part by the fiduciary relationship which exists between attorney and client. That relationship "embraces the obligation to render a full and fair disclosure to the beneficiary of all facts which materially affect his rights and interests." 6 Cal.3d at page 188-189, 98 Cal.Rptr. at page 844-845. Citing the earlier case of Amen v. Merced County Title Co., 58 Cal.2d 528, 25 Cal.Rptr.65 (1962), the Neel court held that "cases in which the defendant stands in a fiduciary relationship to the plaintiff are frequently treated as if they involved fraudulent concealment of the cause of action by the defendant." 6 Cal.3d at page 189, 98 Cal.Rptr. at page 845. Underlying this holding is the notion that the fiduciary has a duty to make full disclosure. Id. Thus, the fact that a client lacks awareness of a practitioner's malpractice implies, in many cases, a second breach of duty by the fiduciary, namely, a failure to disclose material facts to this client. "Postponement of accrual of the cause of action until the client discovers, or should discover, the material facts in issue vindicates the

fiduciary duty of full disclosure..." Id. Moreover, the Supreme Court recognized that "these reasons for delayed accrual of action for malpractice apply as much to the legal profession as to others." Id.

The rationales underlying the opinion of the Supreme Court in Neel v. Magana, Olney, Levy, Cathcart & Gelfand, supra, are applicable in the present case. The Second Amended Complaint reveals relations marked by the utmost confidence and trust between the appellants and the defendant priests. All of the appellants took confession from the defendant priests and received spiritual counseling from them. RITA's trust in them was so complete that her own will power became completely subjected to their wishes. Plainly, fiduciary relations of the highest degree existed between appellants and the defendant priests.

Those fiduciary relations imposed a duty upon the defendant priests to disclose the wrongfulness of the sexual activities to the appellants. Instead of making such disclosures, however, the defendant priests advised RITA that "it was morally and ethically permissible for her to have sexual intercourse with them and with other Catholic priests, that by doing so that she would be helping them and helping herself, that such intercourse would not in any way interfere with her mental well-being, her religious beliefs or with her relationship to the Church, and that it would be desirous for her to have intercourse with them and with other priests." [Second Amended Complaint, para. 69]. The representations and urgings of the defendant priests undermined RITA's ability

to act until July 1983 at the earliest. [Second Amended Complaint, para. 73]

Since a worshiper looks to a priest for guidance in much the same way as a client looks to an attorney or a patient looks to a doctor, the interests of fairness require that the discovery rule announced in Neel v. Magana, Olney, Levy, Cathcart & Gelfand, supra, apply in the present case. Thus, the failure of the defendant priests to disclose material facts should be treated as a fraudulent concealment of a cause of action. Neel v. Magana, Olney, Levy, Cathcart & Gelfand, supra. Applying that rule to the facts now before the court, appellants' causes of action would accrue no earlier than July of 1983. Since the original complaint herein was filed within one year of July, 1983, the demurrer should have been overruled.

It is also, respectively submitted that the ARCHBISHOP is, on the basis of the facts alleged in the Second Amended Complaint, estopped to plead the statute of limitations. The estoppel arises out of the very nature of the underlying conspiracy and the actions of the defendants in furtherance of that conspiracy. In Mills v. Mills, 147 Cal.App.2d 107, 305 P.2d 61 (1956), the applicable estoppel principles were set forth:

"The doctrine of equitable estoppel may be invoked to prevent a defendant from relying on the statute of limitations. When a defendant who sets up the statute has previously by fraud or any violation of duty to the plaintiff caused him to



subject his claim to the statutory bar, he must be charged with having wrongfully obtained an advantage which the courts will not allow him to hold. (citations omitted) Thus it has been held that a defendant may be estopped to plead limitations where he had induced inaction on the part of the plaintiff by his false representations or fraudulent concealment. (citations omitted)..."

305 P.2d at page 69.

The grounds for estoppel mentioned in Mills v. Mills, supra, are undoubtedly present in the Second Amended Complaint herein. The very object of the conspiracy in question was to subjugate RITA's will and to maintain secrecy as to the sexual activities. Because of RITA's devotion to the Church and trust in the defendant priests, she refrained from acting until after her July 1983 meeting with Bishop Ward. Prior to July of 1983, she was still under the undue influence of the defendant priests. Having themselves created the situation whereby the appellants would not act to protect their own rights, the defendants and the ARCHBISHOP, their employer, should not be permitted to profit from that situation. This court should not sanction the unfair advantage which the defendants, through their subjugation of the plaintiff's wills, obtained. It should therefore be held that the defendant priests and the ARCHBISHOP are estopped to assert the statute.

Appellants further respectfully submit that the question

of estoppel is itself a question of fact, not of law. Mills v. Mills, 305 P 2d at page 70. As such, it would be inappropriate for the court to hold as a matter of law that no estoppel is present when this case is only at the demurrer stage. For this reason alone, the demurrer should have been overruled.

V.

DEFENDANT TAMAYO IS ALLEGED TO HAVE ACTED IN A PROFESSIONAL CAPACITY TOWARD HECTOR AND RITA D. THE TRIAL COURT THEREFORE ERRED IN RULING THAT HECTOR AND RITA D. FAILED TO STATE A CAUSE OF ACTION FOR PROFESSIONAL MALPRACTICE.

In its Minute Order of August 20, 1984, the Superior Court sustained without leave the ARCHBISHOP's demurrer to the Seventh Cause of Action on the grounds that HECTOR and RITA D. could not recover for wrongful acts committed against RITA. Appellants respectfully submit that the ruling of the Superior Court is erroneous because it ignores the allegations by HECTOR and RITA D. that a separate professional relationship existed between each of them and defendant TAMAYO. HECTOR and RITA D. seek recovery for damages caused to them in their own right by TAMAYO.

Specifically, HECTOR and RITA D. allege that TAMAYO acted as their personal and spiritual guide and that they took confession with him (paragraph 106). The Seventh Cause of Action is based upon the fact that TAMAYO wrongfully utilized his professional position in order to induce HECTOR and RITA D. (1) to permit RITA to accompany TAMAYO and other priests on occasions when the defendant priests wished to engage in sexual

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing \_\_\_\_\_ and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am  an officer  a partner \_\_\_\_\_ of \_\_\_\_\_

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in it are true.

I am one of the attorneys for \_\_\_\_\_ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in it are true.

Executed on \_\_\_\_\_ 19\_\_\_\_ at \_\_\_\_\_ California.

I declare under penalty of perjury that the foregoing is true and correct.

(NOTARIZATION NEEDED ONLY WHEN EXECUTED OUTSIDE CALIFORNIA)

\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for said County and State

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT

(other than summons and complaint)

Received copy of document described as \_\_\_\_\_

on \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(Signature)

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of \_\_\_\_\_ Los Angeles \_\_\_\_\_ State of California.

I am over the age of 18 and not a party to the within action; my business address is:

6380 Wilshire Blvd. #1404, Los Angeles, CA 90048

On March 27 19 86 I served the foregoing document described as Appellants' Opening Brief

on \_\_\_\_\_ interested parties

~~in this county, postage thereon fully prepaid, to be placed in the United States mail at \_\_\_\_\_ California.~~

addressed as follows:

Morgan, Wenzel & McNicholas, 1545 Wilshire Blvd. #800,  
Los Angeles, CA 90017

Hon. John Cole, Judge of the Los Angeles Superior Court  
111 N. Hill Street, Los Angeles, CA 90012

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at \_\_\_\_\_ California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on March 27 19 86 at Los Angeles California.

(State)  (Federal) I declare under penalty of perjury that the above is true and correct.

*Phyllis Levine*  
(Signature)

Phyllis Levine



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

COPY  
CONFIDENTIAL

M E M O R A N D U M

TO: MOST REVEREND ARCHBISHOP ROGER MAHONY  
FROM: Jose Debasa  
DATE: April 3, 1986  
SUBJECT: REDACTED v. Tamayo/Legal Case

=====

Enclosed is copy of letter from John P. McNicholas regarding the above referenced subject. I have given Msgr. Thomas J. Curry the plaintiffs-appellants' opening brief for this review.

In a nut-shell, this action for compensatory and punitive damages was brought by REDACTED, by her mother, REDACTED, and by her father, REDACTED against seven Filipino priests for their alleged seduction of REDACTED (the daughter) over a period of years dating back to 1978 when she was sixteen. The Roman Catholic Archbishop is also named as responsible superior of the seven priests and for negligently assigning them to their respective parishes.

It seems that based on the gravity of the case, some very basic policy decisions should be made. Would you like to meet with our lawyer, John P. McNicholas on this matter?

lc  
Encl.

cc: Msgr. Thomas J. Curry

FILE



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
~~XXXXXXXXXX~~

OFFICE OF IN-HOUSE COUNSEL  
(213) 251-3511

MEMORANDUM

TO: WESTERN DIOCESAN ATTORNEYS AND  
MR. JOHN LIEKWEG, ACTING GENERAL COUNSEL  
OFFICE OF GENERAL COUNSEL  
UNITED STATES CATHOLIC CONFERENCE

FROM: SISTER JUDY MURPHY *SJM*  
IN-HOUSE COUNSEL *est*

DATE: DECEMBER 23, 1986

SUBJECT: REDACTED VS. TAMAYO

Enclosed for your information is the decision rendered by the California Court of Appeal, Second Appellate District, in regard to the above-referenced case. The Court of Appeal affirmed the order of the Superior Court, which order sustained the Demurrer of the Roman Catholic Archbishop of Los Angeles.

SJM:dsh

Enclosure

cc: Archbishop Roger Mahony ✓

LAARCH 014401

COURT OF APPEAL  
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT  
CLAY ROBBINS, JR., CLERK

DIVISION: 1 DATE: 12/19/86

Morgan, Wenzel & Mc Nicholas  
Morgan Wenzel & Mc Nicholas  
1545 Wishhire Blvd.  
Suite 800  
Los Angeles, CA 90017

3009259

RECEIVED

DEC 19 1986

MORGAN, WENZEL &  
McNICHOLAS

RE: Milla, Rita and Hector  
vs.  
Tamayo, Father Santiago

2 Civil 3009259  
Los Angeles No. C485488

CERTIFIED FOR PUBLICATION  
 IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
 SECOND APPELLATE DISTRICT  
 DIVISION ONE

RITA MILLA, RITA D. MILLA, )  
 and HECTOR RICHARD MILLA, )  
 )  
 Plaintiffs and )  
 Appellants, )  
 )  
 v. )  
 )  
 FATHER SANTIAGO TAMAYO; )  
 FATHER ANGEL CRUCES; FATHER )  
 HENRY CABOANG; FATHER RUBIN )  
 ABAYA; FATHER SYLVIO LACAR; )  
 FATHER VICTOR BALBIN; FATHER )  
 VALENTINE TUGADE; LOS )  
 ANGELES ARCHDIOCESE OF THE )  
 CATHOLIC CHURCH, DOES 1 )  
 through 50, inclusive, )  
 )  
 Defendants and )  
 Respondents. )

2 Civ. No. B009259  
 (Super. Ct. No. C485488)

COUNTY OF SHERMAN COUNTY  
**FILED**  
 DEC 18 1996  
 CLAY ROBBINS, JR. Clerk  
 Deputy Clerk

APPEAL from an order of the Superior Court of Los Angeles County. John L. Cole, Judge. Affirmed.

Allred, Maroko, Goldberg & Ribakoff, Gloria Allred and John S. West for Plaintiffs and Appellants.

Morgan, Wenzel & McNicholas and John P. McNicholas for Defendant and Respondent Roman Catholic Archbishop of Los Angeles.

## I

INTRODUCTION

Plaintiffs/appellants appeal from an order of the Los Angeles County Superior Court, dated November 16, 1984, sustaining the demurrer of respondent, the Roman Catholic Archbishop of Los Angeles, a corporation, to plaintiffs' second amended complaint without leave to amend. Although a judgment of dismissal was not entered until November 20, 1986, the appeal is deemed proper and timely filed by this court.

## II

FACTS

In appellants' verified "second amended complaint for civil conspiracy; for negligence; for fraud and deceit; for professional malpractice deceit; and for clergy malpractice," seven causes of action are alleged based upon facts pled which can be summarized as follows:

Appellants, Rita Milla (a 16-year-old girl allegedly seduced by priests), Rita D. Milla (mother of Rita), and Hector Richard Milla (father of Rita), were aggrieved when priests of the Roman Catholic Church, of the Archdiocese of Los Angeles, were alleged to have entered into a conspiracy to have sexual intercourse with Rita, caused her to become pregnant, and



secreted her off to the Phillipine islands to have a baby which resulted in Rita's neglect, malnutrition and illness. The Archbishop of the Los Angeles Archdiocese of Los Angeles, a corporation sole, is named as a defendant in each cause of action on the theory of respondeat superior.

A summary of the operative facts as gleaned from the verified "second amended complaint," which this court accepts as being properly pled and the facts therein deemed admitted by the demurrer, and thereby admitted for purposes of this appeal (Thompson v. County of Alameda (1980) 27 Cal.3d 741, 746), are as follows: Rita was 16 years old, a devout Roman Catholic and attended the St. Philomena Church in Carson, California. She engaged in church activities and was desirous of becoming a nun.

Rita admired and respected her parish priests (Tamayo and Cruces).<sup>1/</sup> Both priests heard Rita's confessions.

While still 16, Rita received sexual advances from one of the priests which took the form of physical touching in the confessional booth and also in the home of a relative of the priest.

---

<sup>1/</sup> The seven defendant priests are not parties to this appeal. Apparently, "service" was never perfected on the defendant priests. Respondent Archbishop is the only defendant involved in this appeal.

The parish priests, prior to the month of January 1980, formed a conspiracy with the objective of utilizing their positions as priests and their confidential relationship with Rita to entice her to have sexual intercourse with them and with other priests. The conspiracy was formed with the intent to undermine Rita's will by exercising undue influence over her, and to convince her to maintain complete silence with respect to the planned sexual activities. The conspiracy was furthered by the parish priests by persuading Rita to have sexual intercourse with them in the month of January 1980, accompanied by the admonishment to her not to tell anyone what had occurred.

Rita had sexual intercourse with the parish priests after having been told by them that the acts were ethically and religiously permissible.

During and after January of 1980, the parish priests had regular sexual intercourse with Rita. Then other priests (Abaya and Caboang) joined the conspiracy by having intercourse with Rita at a hotel. Other priests (Lacar and Balbin) joined the conspiracy and had intercourse with Rita and finally, a priest, by the name of Tugade, joined the conspiracy by having intercourse with Rita.

The acts of sexual intercourse continued until March 1982, with Rita being admonished by the priests to maintain

complete silence and secrecy.

In March of 1982, Rita became aware that she was pregnant. Parish priest, Tamayo, devised a plan in furtherance of the secrecy aspect of the conspiracy to secretly transport Rita to the home of his brother in the Phillipine Islands where she could have her baby in secrecy, and with the promise that the parish priest would send money to the Phillipines to aid Rita.

Priests Caboang and Lacar bought tickets for Rita to the Phillipines and arranged a passport. Rita's mother and father were told by Tamayo that Rita was going to the Phillipines to study medicine.

In furtherance of the wishes of the conspirators, Rita went to the Phillipines in April of 1982, where she told Bishop Abaya that the father of her unborn child was a priest. Abaya told Rita to keep the secret and he would help her upon his return to Los Angeles in August 1983.

Rita spent seven months in the Phillipines, the defendant priests having sent less than \$450 for her support. Rita became malnourished and ill. On October 12, 1982, the baby was born via caesarean section during which time Rita nearly died. Prior to the birth of the baby, the mother of Rita discovered Rita's predicament, rushed to the Phillipines to be by her daughter, and then brought Rita and the child back

to California in November 1982.

The conspiracy continued in Los Angeles, when priest Tamayo met with Rita and told her to remain silent. Rita then told the parish priests that an attorney had been consulted and that she planned to talk to the bishop of the church about priest Tugade, whom Rita suspected to be the father of her baby. In July 1983, Rita met with priest Tamayo and Tugade who again asked her to remain silent.

In October of 1983, Rita met with priest Cruces who expressed a desire to have sexual relations with Rita in an apartment.

Finally, in December of 1983, priest Tamayo told Rita not to reveal the full extent of the sexual activities to her parents who were not yet aware of the extent of Rita's sexual involvement with the various priests. During the month of July 1983, Rita and priest Cruces met with Bishop Ward of the Roman Catholic Church in Los Angeles. Rita told Bishop Ward that a priest had fathered her child and she gave to the bishop the name of several priests that were suspect. Following a promise to investigate, in October of 1983, Bishop WARD told Rita there was nothing he could do for her.

At this point, Rita lost faith in the Catholic Church and filed her original complaint in the Los Angeles County Superior Court on February 8, 1984. Her faith in the Catholic

Church prevented Rita from bringing suit at an earlier date.

The minute order of November 16, 1984, indicates that Judge John L. Cole sustained respondents' demurrer to all causes of action without leave to amend as follows:

1. To the first, third and sixth causes of action against respondent on the grounds of the bar of the one-year statute of limitations, pursuant to Code of Civil Procedure section 340, subdivision (3);
2. To the second, fourth and fifth causes of action against respondent since no causes of action for fraud were stated against respondent;
3. The seventh cause of action was stricken on the court's own motion for failure to state a cause of action.

### III

#### ISSUES ON APPEAL

The appellant raises the following issues on appeal:

1. The superior court erred as a matter of law in ruling that the statute of limitations barred the first cause of action of appellant, Rita, for civil conspiracy against all defendants since the acts of the priests were all in furtherance of a single, continuous conspiracy; that Rita's awareness of sexual activity between herself and the defendant priest did not start the running of the statute of limitations;

and that Rita's consultation with an attorney in May of 1983 did not terminate the conspiracy or stop the running of the statute of limitations.

2. The superior court erred as a matter of law in ruling that the second, fourth and fifth causes of action (fraud and deceit)<sup>2/</sup> failed to state causes of action upon which the Archbishop could be held liable for fraud and deceit in that the respondent Archbishop, as a principal, placed his agent-priests in a position to commit fraud against Rita and her parents while the priests acted within the course and scope of the agency; that the fraud was foreseeable; and the Archbishop ratified the fraud after the fact.

3. The superior court erred as a matter of law in ruling that the statute of limitations barred the third and sixth causes of action<sup>3/</sup> (professional malpractice and negligence), in that defendant priests and the Archbishop stood in a fiduciary relationship with appellants, thereby tolling

---

<sup>2/</sup> Second cause of actions was pled by Rita against all defendants. Fourth cause of action was pled by Rita's parents against defendants Tamayo, Cruces and Archdiocese. Fifth cause of action was pled by Rita's parents against defendants Tamayo and the Archdiocese.

<sup>3/</sup> Third cause of action was pled by Rita against all defendants. Sixth cause of action was pled by all plaintiffs against the Archbishop.

the statute of limitations until appellants discovered, or should have discovered, the material facts.

4. The superior court erred as a matter of law in ruling that the seventh cause of action (professional malpractice), of the parents of Rita against all defendants, be stricken for failure to state facts sufficient to constitute a cause of action in that, contrary to the court's reasoning, a professional relationship did exist between the parents of Rita and priest Tamayo (and presumably against the Archbishop as the employer of Tamayo), since Tamayo and his co-conspirators fraudulently deceived the parents into permitting their daughter to accompany priests for sexual purposes and by permitting Rita to go to the Phillipines.

#### IV

#### DISCUSSION

Each of the seven causes of action contained in plaintiffs second amended complaint is governed by the one-year statute of limitations contained in Code of Civil Procedure section 340, subdivision (3). The one-year limitation period specified in section 340, subdivision (3) embraces not only bodily injuries but all infringements of personal rights as opposed to property rights. (Edwards v. Fresno Community Hospital (1974) 38 Cal.App.3d 702, 704, 705.)

Rita alleges, in her first cause of action for civil conspiracy (resulting in a wrong to Rita on a theory of intentional infliction of emotional distress), that the sexual experiences with the defendant priests began in January 1980 and continued through March 1982. In her second cause of action, Rita complains of physical injury occurring prior to and during the birth of her child in October 1982. None of the remaining causes of action allege injurious conduct to any of the appellants at any later point in time. Since the original complaint was not filed until February 8, 1984, all causes of action in the complaint are barred by the provisions of Code of Civil Procedure section 340, subdivision (3) unless appellants can find a theory to delay or toll the running of the one-year statute of limitations.

Appellants argue that the conspiracy allegations contained in the second amended complaint, enabled them to avoid the bar of the statute of limitations since the object of the conspiracy was to maintain secrecy regarding the sexual relations with the priests; that one of the priest urged, as late as December 1983, that the matters be kept secret; that the request for silence by the priests were "overt acts" in furtherance of the conspiracy; that the complaint was timely filed within one year of this final overt act of the conspiracy.



Appellants, however, underplay or ignore the fact that Rita was on notice of her claims by virtue of the fact that Rita participated in the object of the conspiracy, and that she was told by the priests, as alleged by her, to keep silent. As one court stated:

"[W]e pause to note an obvious, albeit often overlooked, proposition. The doctrine of fraudulent concealment [for tolling the statute of limitations] does not come into play, whatever the lengths to which a defendant has gone to conceal the wrongs, if a plaintiff is on notice of a potential claim.' (Hobson v. Wilson (D.C. Cir. 1984) 737 F.2d 1, 35, cert. denied (1985) 105 S.Ct. 1843.)"

Here, not only was Rita at all times aware of the relevant facts, but the efforts of the individual defendants to have her keep silent failed at the latest while she was in the Phillipine Islands having her baby. Rita alleges that her mother discovered the facts and came to the Phillipines to assist her. A conspiracy to keep silent could not affect the statute of limitations on Rita's claims even if the efforts to maintain silence had been effectual. Rita was clearly placed on notice of the potential claims as of October 12, 1982, at the latest, the day the baby was born by caesarean section.

Appellants next attempt to charge the respondent Archbishop with the alleged conduct of the individual defendant-priests by invoking the doctrine of respondeat superior.

An employer may be held responsible for tortious conduct by an employee only if the tort is committed within the course and scope of employment. (Perez v. Van Groningen & Sons, Inc. (1986) 41 Cal.3d 962, 967.) Analytically, the question of whether a tort is committed within the course of employment turns on whether (1) the act performed was either required or instant to the employee's duties or (2) the employee's misconduct could be reasonably foreseen as an outgrowth of the employee's duties. (Martinez v. Hagopian (1986) 182 Cal.App.3d 1223, 1228, 1229.)

Plaintiffs could not seriously contend that sexual relations with parishioners are either required by or instant to a priest's duties, so they are left with the foreseeability test. The question, however, is whether sexual relations between a parishioner and seven priests is foreseeable, not in an omniscient way, but in the relevant sense.

In Alma W. v. Oakland Unified School Dist. (1981) 123 Cal.App.3d 133, the court stated in holding that a school district could not be held liable for the act of a janitor in molesting one of the students under the doctrine of respondeat superior, that mere foreseeability was not enough. The foreseeable event must be characteristic of the activities of the enterprise. The court had no difficulty concluding that the janitor's acts, even if broadly foreseeable, were not in

any way characteristic of the school district's enterprise. This court sees no difference in the rationale in Alma W. to the facts of this case. It would defy every notion of logic and fairness to say that sexual activity between a priest and a parishioner is characteristic of the Archbishop of the Roman Catholic Church. There is simply no basis for imputing liability for the alleged conduct of the individual defendant-priests in this instance to the respondent Archbishop. Similarly, appellant has not pointed out any fact which could lead this court to a conclusion that the Archbishop "ratified" the concupiscent acts of the priests.

In the seventh cause of action, the parents of Rita claimed damages against all defendants based upon conduct involving their daughter, Rita. The claims of Rita's parents do not fall within one of the few exceptions to the general rule that the law does not allow one person to claim damages based upon conduct which damages a third person. The conduct accounting for all of the alleged damage to the parents is the alleged sexual involvement between the individual defendant-priest and their daughter, Rita. It is clear that there is no longer a cause of action for seduction of one's child in the State of California. (4 Witkin, Summary of Cal. Law (8th ed. 1974) Torts, § 374, p. 2627.) Appellants' attempt to resurrect this cause of action in another guise runs afoul

of direct Supreme Court authority disapproving such derivative claims. Likewise, a parent cannot sue for loss of a child's affection and society. (Baxter v. Superior Court (1977) 19 Cal.3d 461.) Similarly, even where a person witnesses conduct directed towards a third person, he or she may not sue for any emotional distress except in the most extreme cases of violent attack, where there is some special likelihood of fright or shock. (Ochoa v. Superior Court (1985) 39 Cal.3d 159.)

V

DISPOSITION

The order of the superior court is affirmed.

CERTIFIED FOR PUBLICATION

WOODS, J.\*

We concur:

SPENCER, P.J.

DEVICH, J.

---

\*Assigned by the Chairperson of the Judicial Council.

COPY



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

OFFICE OF VICAR FOR CLERGY  
(213) 251-3284

July 9, 1987

Rev. Santiago L. Tamayo  
c/o REDACTED  
St. James Medical Clinic  
Laoag City, Philippines 0301

Dear Father Tamayo:

In the interest of keeping in contact with our priests who are working outside the Archdiocese, we usually write annually to them.

I would truly appreciate hearing from you, first of all to be sure we have your current address. However, I would also be most interested in learning the nature of your current ministry and whether you hope to be incardinated in your present diocese.

In turn, if I can be of assistance to you, please do contact me.

Sincerely yours in Christ,

(Rev. Msgr.) Thomas J. Curry  
Vicar for Clergy

LAARCH 014417



**ILOCOS NORTE MEDICAL SOCIETY**  
 COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

Sept 14, 87

**OFFICERS - 1987-1988**

- EDUARDO L. TAMAYO, M.D.**  
President
- ROSABELLO PASION, M.D.**  
Vice President  
1st District
- RUPINO A. BARTOLABAC, M.D.**  
Vice President  
2nd District
- MELBA CAMARILLO, M.D.**  
Secretary
- PURITA ROXAS CABE, M.D.**  
Treasurer
- JESUS B. TOMAS, M.D.**  
Auditor
- NELSON PASIA, M.D.**  
P.R.O.

**COUNCILORS:**

- DEBORAH DE LA CRUZ, M.D.**  
Central
- ROGER BRACEROS, M.D.**  
South
- CONSTANTE CALUYA, M.D.**  
East
- PRIMITIVO ACOB, M.D.**  
North

Dear Mgr. Enay:

Thanks so much for writing. It is  
 consoling to know that the  
 Anethlaccos has completely  
 abandoned me.

REDACTED

Presently I'm with <sup>my</sup> brother. Were it not for him I'd  
 be out in the cold. For a year  
 up to the 8th of June, I was  
 pinch hitting for a priest  
 friend who had to go Stateside  
 for treatment for a much  
 dreaded disease - Parkinson's.  
 Now he's back & I'm again w/

my brother. Weekends I help my home  
 parish, saying masses in the barrios.

you offered to help. I'm  
 appreciate. The big assist is to  
 get me back to the Archdiocese.  
 Any assignment will do. Meantime  
 I'd like a temporary assignment in  
 Hawaii. So I would need the recommen-  
 dation & endorsement of the Archbishop.  
 When I get to Hawaii I would like  
 invite you for a dialogue to



ILOCOS NORTE MEDICAL SOCIETY  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

OFFICERS — 1987-1988

EDUARDO L. TAMAYO, M.D.  
President

ROSABELLO PASION, M.D.  
Vice President  
1st District

RUFINO A. BARTOLABAC, M.D.  
Vice President  
2nd District

MELBA CAMARILLO, M.D.  
Secretary

PURITA ROXAS CABE, M.D.  
Treasurer

JESUS B. TOMAS, M.D.  
Auditor

NELSON PASIA, M.D.  
P.R.O.

COUNCILORS:

DEBORAH DE LA CRUZ, M.D.  
Central

ROGER BRACEROS, M.D.  
South

CONSTANTE CALUYA, M.D.  
East

PRIMITIVO ACOS, M.D.  
North

Discuss my future & the  
case. It will help a lot for  
my peace of mind & my  
eventual rehabilitation. If  
you wish you can come  
over to the Philippines for  
a visit. Just take care of your  
round trip ticket & your  
board & lodging will be  
taken care of once you get  
here. May it be too much to  
ask but time & distance  
is no problem in this get age.  
My talking to you can be a start

I honestly feel I still belong  
to the archdiocese of Los Angeles. I'll  
take anything to remain there.  
Enclose please find a check I  
failed to cash because at that time  
nobody knew where I was. I'd  
wondered if I could have it  
renewed. I have no means of income &  
am entirely dependent on my family at  
present, a thing I don't want to do permanently



3  
ILOCOS NORTE MEDICAL SOCIETY  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

OFFICERS — 1987-1988

EDUARDO L. TAMAYO, M.D.  
President

ROSABELLO PASION, M.D.  
Vice President  
1st District

RUFINO A. BARTOLABAC, M.D.  
Vice President  
2nd District

MELBA CAMARILLO, M.D.  
Secretary

PURITA ROXAS CABE, M.D.  
Treasurer

JESUS B. TOMAS, M.D.  
Auditor

NELSON PASIA, M.D.  
P.R.O.

COUNCILORS:

DEBORAH DE LA CRUZ, M.D.  
Central

ROGER BRACEROS, M.D.  
South

CONSTANTE CALUYA, M.D.  
East

PRIMITIVO ACOS, M.D.  
North

If the check is cleared kindly  
send it to my brother in  
REDACTED REDACTED

He will buy my ticket to Hawaii.  
The rest he will send to my to  
pay my bills -

I don't know how I sound  
to you. But if I impress  
you the wrong way please  
forgive me. I don't want to  
impose but since you  
offered to help... Thank you  
I've been wallowing in the  
mud & nobody cared.

Thanks for sending the new  
program for the Archdiocese  
I hope the new Archbishop  
can lead the people to greater  
heights. God bless  
Sincerely in Christ,  
Ed. Tamayo





**ILOCOS NORTE MEDICAL SOCIETY**  
**COMPONENT, PHILIPPINE MEDICAL ASSOCIATION**

Sept 10, 87

**OFFICERS — 1987-1988**

- EDUARDO L. TAMAYO, M.D.**  
President
- ROSABELLO PASION, M.D.**  
Vice President  
1st District
- RUPINO A. BARTOLABAC, M.D.**  
Vice President  
2nd District
- MELBA CAMARILLO, M.D.**  
Secretary
- PURITA ROXAS CABE, M.D.**  
Treasurer
- JESUS B. TOMAS, M.D.**  
Auditor
- NELSON PASIA, M.D.**  
P.R.O.

**COUNCILORS:**

- DEBORAH DE LA CRUZ, M.D.**  
Central
- ROGER BRACEROS, M.D.**  
South
- CONSTANTE CALUYA, M.D.**  
East
- PRIMITIVO ACOB, M.D.**  
North

Dear Mayor. Enay:

Thanks so much for writing. It is  
 concerning to knowing that the  
 Archdiocese has completely  
 abandoned me.

REDACTED

Presently I'm with  
 brother. Were it not for him I'd  
 be out in the cold. For a year  
 up to the 8th of June, I was  
 pinch hitting for a priest  
 friend who had to go Stateside  
 for treatment for a much  
 dreaded disease - Parapneumonia.  
 Now he's back & I'm again w/  
 my brother. Weekends I help my home  
 parish saying masses in the barrios.

you offered to help. I will  
 appreciate. The big assist is to  
 get me back to the Archdiocese.  
 Any assignment will do. Meantime  
 I'd like a temporary assignment in  
 Hawaii. I would need the recommen-  
 dation & endorsement of the Archdiocese.  
 When I get to Hawaii I would like  
 invite you for a dialogue to



ILOCOS NORTE MEDICAL SOCIETY  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

OFFICERS — 1987-1988

EDUARDO L. TAMAYO, M.D.  
President

ROSABELLO PASION, M.D.  
Vice President  
1st District

RUFINO A. BARTOLABAC, M.D.  
Vice President  
2nd District

MELBA CAMARILLO, M.D.  
Secretary

PURITA ROXAS CABE, M.D.  
Treasurer

JESUS B. TOMAS, M.D.  
Auditor

NELSON PASIA, M.D.  
P.R.O.

COUNCILORS:

DEBORAH DE LA CRUZ, M.D.  
Central

ROGER BRACEROS, M.D.  
South

CONSTANTE CALUYA, M.D.  
East

PRIMITIVO ACOS, M.D.  
North

Discuss my future & the  
care... It will help a lot for  
my piece of mind & my  
eventual rehabilitation. If  
you wish you can come  
over to the Philippines for  
a visit. Just take care of your  
round trip ticket & your  
food & lodging will be  
taken care of once you get  
here. May it be too much to  
ask but time & distance  
is no problem in this get age.  
My talking to you can be a start...

I honestly feel I still belong  
to the archdiocese of Los Angeles. I'll  
take anything to remain there.  
Carlos please find a check I  
failed to cash because at that time  
nobody knew where I was. I'd  
appreciated if I could have it  
renewed. I have no means of income &  
I'm entirely depending on my family at  
present. A thing I don't want to do permanent



ILOCOS NORTE MEDICAL SOCIETY  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

OFFICERS — 1987-1988

EDUARDO L. TAMAYO, M.D.  
President

ROSABELLO PASION, M.D.  
Vice President  
1st District

RUFINO A. BARTOLABAC, M.D.  
Vice President  
2nd District

MELBA CAMARILLO, M.D.  
Secretary

PURITA ROXAS CABE, M.D.  
Treasurer

JESUS B. TOMAS, M.D.  
Auditor

NELSON PASIA, M.D.  
P.R.O.

If the check is cleared kindly  
send it to my brother in  
REDACTED

He will buy my ticket to Hawaii.  
The rest he will send to my to  
pay my bills -

COUNCILORS:

DEBORAH DE LA CRUZ, M.D.  
Central

ROGER BRACEROS, M.D.  
South

CONSTANTE CALUYA, M.D.  
East

PRIMITIVO ACOB, M.D.  
North

I don't know how I sound  
to you. But if I impress  
you the wrong way please  
forgive me. I don't want to  
impose but since you  
offer to help... Frankly  
I've been wallowing in the  
mud & nobody cared.

Thanks for sending the new  
program for the Archdiocese  
I hope the new Archbishop  
can lead the people to greater  
heights. God bless in Christ,  
Sincerely,  
[Signature]



**ILOCOS NORTE MEDICAL SOCIETY**  
**COMPONENT, PHILIPPINE MEDICAL ASSOCIATION**

Sept 10, 87

Dear Msgr. Cury:

**OFFICERS — 1987-1988**

**EDUARDO L. TAMAYO, M.D.**  
President

**ROSABELLO PASION, M.D.**  
Vice President  
1st District

**RUPINO A. BARTOLABAC, M.D.**  
Vice President  
2nd District

**MELBA CAMARILLO, M.D.**  
Secretary

**PURITA ROXAS CABE, M.D.**  
Treasurer

**JESUS B. TOMAS, M.D.**  
Auditor

**NELSON PASIA, M.D.**  
P.R.O.

**COUNCILORS:**

**DEBORAH DE LA CRUZ, M.D.**  
Central

**ROGER BRACEROS, M.D.**  
South

**CONSTANTE CALUYA, M.D.**  
East

**PRIMITIVO ACOS, M.D.**  
North

Thanks so much for writing. It is  
 comforting to know that the  
 Archdiocese has completely  
 abandoned me.

REDACTED

Presently I'm with <sup>my</sup> brother. Were it not for him I'd  
 be out in the cold. For a year  
 up to the 8th of June, I was  
 pinch hitting for a priest  
 friend who had to go St. Louis  
 for treatment for a much  
 dreaded disease - Parkinson's.  
 Now he's back & I'm again w/

my brother. Weekends I help my home  
 parish, saying masses in the barrios.

you offered to help. I can  
 appreciate. One big assist is to  
 get me back to the Archdiocese.  
 Any assignment will do. Meantime  
 I'd like a temporary assignment in  
 Hawaii. So I would need the recommen-  
 dation & endorsement of the Archbishop.  
 When I get to Hawaii I would like  
 invite you for a dialogue to



**ILOCOS NORTE MEDICAL SOCIETY**  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

**OFFICERS — 1987-1988**

**EDUARDO L. TAMAYO, M.D.**  
President

**ROSABELLO PASION, M.D.**  
Vice President  
1st District

**RUFINO A. BARTOLABAC, M.D.**  
Vice President  
2nd District

**MELBA CAMARILLO, M.D.**  
Secretary

**PURITA ROXAS CABE, M.D.**  
Treasurer

**JESUS B. TOMAS, M.D.**  
Auditor

**NELSON PASIA, M.D.**  
P.R.O.

**COUNCILORS:**

**DEBORAH DE LA CRUZ, M.D.**  
Central

**ROGER BRACEROS, M.D.**  
South

**CONSTANTE CALUYA, M.D.**  
East

**PRIMITIVO ACOS, M.D.**  
North

Discuss my future & the case. It will help a lot for my peace of mind & my eventual rehabilitation. If you wish you can come over to the Philippines for a visit. Just take care of your round trip ticket & your board & lodging will be taken care of once you get here. May it be too much to ask but time & distance is no problem in this get age. My talking to you can be a start...

I honestly feel I still belong to the archdiocese office Angeles. I'll take anything to remain there. Carlos please find a check I failed to cash because at that time nobody knew where I was. I appreciated if I could have it renewed. I have no means of income & am entirely dependent on my family at present, a thing I don't want to do permanently.



3

**ILOCOS NORTE MEDICAL SOCIETY**  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

OFFICERS — 1987-1988

EDUARDO L. TAMAYO, M.D.  
President

ROSABELLO PASION, M.D.  
Vice President  
1st District

RUFINO A. BARTOLABAC, M.D.  
Vice President  
2nd District

MELBA CAMARILLO, M.D.  
Secretary

PURITA ROXAS CABE, M.D.  
Treasurer

JESUS B. TOMAS, M.D.  
Auditor

NELSON PASIA, M.D.  
P.R.O.

*If the check is cleared kindly  
send it to my brother in  
REDACTED*

*He will buy my ticket to Hawaii.  
The rest he will send to my to  
pay my bills -*

COUNCILORS:

DEBORAH DE LA CRUZ, M.D.  
Central

ROGER BRACEROS, M.D.  
South

CONSTANTE CALUYA, M.D.  
East

PRIMITIVO ACOB, M.D.  
North

*I don't know how I sound  
to you. But if I impress  
you the wrong way please  
forgive me. I don't want to  
impose but since you  
offered to help... Frankly  
I've been wallowing in the  
mire & nobody cared.*

*Thanks for sending me the  
program for the Archdiocese  
I hope the new Archbishop  
can lead the people to greater  
heights. God bless  
Sincerely in Christ,  
E.K. Tamayo*



**ILOCOS NORTE MEDICAL SOCIETY**  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

Sept 11, 1987

**OFFICERS — 1987-1988**

**EDUARDO L. TAMAYO, M.D.**  
President

**ROSABELLO PASION, M.D.**  
Vice President  
1st District

**RUFINO A. BARTOLABAC, M.D.**  
Vice President  
2nd District

**MELBA CAMARILLO, M.D.**  
Secretary

**PURITA ROXAS CABE, M.D.**  
Treasurer

**JESUS B. TOMAS, M.D.**  
Auditor

**NELSON PASIA, M.D.**  
P.R.O.

**COUNCILORS:**

**DEBORAH DE LA CRUZ, M.D.**  
Central

**ROGER BRACEROS, M.D.**  
South

**CONSTANTE CALUYA, M.D.**  
East

**PRIMITIVO ACOS, M.D.**  
North

Archbishop Reginald Mahoney  
1531 W 9th St  
Los Angeles, Ca 90015

Dear Archbishop Mahoney:

I wish to say my respects  
& extend my greetings to my  
new Archbishop.

I pray for your continued  
success & many future  
undertakings blessed  
millionfold in the vineyard  
of the Lord.

Sincerely in Christ,

Ron Santiago L. Jimayo

P.S. Thanks for giving us Fr. Curry. He has  
written me a very kind letter.

Love

Rx

Date \_\_\_\_\_

THIS check was sent to me  
to pay for my Social Security  
& to help me during my  
first months in the Philippines.  
This was the last check I  
got. Since I've been feeling  
ON MY OWN.

Thanks.

\_\_\_\_\_ M.D.

Lic. No. \_\_\_\_\_

TAN \_\_\_\_\_

PTR No. \_\_\_\_\_





ILOCOS NORTE MEDICAL SOCIETY  
COMPONENT, PHILIPPINE MEDICAL ASSOCIATION

Sept 11, 1987

OFFICERS — 1987-1988

EDUARDO L. TAMAYO, M.D.  
President

ROSABELLO PASION, M.D.  
Vice President  
1st District

RUFINO A. BARTOLABAC, M.D.  
Vice President  
2nd District

MELBA CAMARILLO, M.D.  
Secretary

PURITA ROXAS CABE, M.D.  
Treasurer

JESUS B. TOMAS, M.D.  
Auditor

NELSON PASIA, M.D.  
P.R.O.

COUNCILORS:

DEBORAH DE LA CRUZ, M.D.  
Central

ROGER BRACEROS, M.D.  
South

CONSTANTE CALUYA, M.D.  
East

PRIMITIVO ACOB, M.D.  
North

Archbishop Roger Mahoney  
1531 W 9th St  
Los Angeles, Ca 90015

Hear Archbishop Mahoney:

I wish to say my respects  
& extend my greetings to my  
new Archbishop.

I pray for your continued  
success & many future  
undertakings blessed  
millionfold in the vineyard  
of the Lord.

Sincerely in Christ,

Rev. Santiago L. Tamayo

Th. Thanks for giving us Fr. Curry. He has  
written us a very kind letter.

Am.

**Rx**

Date \_\_\_\_\_

THIS check was sent to me  
to pay for my Social Security  
& to help me during my  
first months in the Philippines.  
This was the last check I  
got. Since I've been fending  
DN my own.

Thanks.

\_\_\_\_\_ M.D.

Lic. No. \_\_\_\_\_

TAN \_\_\_\_\_

PTR No. \_\_\_\_\_

LAW OFFICES OF  
MORGAN, WENZEL & McNICHOLAS

WM. MARSHALL MORGAN  
LEE S. WENZEL  
JOHN P. McNICHOLAS  
ROBERT A. CARDWELL  
DENNIS J. SINCLITICO  
PATRICK C. QUINLIVAN  
JOHN D. DWYER  
JUDITH A. LONSDALE  
TIMOTHY B. BRADFORD  
LAWRENCE R. RAMSEY  
WALTER M. YOKA  
  
STEPHEN H. SMITH  
SCOTT J. STOCKDALE  
RICHARD J. MURPHEY

MARGARET O'CONNOR  
JOHN A. RAHEWSKI  
GRETCHEN M. NELSON  
DAVID T. McCANN  
THOMAS H. VICKERS  
CARL J. PENTIS  
THOMAS H. CADDEN  
NANCY J. BENNETT  
LESLIE A. SHEEHAN  
PAUL A. CARRON  
ROBERT L. MEISSNER  
REED A. PUTNAM  
JANET A. GUYNES  
ROLANDO R. TIJERINA

PROFESSIONAL CORPORATION  
1545 WILSHIRE BOULEVARD, EIGHTH FLOOR  
POST OFFICE BOX 17903  
LOS ANGELES, CALIFORNIA 90017  
(213) 483-1961

ORANGE COUNTY OFFICE  
19782 MACARTHUR BOULEVARD  
SUITE 230  
IRVINE, CALIFORNIA 92715  
(714) 851-9015

FAX NO. (213) 413-8631  
TWX NO. 9103213607  
CABLE ADDRESS: 'MWM LSA'

OF COUNSEL  
HON. WILLIAM B. KEENE  
STANLEY R. RADER

October 5, 1987

Sr. Judy Murphy, Esq.  
Archdiocese of Los Angeles  
1531 West Ninth Street  
Los Angeles, CA 90015-1194

REDACTED  
Re: V. RCA (ARZUBE)  
Los Angeles Superior Court Case No.: C 489 335  
Our File No.: 14365

Dear Sr. Judy:

The deposition of plaintiff, REDACTED resumed in our office on Wednesday, September 23, 1987. Mr. Goldberg had to leave early to prepare for Rosh Hashanah (Thursday, September 24, 1987) and therefore the deposition was adjourned to Friday, October 2, 1987 at 9:00 a.m. in our office. I expect to complete the deposition at that time.

Nathan Goldberg represented REDACTED. Gloria Allred did not appear. Hugh Gardner represented Bishop Arzube at the deposition. Our court reporter was Karen McCarthy.

Exhibits 2-5 were marked for identification. (Exhibit 1, the Notice of Deposition and Request for Production of Documents, was marked at the first session of REDACTED deposition on September 9, 1987.)

EXHIBIT 2: One page transcript of translation of Bishop Arzube's interview on KMEX Channel 34 on Feb. 16, 1984.

EXHIBIT 3: Eighteen page typewritten document prepared by REDACTED from handwritten notes (some in code; see, e. g., Pages 12 and 13) consisting of letters, notes, etc. (This is a most bizarre exhibit to say the least.)

EXHIBIT 4: Department of State, "Certificate of Birth Abroad of a Citizen of the United States of America" for REDACTED (DOB REDACTED )

EXHIBIT 5: Republic of the Philippines Department of Health City of Laoag, "Certificate of Birth," for REDACTED (DOB REDACTED )

TESTIMONY:

Upon her return in November 1982 from the Philippines with REDACTED her mother, and her sister, REDACTED she contacted, or was contacted by, (she is not certain which) Father Tamayo, Father Cruces and Father Tugade. She spoke to each of them several times but does not recall the time, date or place of any of the conversations. She thinks that they probably were by telephone and at the rectory at Saints Peter & Paul.

She had no sexual involvement with any of the priests after her return from the Philippines in November of 1982 although there were some suggestions that the relationship resume. For example, Father Cruces asked her about renting an apartment so that he could visit her.

In this line of questioning she identified Father "Nonnie" Bonoan for the first time. She first met him some time in 1981 at Saints Peter & Paul Rectory where he was visiting. She also recalls seeing him at Holy Trinity but she does not recall if this was before or after REDACTED birth. He apparently tried to hold her hand and asked her when they would be going out. She does not recall her reply but added that, "I never said no." However it does not appear that she had any serious sexual activity with him. She only had sex with the seven priests named in "REDACTED I."

She had a difficult pregnancy with REDACTED Father Tamayo's brother, REDACTED called him by telephone and told him of her difficult time with REDACTED On one of their first visits after she returned to the United States, Father Tamayo said that he felt bad about her being sick in the Philippines. It was during this early conversation with Father Tamayo that she spoke to him about support and help for REDACTED She became upset and told him that what he, and the others, had done was probably illegal and amounted to

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 3.

statutory rape. She told him that they should not have touched her. She recalls that his reply was to tell her not to talk like that and generally to placate her.

She described a very difficult pregnancy and delivery. Upon her arrival at the Manila Airport Dr. Tamayo picked her up and drove her seven hours to Laoag City "in the jungle." She received inadequate care. (See also Exhibit 3, page 8.) She did not receive regular checkups, had only one urine test, her weight and blood pressure were rarely taken, she lost weight (approximately 20 pounds by her fifth month) and suffered from extreme dehydration. She threw up during her entire pregnancy. Sometimes she threw up blood. She had headaches and occasionally saw spots and sometimes felt like she was passing out.

Her mother, and her sister, REDACTED joined her in the Philippines in September, 1982.

She was seen at Saint James Clinic in Laoag City. Some patients died there. It was at this clinic that she had an I.V. to treat her dehydration. Besides REDACTED she was also seen by other doctors. The only name she recalls is Dr. REDACTED

On October 12, 1982 REDACTED was taken by C-Section at Provincial Hospital in Laoag City by Dr. REDACTED REDACTED had gone into a coma from eclampsia which she described as meaning toxemia with high levels of protein in the blood and high blood pressure. (Eclampsia refers to convulsions and coma occurring in a pregnant or puerperal woman associated with hypertension, edema, and stroke or proteinuria.)

When REDACTED was born REDACTED was REDACTED Dr. REDACTED told REDACTED REDACTED had to be revived. REDACTED weighed seven pounds. She does not recall REDACTED length. She does not know if Apgars were taken. She did not see REDACTED until REDACTED was two days old. She was hospitalized for two weeks at Provincial Hospital.

When REDACTED was three or four weeks old, REDACTED her mother, and her sister, REDACTED returned to the United States.

Upon her return to the United States she contacted a public health agency in Carson. She does not recall the name.

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 4.

Thereafter a social worker visited her at her parents' residence REDACTED where she was staying and still resides.

She describes REDACTED as a healthy loving child who "looks Filipina," - - like either Father Tugade or Father Caboang. She cannot decide between the two; she would have to see them side by side. REDACTED will begin kindergarten this month or next month, as soon as REDACTED has all of her vaccinations in order. REDACTED will attend the same grade school that REDACTED attended, REDACTED

Her discussions with Fathers Tamayo, Cruces and Tugade span the time from her return to the United States in November, 1982 until she met with Bishop Ward and Monsignor Rawden in July, 1983. During each of these conversations she asked for support for REDACTED. On each occasion the priests told her not to say anything to anyone. On one occasion she spoke to Bishop Abaya, who was visiting from the Philippines, and who was apparently staying at the rectory of Saints Peter & Paul. She does not recall the date that she spoke to Bishop Abaya but it was the same day after she had spoken privately to Father Cruces.

She had first met Bishop Abaya in Laoag City in the Philippines. She had seen him at REDACTED REDACTED home at a birthday party for one of the Tamayo children. (She was staying with the Tamayos.) She had gone to confession to Bishop Abaya and he had baptised REDACTED in the Philippines. Following the baptism there was a celebration at the Tamayos which she, her mother and her sister attended.

When she spoke to Bishop Abaya at the rectory at Saints Peter & Paul he made her angry. He told her to stop bothering the priests because they might tire of her. He made her promise not to tell anyone. She said she would think about it. He asked what birth control she was using (he had also asked her that during her confession in the Philippines) and specifically asked her if she was using oral contraceptives. She replied that the priests were using condoms. He asked her no further questions. He said he would talk to the priests about support and her request that the priests leave her alone. He said that he would contact her. She does not know if Bishop Abaya followed up or not;

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 5.

she has heard nothing from him and nothing was done so she assumes that he did not.

In July, 1983 she saw Father Tugade at Saints Peter & Paul Rectory and spoke to him for approximately two hours. Father Tamayo was also present. She said this took place on the same day that she saw Bishop Ward. (Her appointment with Bishop Ward and Monsignor Rawden was July 19, 1983.) She repeated her request for support. Fathers Tugade and Tamayo said they would but nothing definite was arranged. She told them that if they did not support the child she was going to see Bishop Ward. Tugade apparently replied somewhat flippantly that he intended to pose nude for some magazine. She was still unemployed and still had not lost her faith. She thought Bishop Ward "would do right." Father Tamayo told her not to see Bishop Ward because maybe Father Tugade, upon seeing REDACTED will support the child. Father Tugade said he would help but also said that she could not prove that he was the father. This made her angry. She does not recall what her reply was.

That afternoon (July 19, 1983) she met with Bishop Ward and Monsignor Rawden at the Chancery Office. She had made the appointment earlier by telephone. She had called the Chancery Office and spoke to someone who "sounded like a guy with a high voice."

(According to my notes of my meeting with Bishop Ward on May 22, 1984, Monsignor Connolly took a call from REDACTED on July 15, 1983. She said she wanted to see the Cardinal about a paternity matter. Because the Cardinal was going on vacation (?) the matter was referred to Bishop Ward. On the same date, July 15, 1983 Bishop Ward called REDACTED and asked when she could come to the Chancery Office to discuss the matter.)

She said an appointment was made for the following Tuesday, July 19, 1983. (The meeting took place on July 19, 1983 from 2:15 p.m. until 3:00 p.m.) In any event, she testified that she told the "guy with the high voice" that she wanted to see the Bishop or the Cardinal because she had a priest's baby. She was told that she will have to name names. She agreed. An early afternoon appointment was with Bishop Ward. (This is the subject of the allegations in Paragraph 47 of the Second Amended Complaint in "REDACTED I.")

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 6.

She went to meet Bishop Ward with her parents on July 19, 1983. She brought no documents with her. She thought that Bishop Ward would "get the priest to support REDACTED" She recalls that she arrived between 1:00 p.m. and 2:00 p.m. with her parents. She had her parents wait in the lobby. She met Bishop Ward in the second floor conference room at the Chancery Office. Another priest, she thought he might have been a Monsignor, was present. She does not recall his name. (It was Monsignor Rawden.) She noted that they were both writing during the course of the meeting. She told them that Father Tugade or Father Caboang was the father. She recalls Bishop Ward asking if it could have been someone else, a boyfriend? She replied that she had only had sex with the priests and at this point gave the names of the other five.

At the time of her meeting with Bishop Ward Fathers Tamayo, Cruces, Caboang and Macar were in Los Angeles. Father Abayo was a visiting priest from New Jersey, both at the times she had sexual relations with him and at the time she met with Bishop Ward. Father Balban was not local; she did not find his name in the Archdiocesan Directory. Father Tugade was stationed in Los Angeles at the time of her sexual relations with him but when she met with Bishop Ward he was in Monterey. (According to my notes of my May 22, 1984 meeting with Bishop Ward, Father Tugade departed the Archdiocese of Los Angeles in January of 1983 for the Diocese of Monterey under Bishop Shubsda's jurisdiction. He left because we would not sponsor him for INS.)

She described Bishop Ward as positive, not negative, and professional. Did he hurt her feelings during this interview? She does not recall. Did she cry during this interview? She does not recall. She felt better during and after the meeting.

She testified that Bishop Ward did not seem surprised at the allegations. (Bishop Abaya was surprised, - - but only at Father Cruces' name.)

Except for what I have described above she does not recall what else was said at the meeting with Bishop Ward. She left at 4:00 p.m. and went out to dinner with her parents.

By the time she met with Bishop Ward on July 19, 1983 she had



Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 7.

seen several lawyers. The welfare office referred her to a "female lawyer in Long Beach." She described the above scenario and gave her the names of Father Tugade and Father Caboang. She further described this lawyer as a female deputy district attorney (but she was not certain) who told her that because the priests would not take blood tests she did not have a case. (?)

She saw another lawyer whose name she does not recall but who is located in Wilmington. (According to Bishop Ward's memorandum, "Ad Futuram Memoriam Rei," page 5, states that, "She had already spoken with a certain, Mr. Millegas, an attorney in the Wilmington Area.") According to REDACTED testimony the "Wilmington lawyer" said that the church was too big to go against, that the priests do not make enough money, and to "forget it." Thereafter she saw another lawyer whose name she thought was "Janoff," in Carson. (I do not know how she found her way to Gloria Allred but I suspect that "Janoff," the last lawyer she saw, probably referred her there.)

She had further contact with Bishop Ward. Approximately one month later she called him by telephone. In each of her post-meeting contacts with Bishop Ward he always told her that he was trying to contact the priests but, that they were on vacation. She claims that she always had to call Bishop Ward; he never called her. In fact, she claims that she never received a call from Bishop Ward or the Chancery Office. (According to my notes of my May 22, 1984 meeting with Bishop Ward, Monsignor Connolly took REDACTED call and Bishop Ward returned her call and made the appointment for the meeting. See above.)

At this point in her deposition I asked a series of questions which led to her testimony that she wrote these events on pieces of paper, on a calendar, or in a diary. I requested production and after a brief recess her attorney produced what has been marked as Exhibit 3 (eighteen pages). I have not yet cross-examined her about Exhibit 3.)

Her reason for believing that Father Tugade is the father is that he used no protection. Father Caboang used a condom and withdrawal. She does not know if she told this to Bishop Ward. She does not recall what Bishop Ward said when she told him that she thought that Father Tugade or Father

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 8.

Caboang was the father of REDACTED. She says that she told Bishop Ward that Father Tugade was in Monterey. She had the name of the church there but does not recall the address. Later, following the meeting, in the fall of 1983, October or November, 1983, ("just prior to seeing Gloria") Bishop Ward told her that Father Tugade was out of the jurisdiction (of the Archdiocese of Los Angeles) and that he would not do anything about it. He told her to contact the Bishop in Monterey but did not give her the Bishop's name or address there. With regard to Father Caboang she claims that Bishop Ward said that she had better make up her mind about who the father was, "That is, he (Bishop Ward) would do nothing."

"That's when I stopped believing in the Church." Following the meeting with Bishop Ward, and during the summer of 1983, Father Cruces told her that "he had admitted everything" to the Bishop. She "thinks" that Father Tamayo had also admitted his sexual relations but she is "not 100% sure" as she is with Father Cruces. She related a conversation with Father Tamayo in which he stated that he had told someone at the "Archdiocese Office" who had known Father Tamayo at Immaculate Conception. (This is probably Monsignor Rawden who knew Father Tamayo quite well.)

She does not know if other priests were called to the Chancery as Father Cruces was. She was somewhat vague in her answers to this line of questioning. (Again, according to my May 22, 1984 notes Monsignor Rawden interviewed Fathers Tamayo, Cruces and Lacar with Bishop Ward. All of the priests interviewed denied any sexual relations with REDACTED REDACTED except one. I cannot find my notes on that point. It may well have been father Cruces who made the admission.) Later in the deposition she testified, "It's coming to me. He (Father Tamayo) spoke to somebody (she does not know who) at the Archdiocese. It had to be during the summer of 1983 after the meeting with Bishop Ward."

After her last telephone conversation with Bishop Ward (above) (she does not recall the date but according to my May 22, 1984 notes it was in November or December, 1983,) she saw Father Tamayo. She said it was probably at Mass during Christmas, 1983. She recalls that they spoke but does not recall what was said.

She saw Father Caboang at St. Basil's Rectory in February,

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 9.

1984 ("REDACTED I" was filed on February 8, 1984.) The meeting was arranged through Father Tamayo who called her and said that Father Henry (Caboang) wanted to see her about "some money." She and a neighbor-friend, REDACTED (who knew about REDACTED sexual relationships with the priests) was also present. Nothing conclusive was decided. He admitted having sexual relations with REDACTED in front of the witness. He admitted going to the motel with the other priests. He admitted that he might be the father. He said he was trying to borrow some money from someone in the area. Was he remorseful? She does not know. She did not believe that he would follow through. REDACTED was angry and accused him of being a pervert. She does not recall what else was said. The meeting ended because Father Caboang had to say noon Mass.

She filed her complaint against Father Tamayo and the other priests on February 8, 1984. She does not know where the priests are. She asked me as part of her answer if I knew where they are. I do not.

The first time she met Bishop Arzube was at her confirmation at St. Filomina's, Carson, when she was twelve or thirteen years old.

She first heard of his statement concerning her while she was in Chicago with Gloria (Allred) for a television interview with Oprah Winfrey when she called home and spoke to her mother that evening. (Bishop Arzube's statement was made on KMEX Channel 34 on February 16, 1984.) Her mother would only say that Bishop Arzube had said something bad about her. Her mother would not tell her what was said. The interview with Oprah Winfrey went forward the following day as scheduled.

She has had a total of three television interviews and three radio interviews. She could not recall which had occurred before she learned of Bishop Arzube's statement. The day after she returned from Chicago she learned what Bishop Arzube had said from her mother at home. Her mother told her that Bishop Arzube had said that REDACTED had a bad reputation and had done things with alter boys. Her mother spoke in Spanish. REDACTED does not recall the words in Spanish.

I showed her Exhibit 2, the translated transcription of Bishop Arzube's statement from Spanish to English of the KMEX

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 10.

Channel 34 news telecast. She had not seen this document before, but she has seen other translations. She also saw part of the tape on TV after the complaint was filed against Bishop Arzube.

I asked her if she was familiar with the term "acciones malas?" She said she had heard her aunts use it and specifically recalled Aunt REDACTED (now deceased at age 99) use it. Her mother and father also used the term. Apparently they use the more complete, "Muchachas de acciones malas," which she said meant a loose woman, one who had sex outside of marriage. I asked her if it was not true that she had sex outside of marriage before Bishop Arzube made his statement. She replied with a slight air of exclusiveness, "Not with altar boys, with priests."

On this note the deposition was adjourned at the request of Mr. Goldberg because he had to prepare for Rosh Hashanah. The deposition was adjourned to Friday, October 2, 1987 at 9:00 a.m.

COMMENT AND SUMMARY:

It seems to me that sexual relations outside of marriage ("acciones malas") with priests, and not with altar boys, is a difference without a distinction. It seems to me that the conduct with the seven priests constitutes "acciones malas."

Exhibit 3 certainly belies the otherwise innocent appearance of REDACTED. With the addition of Exhibit 3 to the evidence adduced during discovery in this case, the case is certainly becoming more ugly.

REDACTED signed the necessary authorizations for us to copy her records, medical and psychiatric. I am using our excellent medical investigator, Andy Klure from Akros, for this assignment.

I have also contacted REDACTED M.D., board certified neurologist, psychiatrist, neuropsychiatrist, electroencephalologist who is now retired. He refused to become involved as an expert witness but has agreed to review the case and act as our consultant. He is excellent and will be most helpful.

Sr. Judy Murphy  
Re: REDACTED v. RCA (Arzube)  
Page 11.

The subject of settlement never came up before, during or after this second session of REDACTED deposition.

We will continue to keep you advised of all developments as they occur.

Best Regards,



JOHN P. McNICHOLAS

JPM:N

14365-c9

Encl.

GLORIA ALJ-RED  
Priests Being Sued for Rape  
KMEX CH. 34  
Feb. 16, 1984  
Video Playback

6:03 P.M.  
News

---

The Bishop Juan Arzube gives his opinion regarding the lawsuit presented last week against the Catholic Church.....Jorge Ramos has the information for us.....

As we informed you some days ago, seven Catholic priests were sued for having utilized their influence to have sexual relations with a young girl. There was no response at that time from the Los Angeles Archdiocese, which was also accused of conspiracy and covering up.

This is the reason that we are now speaking with the Bishop Juan Arzube, who gave us his opinion about the lawsuit presented by REDACTED

Bishop Arzube: "Only two days ago a man called me who says that he knows one of these priests very intimately and he says he feels like a brother, and says, 'I, who know this priest, understand that this cannot be true. This girl has had very bad actions even with altar boys. She is a person of bad reputation.'

Nevertheless, for me, this is not the subject. One is dealing here not with angels, divine beings, humans. If they have acted badly, they have acted badly and will be punished.


But, to begin with, we do not judge beforehand, but even when they are declared guilty, we shall not say because of that, well, I'm not going to church anymore. Religion is finished for me, but that we should understand that if under Christ's vigilance, it was possible that 11 of the 12 apostles should behave badly, I do not believe that at the present, there is that percentage of bad priests in the world.

What the people must understand is that if it is proven that they have acted badly, they will be punished, not only by the civil authorities and ecclesiastical, but what is most important, by God Himself."

The lawsuit against the priests, one of which is the supposed father of a REDACTED is for 10 Million Dollars.

Jorge Ramos.....News 34

Translated from a recording, to the best of my ability,

  
Helen Samuels  
Certified Court Interpreter  
3/7/84

Remontin &  
REDACTED  
EX. 2  
9/23/87

Priests I had sexual relations with:

Fr. Santiago Tamayo 515 W. Opp St. Wilmington, 90744 834-5215

Fr. Angel Cruces 235 N. 9th St. Santa Paula, 93060

Fr. Henry Caboang 637 S. Kingsley Dr. Los Angeles, 90005

Fr. Ruben New Jersey (he has a girlfriend there that is a nurse)

Fr. Silvio Lacar 4950 Santa Monica Blvd Los Angeles 90029 660-0034

Fr. Victor Philippines

Fr. Valentine Tugade 550 Church St. Monterey (408) 373-2628

Addresses of some of the places where we had sex:

first place Fr. Tamayo took me when I was sixteen--

Pine Tree Apartments 1117 W. Sepulveda Blvd. Torrance 530-6921  
(the apartment was rented by Elison and Helen Tamayo)

House where Fr. Tamayo, Fr. Cruces and I first had intercourse--  
22032 Rashdall Ave. Carson 90745

(the house is owned by Elison and Helen Tamayo)

I went with Fr. Henry to this motel--

Raymoure Motel 1645 W. Pacific Coast Hwy Long Beach 432-1256

I also went with him to this one--

Islander Motel 1130 W. Pacific Coast Hwy Wilmington 835-0291

Addresses of where I stayed while in the Philippines--

REDACTED M.D. St. James Clinic 42 Mauricio Castro Ave. Laoag City

Vicky Tysmans 29 Twinpeaks Dr. Blue Ridge Quezon City 703316

Other:

25

2 months at ...

REDACTED

(this is an old number, maybe it's wrong now)

REDACTED

(he went with Fr. Cruces, Fr. Tugade and me to watch X rated movies. That night he spent the night with those priests, he slept with Fr. Tugade even though Fr. Tugade knew that REDACTED is gay. REDACTED says nothing happened between them.)

REDACTED

(Shortly before I

left for the Philippines Fr. Henry Cabong became sexually interested in REDACTED She went to see X rated movies with some of the priests but they told her not to tell anyone about it. Fr. Tamayo now says that REDACTED has "disappeared" and no one, not even the aunt and uncle she was staying with, know where she is. Both Fr. Tamayo and Fr. Cruces claim that they did not know that Fr. Cabong was interested in REDACTED They also claim that they did not take her to see X rated movies.)

Bishop John Ward Chancery Office 1531 W. 9th St. Los Angeles 388-8101

selected  
for  
approval  
exhibit

request of  
REDACTED

EX. 3 (18pp)

9/23/87 30

December 13, 1983

This notation had no date on it and it did not name anyone, but I'm sure that it must be about Father Tamayo:

...If you tell I kill you and myself...  
did he mean it or was he just trying to make me  
see how bad it would be if I told

(2)



December 15, 1983

This is a copy of a letter I wrote to Father Valentine Fugade while I was in Quezon City, the Philippines. It is dated July 17, 1982. I wrote the letter but I never sent it, I was probably afraid that it sounded too harsh:

Val,

Why the hell haven't you written me or called me. Aren't you interested to know how I am or how your baby is? You make me extremely angry. I've cried so many times because of your lack of concern. I don't care if you love me or not but I do have your baby and that at least should concern you.

You were extremely cruel to me when you denied that the baby was yours. I thought you would be happy to know that you were going to be a father. I come close to hating you when I remember that. I understood that maybe you were frightened and that's why you denied the baby. But still you should of considered my feelings. No one was as frightened as I was. And now I'm on the other side of the world. Far from my family and everything I know. I want to go back to America but I know that would raise hell with all of you. And believe me it would be hell for you when people found out it was your baby. It would also be hell for Father Tamayo. But i'm getting despret here. So far I've gotten no money from any of you. And I need lots of money. The hospital and the delivery are going to be expensive. And if the delivery isn't normal it will be more expensive. Already I think there could be some serious complications. You should at least write me and let me know your exact blood type. The doctor said that the baby might die if the blood is not right, or the baby might not even be born alive. So you tell me what type of blood you have. And send me enough money for an emergency. If I don't get this I'll be forced to return to America for the baby's own safty and also for mine. But if I go back people will know that it's your baby. I don't want to sound cruel or anything but I am angry. It's hard to be pregnant. & it's hard to be in a strange country. And I'm tired of putting up with all of you. Especially you. You have been irresponsible. It's time that you realized that you do have responsibilities to me and to your baby. And it is your baby. Even if you don't want it you still were the one who made it. So you go see Tamayo and tell him to start doing something to help me here. Otherwise AGAWIDAKON.

Write to me soon at least only to send me your blood type. I'm sorry that this letter doesn't sound nice but I'm frightened, and will return to America before the baby is born unless I get support from you soon. The baby will be born on REDACTED. If I don't get anything from you this month I'll go back early in August.

REDACTED

③

December 13, 1983

This was a letter to my friend REDACTED it was written in Quezon City and is dated July 17, 1982:

Dear REDACTED,

How are you? I didn't write to you earlier because I thought I had lost your address. But I found it again.

I'm going through hell here thanks to Tamayo and Val. I've been here four months and those bastards haven't sent me any money. The lady I'm staying with is going crazy because of this. She's worried that if I have an emergency she won't be able to help me. It's nearly impossible to get a good hospital and even before a doctor will look at you, you need to pay 500 pesos. Hell, I don't even have enough money to eat now. This lady, her name is REDACTED has already gotten mad at Tamayo, she used very strong language when she talked to him. But he still doesn't get off his ass to help me here. I threatened him by saying that I would go back to America if he didn't send me money before this month was over. I told him I want 1,000 dollars. And if I return I will raise hell with him and Val. I will let anyone know how I got pregnant.

REDACTED what do you think my parents will do if they know I'm pregnant? I'm not too worried about my mother but I don't want to hear stupid lectures from my father. Or maybe it doesn't matter. To tell you the truth I'm afraid of delivering here. I helped deliver 3 or 4 babies here and the conditions are hell. The delivery was small and crowded and dusty and hot. No airconditioning. And no incubator in case the baby is sick. Also while one woman was delivering the doctor was smoking. How unsanitary. And worst of all, if you lose too much blood it's tough shit. The Red Cross doesn't have enough blood for anyone. Especially not the American blood I would need. (Most Americans are Rh positive while Flips are Rh negative.) I already saw one patient die because there was no blood. Maybe it is better that I go back home. If anything went wrong it would be hard to explain to my parents what happened. I don't know what to do now. I was examined by a doctor only once since I've been here. These people don't put too much importance in check-ups unless you're close to dying. Oh well, if things continue like this I'll be back by August. But don't say anything about this to my parents O.K.

I think that I'll really give Val what he deserves. A paternal suit. Is that what it's called? Well, whatever, I'll sue him for child support. And he will deserve it. So far he hasn't done anything since I left. You remember he didn't even see me at the airport. And now he hasn't even written me or called me. He's been irresponsible. But it's past time he does something and if he won't do it on his own then the courts will make him do it. I wonder what the Bishop would think if one of his priests faced a paternal suit. Oh well, so what.

Could you please find out something for me? You see there's

④

(page 2)

a guy here who wants to marry me. And I want to know if I marry this guy will I lose my rights to sue Val even if I register the baby in Val's name? Write to me soon and tell me how that would work out. So much for that.

So how's REDACTED? Or do you have another new love now? Have you been visiting my parents? If so, how's everything there. I think REDACTED will be calling you. I told her to call you and have you write to me because I thought I didn't have your address anymore. So if she calls it will be for nothing. But you will have the pleasure of hearing her beautiful voice...

O.K. that's all for now. Write to me and tell me what you can about paternity suits. All right? Say "hi" to whats her face (your cat). How weird, I can't remember her name now. Well write to me soon. Bye!

love.  
REDACTED

(A)

December 13, 1983

This is a copy of a letter I wrote to my friend REDACTED  
REDACTED while I was in Quezon City. It is dated July 16,  
1982:

Dear REDACTED,

How are you and REDACTED? (Is that your husband's name? It's  
been so long I forgot.) What are you doing now. How's  
REDACTED? Tell him "hi" for me. Hopefully he will still  
remember who I am.

So far its been hell here. I never realized how difficult  
it is to be pregnant. I complain so much it's pitiful.  
But I've only been examined one time by a doctor since I've  
been here. And even then it was only a simple examination.  
Not even with a blood test. But according to the doctor  
everything is fine. I can feel the baby moving now, and  
I already have something like milk. But it always leaks  
out, even when I was only 4 months. Did you have this  
problem?

I decided to bring the baby back to Calif. with me. You  
will be the only one that will know it's mine. My parents  
and REDACTED and everyone will think I adopted it here. I  
just hope it doesn't look too much like me. Does REDACTED  
know I'm pregnant? If you think he won't tell anyone,  
not even REDACTED you can tell him. But don't tell him that  
the father is a father (priest). I wasn't supposed to tell  
anyone who the father is but I trust you to keep this a  
secret. The priests don't know that you know. Otherwise  
they would all have heart attacks. Too bad. (They deserve  
to have heart attacks). Those priests make me angry some-  
times.

Well, I'll be waiting for your letter. Thank you for all  
your help while I was in America. I hope someday I can  
return the favor. So good bye for now.

love,  
REDACTED

December 14, 1983

This is a copy of a letter written to Father Santiago Tamayo. It has no date, and it was never sent to Fr. Tamayo:

Tamayo,

What the fuck are all of you doing? Why haven't I recieved any help from you? I've been here 4 months already. That should have been 4 times that you've sent me money. But so far I have nothing. I'm tired of worrying about how I'll pay the medical bills and how I'll have enough to eat and support the baby. All this has gone too far. I'm close to falling in a state of depression. There are times that I cry all day without any reason. And this is dangerous especially when it comes time to deliver. Ask any doctor and you'll see that it does affect the delivery. But you shits are all comfortable in your homes thinking that you have nothing to worry about. Well you have something to worry about. I've had a lot of time to think and what you did to me was cruel. It shouldn't have to happen to any girl. You've ruined my life. I'm close to being the same as a prostitute. I would have been happy staying a virgin all my life. In fact thats what I wanted. But I was too young and stupid when I let you have intercourse with me. I never thought things would go this far. And now I'm pregnant and I blame you for this. And you better start doing something to help me or else I'm going home. And for the baby's own safety I'm going by August. I don't have to put up with your shit any longer. I'm here because hell will be raised with you when people find out how I got pregnant. But if you won't help me then I won't help you. You just better have a good explanation to give to my parents before they see me 7 months pregnant. I really don't want to do it that way but you leave me no choice. I refuse to stay here where so many things can go wrong. And if something does go wrong it will still be hell for you. Imagine explaining to my mother that I died during childbrith. Don't think it's an exaggeration. Bleeding without stopping is common after delivery. And around here they don't have enough blood to save some people. I've already seen two people die from lack of blood. And its especially hard to get the type of blood I need here. All this plus the fact that even if they could get my type of blood I could not afford it thanks to your carelessness.

(7)

December 15, 1983

This letter was written for Fr. Valentine Tugade when I was in Laoag City. It is dated August 13, 1983. I never mailed it to him:

Val,

I am no longer in Quezon City. It was too dangerous for me to stay there because there was no way of getting to a hospital in case of an emergency, and besides, even if I could get to a hospital I would not have enough money to see a doctor. So now I'm back in Laoag City. I got here just in time. A few days after my arrival from Manila I got extremely sick. I'm better now but still not too good. I have lost over 17lbs. which is very bad. By now I should have gained at least 20lbs. But the baby seems to be getting bigger anyway. I've asked my parents to send me some food with you when you come to the Phillipines. It's important that I get something to eat soon. I have too much difficulty eating what is available here.

Exactly when are you coming? I want you to come and take me to Manila so I can deliver at a hospital in Paranaque. The clinic here in Laoag is not well equipped. I'm afraid of having something go wrong. If something were to happen to me it would be you who would have to explain everything to my parents. So it's better to be prepared so nothing bad can happen. And I would want you to stay until after the baby is born and until after I'm out of the hospital. And all this will be expensive so come with enough money. Fr. Tamayo sent me some money, \$200. But that's already gone. It wasn't even enough to pay the debts I have here. So you go see Tamayo and tell him to get realistic and send enough money.

And as for you, you better do things with responsibility. So far I haven't seen you move to do anything. If you don't come here and take care of this situation the way I want you then I will have to force you to do it. Even if it means taking you to court when I return to U.S. and filing a paternal suit against you. I'd rather have you do it of your own free will. But if I see you continue behaving like all this doesn't matter then I will take you to court. I have other plans for Fr. Tamayo if he also continues to act like I don't exist. So it's better for both of you to start being more concerned. Tell Fr. Tamayo to call his cousin in Paranaque. She will tell him how much the hospital expenses will be. Her name is REDACTED, her phone number is REDACTED

So write and tell me when you will arrive. Also before you come here first go and get a blood test. It's important to know your blood type. The doctor said that if it's a certain type then the baby's life can be in danger. So at least show concern for your child and get that done.

If you hurry and do these things I won't get despart

⑧

and I won't think too much about taking you to court.  
All right?

REDACTED

My address.  
REDACTED

December 15, 1983

This is a copy of something that I wrote when I was in high school. It is only dated Tuesday 13, 1979 but I'm sure the month was November:

After school I went to St. Philomena. I was going to go with Father Tamayo to the convalescent hospital. I was kind of afraid and kind of excited because I knew what Fr. Tamayo would want me to do.

I got to the rectory and I went to Mrs. Akiona. She asked if I wanted to see Fr. Tamayo. I said "yes". After waiting a while Father Tamayo came down. First he talked to some guy in his office. I heard them talking about the seminary. Soon the guy came out and Fr. Tamayo had me go into his office. He closed the door then he sat down beside me on my right hand side. He started talking about unimportant things. He put his hand on my arm then he started to try to feel the side of my breast. Then Fr. Cruces came in. He wasn't dressed like a priest. He was wearing a light blue shirt. His hair looked different he looked much better.

Father Cruces sat down behind the desk. He picked up a book and started reading it while Fr. Tamayo explained that he was helping me with my Latin homework.

Father Tamayo started to do my homework. I couldn't think of anything to talk about. The priests didn't seem to want to talk either. Father Tamayo looked at Fr. Cruces to make sure that he wasn't watching. Fr. Cruces was still reading. Fr. Tamayo's hand was moving over my behind. He was also feeling the side of my breast. Soon Fr. Cruces was falling asleep. The phone was ringing. Fr. Tamayo quickly answered it. Fr. Cruces was still sleeping. Tamayo was talking loudly and Cruces still slept. For some stupid reason I put my hand on his hip. I ran my finger up and down his hip. Then I got bored and I took my hand away. He turned around and put my hand back. Then he lent back and he tried to put my hand into his pocket. Just then Fr. Cruces woke up. I quickly pulled my hand back and Fr. Tamayo jumped up suddenly. I started to laugh out loud. After Fr. Tamayo finished talking on the phone he sat down and tried to do my homework again. Then he got up and said he had a headache. So he left. Fr. Cruces and I were alone. Then Fr. Cruces

I never did finish writing that, and unfortunately I don't remember what else happened.

(10)



December 16, 1985

These are notes I took about the time I went to the motel in Los Angeles with Frs. Tamayo, Henry, Cruces and Ruben. It gives highlights of what happened. Later I had planned to write it in greater detail but I never did do that. I didn't even finish writing these notes:

Tamayo Kissed and touched  
Asked if they knew what was going on here  
He took shower  
He naked  
Me dressed  
Bed he on top of me  
Lights out  
Check time 6:00  
Sucked  
I came (pretend)  
He put it in  
He came when I was finished  
Went to dress and clean myself  
He dressed went out to get next  
Lights on  
I waited expected Fr. Cruces  
Fr. Henry came in

Henry

Lights on  
Didn't know who to expect

Ruben

Here are some other notes that were one the side of that paper:

I love you  
that is the first time I've ever said that  
You're my first love

sinner  
sinner  
sinner

*I think the date that I went to the motel  
was April 17, 1980.*

(11)

December 16, 1983

This was written in 1980 a few days after the time I went to the motel in Los Angeles with Frs. Tamayo, Cruces, Henry and Ruben. This is about the time I went alone with Fr. Ruben to a motel either in Anahiem or in Westminster:

I felt a little more comfortable when he drove into the semi-private parking lot. I was also happy to find that the room was right in front of where we parked, room 112.

Ruben had some trouble using the key to open the door. For a minute there I was afraid that I would have to wait by myself while he went to get the manager or another key. I was relieved when the door finally gave way and opened. We went in. It was a large room with 2 double beds. The first thing I noticed was the walls that needed to be repainted. The room was dark because of the drawn curtains. It seemed clean, a lot cleaner than the first motel we went to that Thursday.

I stood in the middle of the room looking at myself in the mirror. Ruben turned on some lights and then turned over the covers on the bed. I leaned against the wall watching him. He walked over to me and stood right in front of me. Ruben put his hands on my arms and slightly pressed himself against me. He kissed me for a few seconds. I just stood there kind of stiff. He let go of me and looked at me for a moment. Then he walked towards the bathroom. "I'm going to take a shower. You can take your clothes off while I come back". I answered "O.K." but I had no intention of doing that. I didn't want him to come in and find me naked in bed like if I was too eager to wait, and besides laying there naked and \_\_\_\_\_\* would just make me anxious while he seemed to take forever in the shower. I walked over to the other bed where he had left his clothes. I reached across the bed and picked up a little gold cross he took off after undressing. I examined the cross then kissed it. I put it back and listened to Ruben in the shower.

\*In the original paper that word was too faded to read. This note was written in code, here is a sample of what the first sentence looks like: y f'27 f 2472' 176' 2718767FL1' 1377 f' 2195' 4777  
77 5817-2237 f' 2111473 277.

*This probably happened April 21, 1980 on a Monday.*

(12)

December 16, 1983

This was written in code. The first sentence looked like this-  
Fr. Angel\* at Rashdall Ave. Fr. Angel\* at Rashdall Ave.

It was written about one of the times that I went with Frs. Tamayo and Cruces to the house on Rashdall Ave.:

March 7

He stood in front of me in his underwear. He looked shorter like that. I was still fully dressed. He moved towards me and held me in his arms, very close to him, pressing his penis against my leg. He was holding me so close and so tight it was hard for me to keep my balance. "I've longed so much to be alone with you," he whispered. I just stood there kind of stiff. I felt I had to say something.

"So have I".

He said something else that I can't remember, but I could feel his desire growing. He asked me to take off my clothes. I was sort of hesitant, but slowly I removed my shirt and finally my bra. This would be the first time he would see me completely naked. He was already naked. I couldn't look at him, but I knew he was watching me. A strange sound came from down in his throat when he saw my bare breasts. I glanced over at the child's bed. I looked around at the toys on the floor as I took off my pants. Fr. Cruces folded down the bed covers. He then stood back and watched me. I felt kind of self-conscious. I slipped my shirt off and I stood there for a moment before taking off my bra. I could feel Fr. Cruces' eyes on me. Trying not to think I unhooked my bra. I tossed it on the bed. Fr. Cruces groaned with lusty approval when he saw my bare breasts. He sat on the bed directly in front of me. He pulled me to himself and pushed his face against my breasts. He kept on moaning. His hands were running up and down my body. Fr. Cruces held me tighter. I nearly lost my balance, I was afraid of falling on him. He noticed that I was having trouble standing still. He let me loose just a bit.

Fr. Angel\* looked at me with a glazed look "why are you tipsy?" I didn't understand him "What?" "Why are you tipsy, have you been drinking?" "No

\*That is Father Cruces' first name.

(13)

December 16, 1983

Here are some more notes that were also written in code:

Today I'm going to visit Fr. Tamayo and probably also  
Fr. Cruces.  
They weren't there but Thursday right after school 3:30  
they came to visit me together with Fr. Henry and Fr. Ruben.  
We went to L.A. and had dinner then we went to a motel and  
had sex.\*

Next to that note there was a separate one that read:

You are the first  
and the last  
(Fr. Cruces April 28, 8:40)  
Monday

\*From other notes I figured that the date this happened  
was April 17, 1980 on a Thursday.

(14)

December 16, 1983

Sometimes I would write notes in the form of letters, even though I had no intention of showing the letter to anyone not even the person I was supposedly writing to. I crossed out the name on this letter but I'm sure it was to Fr. Tamayo:

\_\_\_\_\_ \* my first love to have sex involved in it, it was beautiful but, please, leave it to married people. I'm not afraid of something so personal as sex to enrich our love but I just don't feel it's for us. Maybe with time I'll be ready and if I ever am I'll let you know. Please don't feel as if I am mad at you, I am not I love you too much to be mad at you. I kind of understand why you done it. Actually I wish that we could share ourselves more, but I don't think that we'll ever belong to each other. One of these days we'll be separated, probly forever... now we should be together as often as we could but please try to keep your desires controled until the right time comes - if it ever comes. I can't promise you that I'll give you all you want but I'll give as much as possible without hurting the vows you made or the ones I am going to make. I love you too much to hurt you. Please don't feel so ashamed that you can't even look at me anymore. I want you and I need you.

\*The name was crossed out.

This was written at the beggining of my relationship with Fr. Tamayo, around the time that I was sixteen.

(17)

December 17, 1983

I wrote this on October 23, 1978. Reading this now I see that I had a distorted view of what was really happening between Father Tamayo and myself. Then I felt that everything was my fault but now I know it couldn't of been because Fr. Tamayo was the one that did the seducing not me:

I hate myself with an intense hatred. I'm worth as much as a speck of dust. I know it is a sin to hate, but after all the lives I've ruined I don't deserve to have a good thought from anyone. I am selfish and disrespectful. I am disobediant to the people around me and I also disobey my better judgements. I want to cry. I have not cried in a long time. I don't feel anymore. I'm dead to my feelings of love and understanding. All I can feel is a numbness that comes from all the pain and loneliness I have. I refuse to let myself cry, I don't deserve the relief that comes from tears.

Actually I feel more guilty because I told on Father than because of what I done with him. I know that I should feel sorry for the way I ruined his life but I don't and that's also why I feel guilty. After putting my thoughts down on paper I think I am begining to see what I really am like. I pity the wretched creature that I am. I'm no better off than a worm. God help me! I didn't mean to ruin his life, I was so selfish. I only thought of my loneliness thats why I went with him and when I saw how far we went I only thought of my despair that's why I told on him.\* Never once did I think of the position that his loneliness put him in. I should of made our friendship pure and not sexual. And I never thought of the fear and greater loneliness I would put into his heart by telling on him.

Father is not an animal. He's a victim of loneliness and the need for a human friend. We both were trapped by loneliness. We need each other, and now because of my fault we have no one again. But I rather that we have no one than go through the pain of having all those desires that we weren't meant to have. I just hope he doesn't run off with some one else.

\*It's about the time that I told REDACTED about the situation between Fr. Tamayo and myself.

(16)

December 17, 1983

These notes are dated November 2, 1978:

Yesterday seemed to hold something new and untangible. It seemed to mark the beginning of the year, a year like the one I lived last year. Like if I am going to get a chance to go through life again and make the exact same mistake as last year but this time prepared from last year's experience. I feel as if I am to relive everything, the same situations but for some reason or another with different people.

(17)

Tax information

1	DATE	3-22-52	NAME	W. H. ...	ADDRESS	...
2	DESCRIPTION	...	...	...	...	...
3	...	...	...	...	...	...
4	...	...	...	...	...	...
5	...	...	...	...	...	...
6	...	...	...	...	...	...
7	...	...	...	...	...	...
8	...	...	...	...	...	...
9	...	...	...	...	...	...
10	...	...	...	...	...	...
11	...	...	...	...	...	...
12	...	...	...	...	...	...
13	...	...	...	...	...	...
14	...	...	...	...	...	...
15	...	...	...	...	...	...
16	...	...	...	...	...	...
17	...	...	...	...	...	...
18	...	...	...	...	...	...
19	...	...	...	...	...	...
20	...	...	...	...	...	...
21	...	...	...	...	...	...
22	...	...	...	...	...	...
23	...	...	...	...	...	...
24	...	...	...	...	...	...
25	...	...	...	...	...	...
26	...	...	...	...	...	...
27	...	...	...	...	...	...
28	...	...	...	...	...	...
29	...	...	...	...	...	...
30	...	...	...	...	...	...
31	...	...	...	...	...	...
32	...	...	...	...	...	...
33	...	...	...	...	...	...
34	...	...	...	...	...	...
35	...	...	...	...	...	...
36	...	...	...	...	...	...
37	...	...	...	...	...	...
38	...	...	...	...	...	...
39	...	...	...	...	...	...
40	...	...	...	...	...	...
41	...	...	...	...	...	...
42	...	...	...	...	...	...
43	...	...	...	...	...	...
44	...	...	...	...	...	...
45	...	...	...	...	...	...
46	...	...	...	...	...	...
47	...	...	...	...	...	...
48	...	...	...	...	...	...
49	...	...	...	...	...	...
50	...	...	...	...	...	...
51	...	...	...	...	...	...
52	...	...	...	...	...	...
53	...	...	...	...	...	...
54	...	...	...	...	...	...
55	...	...	...	...	...	...
56	...	...	...	...	...	...
57	...	...	...	...	...	...
58	...	...	...	...	...	...
59	...	...	...	...	...	...
60	...	...	...	...	...	...
61	...	...	...	...	...	...
62	...	...	...	...	...	...
63	...	...	...	...	...	...
64	...	...	...	...	...	...
65	...	...	...	...	...	...
66	...	...	...	...	...	...
67	...	...	...	...	...	...
68	...	...	...	...	...	...
69	...	...	...	...	...	...
70	...	...	...	...	...	...
71	...	...	...	...	...	...
72	...	...	...	...	...	...
73	...	...	...	...	...	...
74	...	...	...	...	...	...
75	...	...	...	...	...	...
76	...	...	...	...	...	...
77	...	...	...	...	...	...
78	...	...	...	...	...	...
79	...	...	...	...	...	...
80	...	...	...	...	...	...
81	...	...	...	...	...	...
82	...	...	...	...	...	...
83	...	...	...	...	...	...
84	...	...	...	...	...	...
85	...	...	...	...	...	...
86	...	...	...	...	...	...
87	...	...	...	...	...	...
88	...	...	...	...	...	...
89	...	...	...	...	...	...
90	...	...	...	...	...	...
91	...	...	...	...	...	...
92	...	...	...	...	...	...
93	...	...	...	...	...	...
94	...	...	...	...	...	...
95	...	...	...	...	...	...
96	...	...	...	...	...	...
97	...	...	...	...	...	...
98	...	...	...	...	...	...
99	...	...	...	...	...	...
100	...	...	...	...	...	...





Republic of the Philippines  
 DEPARTMENT OF HEALTH  
 CITY OF LAOAG  
 Office of the City Health Officer  
 and Local Civil Registrar

CERTIFICATE OF BIRTH

I, REDACTED M.D., OIC, City Health Officer and Local Civil Registrar of the City of Laoag, Philippines;

CERTIFY : That in the Register of Births in this Office appear the following entries :

Register No. 5(k-82) REDACTED

Name of Child: \_\_\_\_\_

Date of Birth : REDACTED

Place of Birth : Ilocos Norte Provincial Hospital

Citizenship: American Sex: REDACTED

Legitimate/Illegitimate: Y Illegitimate

Living/Stillborn: Living

Name of Father : XXXXXX Age: \_\_\_\_\_

Birthplace: \_\_\_\_\_

Citizenship: \_\_\_\_\_ Occupation: \_\_\_\_\_

Civil Status: \_\_\_\_\_ Religion : \_\_\_\_\_

Name of Mother: REDACTED Age: 21

Birthplace: California, USA

Citizenship: American Occupation: XXXX

Civil Status: Single Religion: Roman Catholic

Number of children born by this mother including dead: 1

Attendant at Birth : REDACTED


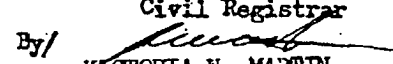
Title: M.D. Address: Laoag City

Reported by: REDACTED

Date reported to the Local Civil Registrar: November 2, 1982

~~XX~~

I hereby certify that the foregoing is a true and exact copy from the original. Laoag City, Philippines. November 2, 1982

Verified by:   
   
 MANUEL L. BAPTISTA, M.D., CEN  
 OIC, City Health Officer & Local Civil Registrar  
 By/   
 VICTORIA N. MARTIN  
 Civil Registry Officer

*Personnel #*  
 REDACTED  
EX. 5  
 9-23-81

Frank Wallace - October 9, 1987

Re: Tamayo

He probably could look for back pay. In the long run, it would be best to give him some support. Put it in the language of Canon 1350.

MEMORANDUM

DATE: October 12, 1987  
FROM: Monsignor Curry  
TO: Sr. Judith Murphy  
RE: Attached Correspondence

Attached is the Tamayo correspondence I showed you last week.

Subsequently, I spoke to Monsignor Wallace and he advised me that according to Canon 1350 we do have a responsibility in this matter.

He is of the opinion that we should make some contact with Father Tamayo and offer him some support, even on a limited basis and for a definite period of time while he is readjusting to some other place.

He does feel that Father Tamayo could probably ask us for back pay, and also that in the long run it is better to settle this as amicably as we can. He advises me to put any offer of help in the language of Canon Law.

I would appreciate it if you could bring this matter to the lawyers who are handling the case and get back to me so we can discuss it further.

Many thanks again for your help on all of this.

/lbm

MEMORANDUMNovember 8, 1987

To: Archbishop Mahony  
From: Msgr. Thomas Curry ✓  
Re: Father Santiago Tamayo

Attached is some correspondence from Father Tamayo in response to the standard annual letter I send to all the priests who are outside the Archdiocese. (Father Tamayo was the pastor of SS. Peter and Paul, Wilmington, and was the only one of the seven Filipino priests involved in the <sup>REDACTED</sup> case who is incardinated.)

Sister Judy advises that he never return to the Archdiocese and I agree. He mentions being rehabilitated, but I never understood that any of the priests involved asserted that the charges were false. He is still personally liable for damages.

In checking with Frank Wallace, however, he does feel that according to Canon 1350, we are liable for some support. He even feels that there could be a claim for back pay. His advice is that we offer some help for a limited time while Father Tamayo is adjusting to life elsewhere and that we couch our offer in the language of the Canon. I think this is a wise approach.

*I concur - do you want  
to write, or shall I?*

*thanks!*

*+ RMM*

*11-9-87*

MEMORANDUM

COPY

DATE: December 21, 1987

FROM: Lois - Office of Vicar for Clergy TO: Rosa Padillo - Payroll

RE: REV. SANTIAGO TAMAYO

Effective December 1, 1987 please put Reverend Santiago Tamayo on chancery payroll.

His checks should be send to him as follows:

Rev. Santiago Tamayo  
c/o REDACTED  
St. James Medical Clinic  
42 Mauricio Castro Street  
Laoag City, Phillipines

Many thanks.

LM

/dt

MEMORANDUM

*C File*

DATE: December 28, 1987

FROM: Lois

TO: Rosa Padillo - Payroll

RE: Rev. Santiago Tamayo

Correct figure for payment effective December 1, 1987 to  
Rev. Santiago Tamayo is:

Salary	350.
Funeralia	25.
Increment	50
TOTAL:	<u>425</u>

This will have to be from tickler. No S.S. # available.



ARCHDIOCESE OF LOS ANGELES  
1531 WEST NINTH STREET  
LOS ANGELES, CALIFORNIA 90015-1194  
(213) 251-3200

COPY

OFFICE OF VICAR FOR CLERGY  
(213) 251-3284

December 28, 1987

Rev. Santiago Tamayo  
c/o REDACTED  
St. James Medical Clinic  
42 Mauricio Castro St.  
Laoag City, Philippines

Dear Father Tamayo:

Thank you for your letters to me and to Archbishop Mahony. I understand from your letter that you would like to return to this Archdiocese. However, given all that has taken place, that does not seem advisable, and all the advisors to the Archdiocese counsel against it for the foreseeable future. Our lawyers also inform us that you are liable to personal suits arising out of your past actions. Therefore it is not advisable that you return at all to the United States. Such suits can only open old wounds and further hurt anyone concerned, including the Archdiocese.

After much consideration, it is the opinion of the Archdiocesan authorities that you should seek to settle elsewhere, and we encourage you to seek incardination in the Philippines. While you are pursuing this possibility, the Archdiocese would like to pay you a salary beginning as of December 1, 1987. I would appreciate your keeping me informed of your progress, so that both you and the Archdiocese can continue to assess your situation.

I do hope this will be of assistance to you, and that you will be able to find a suitable position there. Please be assured you have my prayers and best wishes during this transitional time.

Sincerely yours in Christ,

(Rev. Msgr.) Thomas J. Curry  
Vicar for Clergy

/lbm



CONFIDENTIAL - ATTORNEY WORK PRODUCT - PRIVILEGED

Memo to File

March 21, 1991

Re: TAMAYO CHRONOLOGY

January 1980-March 1982: REDACTED alleged sexual relations with Tamayo and six other priests. REDACTED became pregnant.

April 1982: REDACTED sent to Philippines. Cared for by Tamayo's brother.

REDACTED : REDACTED has baby REDACTED in Philippines.

November 1982: REDACTED returns to States with baby.

July 1983: REDACTED meets with Tamayo and Tugade. Told to keep silent.  
REDACTED meets with Bishop Ward and gave names of several priests suspect.

October 1983: Bishop Ward meets with REDACTED - nothing can be done.

December 1983: Tamayo tells REDACTED not to tell her parents all that happened.

February 8, 1984: REDACTED files Complaint.

June 15, 1984 letter: From Rawden to Tamayo "being paid congrua sustentaio because incardinated. Please contact attorney Hillsinger".

April 25, 1985: From Tamayo to Rawden - asking for SS payment.

May 7, 1985: Rawden to Tamayo - has had monthly honorarium for over a year, find work on your own, will give recommendation, will keep on insurance. Enclosed SS reimbursement for 1984 - \$678, dated May 3, 1985 (not cashed).

November 25, 1985: Tamayo to Rawden - wants to come back, please resume checks, left with only tote bag.

September 11, 1987: Tamayo to Archbishop - have check reissued for \$678, want to return to Archdiocese, letter was in response to general letter from Monsignor Curry to all priests outside Archdiocese.

December 1, 1987: Place back on monthly check. Not from Payroll, from Chancery. Required by Canon 1350.

December 28, 1987: Curry to Tamayo - will resume monthly check, please seek incardination in the Philippines, do not return - lawsuit still pending and could prove a hardship to Tamayo, his family, and Archdiocese.

May 28, 1988: Brother of Tamayo to Curry - Tamayo suffered stroke number two (stroke number one in June of 1987, stroke number two on March 26, 1988), brother states Tamayo was told to disappear but wants to face accusers.

June 11, 1988: John McNicholas to Archdiocese - hogwash about disappearance. In his best interest for him to stay in Philippines.

August 18, 1988: Tamayo back in States. Blood-sister calls to see if covered by insurance.

August 26, 1988: Curry to Tamayo - return to the Philippines. You are still personally liable for lawsuit.

March 6, 1990: Tamayo to Archbishop - had another stroke, back in States, nursing home, send checks to Garden Grove, CA.

April 27, 1990: Memo from Lois to Myrna instructing the check of \$425 per month be given to Lois to send to Tamayo.

May 8, 1990: Tamayo to John Rath - Tamayo incapacitated, enclosed medical records, requesting insurance coverage for REDACTED and "her 2 kids, REDACTED

May 22, 1990: Curry to Tamayo - request for clarification as to who is "REDACTED" and explain "REDACTED", "REDACTED;" referenced in medical records.

June 19, 1990: REDACTED to Curry - Before decide request, please visit us.

July 9, 1990: Curry to REDACTED - Have Tamayo write me to explain certain references in material sent.

July 28, 1990: Tamayo to Rawden - Want a pension, knew when married REDACTED - end for me. Therefore went to work for Forest Lawn a year ago but coronary in January 1990.

August 13, 1990: Tamayo to Rawden - fired from Forest Lawn, religious marriage performed on March 11, 1989, which marriage performed by Lucian Dierickx. Civil marriage performed August 15, 1988.

August 20, 1990: Packet from Rawden to Curry - enclosed in packet is medical records, civil marriage certificate, religious marriage certificate. Medical records reveal admission to Bay Harbor Hospital on January 3, 1990 in which he calls himself Henry S. Tamayo, employer Forest Lawn, wife REDACTED primary insurance - CareAmerica--HMO. Diagnosis: right frontal hematoma. Children are: REDACTED  
REDACTED

\*May 24, 1990: Tamayo to Curry (received September 24, 1990) - I am married - REDACTED is mine. Came to U.S. May 1988 with REDACTED REDACTED in Highland Park - had not seen each other for 3 years. Began to court her, married. Worked for Forest Lawn and a month ago Forest Lawn cancelled insurance. Please give us insurance.

September 3, 1990: Tamayo to Curry (received September 24, 1990) - REDACTED, my wife, REDACTED. Wife had to give up job to take care of him.

November 26, 1990: \$425 check - "monthly expenses".

December 13, 1990: Tamayo to Archbishop in Christmas card - suffered fifth stroke, admitted to Harbor General Hospital, dying, come visit, "I'm sorry".

December 20, 1990: Memo from Curry to Archbishop - Tamayo married, Canonical considerations.

December 21, 1990: Archbishop to Tamayo - attempted civil marriage without necessary dispensation, cannot support.

December 28, 1990: Final check of \$425.

December 28, 1990: Curry to Tamayo - last check, attempted to contract marriage, get assistance from Catholic Charities.

January 1, 1991: Dierickx to Archbishop - he is Tamayo's advocate, give him money, support wife and children, you better respond or else.

January 9, 1991: Telephone call from Dierickx to Father Dyer - have we received letter and would we respond.

January 9, 1991: Tamayo to Archbishop - solicited help of Dierickx, he will be in touch with you, please give me back insurance, and help for my children.

January 18, 1991: Dyer to Dierickx - response to January 1, 1991 letter, Dyer must directly deal with Tamayo.

January 21, 1991: Dyer to Tamayo - response to January 9, 1991 letter. Cannot give regular income, but put in touch with Catholic Charities.

January 25, 1991: Tamayo to Dyer - please put me in touch with Catholic Charities. Will accept whatever help as long as I do not waive anything legal.

January 28, 1991: Dierickx to Archbishop - alleges Tamayo ordered out of Archdiocese, resume paycheck.

February 4, 1991: Dierickx to Archbishop - reprimand that Canon Law used to defraud Tamayo of monthly expenses.

February 4, 1991: Dierickx to Apostolic Nuncio - wants monthly check reinstated, no mention of Tamayo's marriage.

February 8, 1991: FAX from McNicholas to Sister Judy - Tamayo has asked for his file from George Hillsinger.

February 20, 1991: Catholic Charities (Lupe Macker) to Tamayo - offering services.

February 21, 1991: Dyer to Dierickx - Apostolic Nuncio has received letter and we will respond to inquiry.

Undated letter (prior to 3/19/91): Tamayo to Macker - Thanks for offer but have help from someone else.

San Diego, CA  
(San Diego Co.)  
Evening Tribune  
(Cal. D. 121,835)

MAR 28 1991

WEEKLY P. C. B. 121, 1888

# Scandal-linked priest was paid, urged to stay abroad,

LOS ANGELES (AP) — The Roman Catholic archdiocese urged a priest involved in a sex scandal to stay out of the country and sent him monthly checks for several years, a series of letters reveals.

The Rev. Santiago "Henry" Tamayo showed the letters to the Los Angeles Times, which published them today.

During the time of the correspondence, attorneys were attempting to contact Tamayo for questioning in a lawsuit alleging that he

and six other priests seduced a teen-age parishioner and that one of the six others fathered her child.

Tamayo, 50, came forward in January and admitted he seduced Rita Milla, then 16.

The letters shed light on the scandal that shocked the Catholic community when it emerged in 1984.

Milla sued the archdiocese and seven priests in 1984 for \$21 million for fraud, conspiracy and clergy malpractice.

The state Supreme Court dismissed the case, saying the church was not responsible for the behavior of its priests and too much time had elapsed.

A paternity suit is still pending. Tamayo admitted having sex with Milla, but it is agreed by all parties he is not the father of Milla's 4-year-old daughter.

The correspondence included a 1984 letter that enclosed a check for \$375 and asked Tamayo "that you do not reveal that you are

being paid by the Los Angeles Archdiocese unless requested under oath," the Times reported.

Another letter in 1987 advised him to remain in the Philippines.

The letters, on archdiocese stationery, were signed by church officials in charge of the clergy at the time, the Times said.

The payments were normal for a transferring priest and did not amount to hush money, said the Rev. Timothy Lyer, vicar

TO: 2132513510 APR 8 1991 8:36AM #138 P.04

FROM: MORGAN WENZEL LR

## Church allegedly paid priest on sex charge to stay away

LOS ANGELES — The Roman Catholic archdiocese sent cheques to a priest accused of having sex with a teenaged girl and asked him to stay out of the country, according to correspondence published by the Los Angeles Times.

Reverend Santiago Tamayo, who was living in the Philippines, was being sought by US attorneys for questioning in a lawsuit alleging that he and six other Filipino priests seduced a 16-year-old parishioner and one of them fathered her child.

Rev Tamayo showed the Los Angeles Times a 1984 cheque for US\$375 (S\$673) and a letter asking that he "not reveal that you are be-

ing paid by the Los Angeles Archdiocese unless requested under oath".

A letter in 1987 asked him to remain in the Philippines.

An attorney for the archdiocese said Rev Tamayo had gone to the Philippines on his own initiative, but acknowledged that the church approved of the decision.

"I could see that it was in no one's best interest for him to return here," said attorney John McNicholas.

The payments were normal for transferring a priest and did not amount to hush money, said Reverend Timothy Dyer, a recently-appointed vicar for the clergy.

Ms Rita Milla sued the church and the seven priests

in 1984 for US\$21 million on charges of fraud, conspiracy and clerical malpractice. The Supreme Court later overturned the case, arguing that the church was not responsible for the priests' actions.

A paternity suit for Ms Milla's eight-year-old daughter is still pending.

In January, the 56-year-old Rev Tamayo admitted that he seduced Ms Milla in 1978 but ended the affair a year before she became pregnant, saying the six other priests had taken his place.

In 1988, the church set up a US\$30,000 trust fund for the child, but a church attorney said the fund was not an admission of liability. — AFP.

The Singapore News  
Council has —

pls save for my  
scrapbook.

# Priest in Sex Scandal Was Advised to Stay Out of U.S.

■ **Religion:** Letters from L.A. archdiocese urged him to remain in Philippines after lawsuit was filed against him.

By PATT MORRISON  
TIMES STAFF WRITER

A series of letters reveal that the Los Angeles Roman Catholic archdiocese advised a priest to stay out of the country after a lawsuit was filed against him, the church and six other priests by a young parishioner who alleged that the priests seduced her and got her pregnant.

The correspondence on archdiocese letterheads shows that Father Santiago (Henry) Tamayo also received monthly payments equal to a priest's salary for much of the time he was living in his native Philippines.

While church officials were corresponding with the priest, they were declining to reveal his whereabouts to an attorney for the woman who was attempting to prosecute her lawsuit.

The letters and interviews shed new light on the scandal involving seven priests, which rocked the archdiocese when it emerged seven years ago.

Tamayo, 56, a Philippine-born U.S. citizen recently suspended from the priesthood because he had married, confirmed the substance of charges made in 1984 by Rita Milla, now 29, who said she had a child by one of seven priests who had sex with her as a teen-ager.

The \$21-million suit alleging conspiracy, fraud and clergy malpractice was dismissed after the state Supreme Court ruled that the church was not responsible for unauthorized sex acts of its priests and that too much time had passed before the filing of the suit.

A separate paternity suit is still unresolved, but it is agreed by all parties that Tamayo, who admits to having sex with Milla, is not the father. Three years ago, after Milla dropped a slander suit against a bishop, the church set up a \$20,000 trust fund for her daughter, which according to a church lawyer was not an admission of liability but an act of benevolence for the child.

At the time the fraud and malpractice suit was filed, church officials would say only that the priests were no longer with the archdiocese, and would not provide information on their whereabouts, according to Milla's attorney, Gloria Allred, who said that being able to question the priests was crucial to her lawsuit.

Tamayo said in an interview that he felt the archdiocese helped itself by letting the scandal die down, sending him money while he was living abroad and advising him not to return to Los Angeles, where he inevitably would have been questioned.

Among the correspondence Tamayo made available to The Times:

• A 1984 archdiocese letter, a copy of which was sent to the now-deceased Cardinal Timothy Manning, enclosing a \$375 check, the first of numerous monthly payments, and asking Tamayo "that you do not reveal that you are being paid by the Los Angeles Archdiocese unless requested under oath."

• A 1987 archdiocese letter acknowledging Tamayo's request to return from the Philippines but advising him to find a position there. "Given all that has taken place, [returning] does not seem advisable, and all the advisers to the Archdiocese counsel against it for the foreseeable future. Our lawyers also inform us that you are liable to personal suits arising out of your past actions. . . . Such suits can only open old wounds and further hurt anyone concerned, including the Archdiocese."

• A 1988 archdiocese letter written after Tamayo, ignoring the church's request, had returned to California with his daughter by another woman. "I advised you to settle elsewhere. . . . I cannot emphasize too strongly that there has been no change in the situation. Therefore I am requesting that you return to the Philippines promptly."

The letters were signed by the ranking churchmen responsible for dealing with the clergy.

Tamayo, once a popular South Bay parish priest, said he came forward after seven years because "I want to keep my conscience clear. . . . It took off a whole lot from my shoulders." When he got a letter in December saying that because he had married he was suspended from the priesthood, Tamayo said, "It was time to come out."

Milla, whose daughter is 8 years old, said, "I do admire [Tamayo] for having the courage to come out and say the truth, and I wish the church were as courageous as he is."

"The church is the one that covered everything up and they were the ones that had power to make things better and they didn't use it," she said. "I'd like to hear them say that they messed up and want to make it up."

In an interview, archdiocese officials and attorneys agreed that the church knew Tamayo was in the Philippines for several years, including while Milla's attorney was trying to serve him legal papers.

They said it was Tamayo's decision to go to the Philippines, but acknowledged that they thought it best that he stay there, not only because of the sex scandal but because his family wanted him close by after he suffered two strokes.

"I could see that it was in no one's best interest for him to return here," said attorney John P. McNicholas. "He could add or subtract nothing from the litigation. . . . All that could happen is that his return would open old wounds. . . . and just be a fertile source of sensationalism."

Church spokesman Father Gregory Coiro said the archdiocese also wanted Tamayo to stay abroad out of concern for its members.

"When people see their priest



JIM MENDENHALL / Los Angeles Times  
Rita Milla, 29, says she had a child by one of seven priests.

being accused of some sort of misconduct, there's a great deal of hurt among many many people. . . . We're not in the business of hurting people, we're in the business of healing people. This would not have been a healing move to have these [priests] coming back here."

As for the monthly payments, they did not amount to hush money but rather were legally mandated until Tamayo found another position, said Father Timothy Dyer, the recently appointed vicar for clergy. Although it was "very unusual [for the payments] to go on that long," he said, they were sent "out of compassion and care and a sense of moral responsibility for a man who had served us."

The admonition that Tamayo not talk about the payments except under oath was "just common sense," said Dyer, because in casual reference it might look like "well, maybe we're keeping him quiet, we're paying him to keep quiet. But that wasn't the reason to do it."

McNicholas said it was Tamayo who took advantage of the church, fathering a child eight years ago while he was pastor of a Wilmington parish, then coming back in 1988 against the archdiocese's advice, accepting its checks long after he married the child's mother in 1988.

"Here's a man who has betrayed himself, his church, and a few other people, and now says, 'They made me do it.' Now wait a minute. Where is the truth here?" McNicholas said.

SEE OTHER SIDE



The genesis of the scandal began in 1978, when Tamayo, who said he was frustrated in his parish work, began an affair with Milla, then 16. By 1981, when Tamayo got his own parish in Wilmington, he said he had ended his affair but that his friends, six Filipino priests, were pursuing their own.

Tamayo got Milla a job answering phones in the rectory after her father fell ill. The priests saw her when they visited Tamayo and sometimes had sex with her there, he alleged.

"I introduced her to them; maybe I was guilty of that, but I didn't put any shackles on her and tell her to have sex with everybody."

Once, Tamayo found the other priests "laughing" about their affairs. "I felt so bad, I said, 'Why did you have to do that?'"

In early 1982, about the time Tamayo had begun a relationship with another woman who would give birth to Tamayo's daughter, Milla became pregnant by one of the other priests.

"I asked them who was the father and they just laughed," recalled Tamayo. "I was so mad. 'Own up and maybe marry Rita or do something about it,' I told them. . . . Why somebody who is preaching justice and all this kind of thing would just back out . . . they weren't going to do anything about it."

Tamayo said he arranged for Milla to fly to the Philippines and give birth in his brother's medical clinic. Several Tamayo relatives stood as sponsors at the baby's baptism.

After Milla went to the archdiocese in July, 1983, asking for child support and asking that the priests be "punished," the seven clergymen were questioned by church officials, Tamayo said. "We told them everything." All seven, he said, returned to their parishes. "I didn't hear any kind of reprimand."

Exactly how and when the priests left the archdiocese is a subject of dispute.

Archdiocese attorney McNicholas said he was told the seven "panicked and left" as soon as they heard about a press conference by Allred in February, 1984. He said the archdiocese only kept track of Tamayo, the only one assigned to the archdiocese. If Milla's attorneys had pursued all legal options, he said, documents showing his whereabouts "would have been produced."

Tamayo and a former archdiocese employee recall it differently.

A former archdiocese spokesman, who asked not to be named, said word of the impending lawsuit reached Msgr. Benjamin Hawkes, now dead.

"He was absolutely infuriated. He got on the phone and told the priests to get out of town right away," he recalled. "It was fairly clear knowledge among the rest of the clergy that almost by the time Allred had her press conference, they were already out or on their way out of the archdiocese. They were just gone."

"I think they had a big mess on their hands," he said. "It would have been a scandal, no more or less, than if they had been honest, right from the start. . . . If [the priests] had been able to come out and be straightforward from the beginning, then you wouldn't have it coming out in seven or eight years, like it is now."

Tamayo said some of the priests went to his parents' home in Los Angeles. "I called up [then-chancellor Msgr. John] Rawden. I said, what will I do now? He said, 'Don't go back to the parish, there's a lot of TV people there.'"

Tamayo said he flew to Hawaii and called Rawden.

"He said, 'It's good you're in Hawaii because the bishop over there, the chancellor, is a good friend, so maybe they can give you a job there.' I had no inclination to do that—I'd worked here all my life." Rawden could not be reached for comment.

In the seven years since the affair surfaced, a change at the top of the archdiocese—from Manning to Archbishop Roger Mahony—has made for some differences. One is that procedures for handling such incidents have been established.

"If somebody gets into trouble, we don't take over responsibility, but he does," Dyer said. Counseling and therapy may be provided to the priest, and if they are needed for "someone who was victimized or hurt . . . that's the priest's responsibility" to pay for it. So is child support.

"I don't want to contrast this administration, to say we rode in on a white horse and changed everything, because that's not true," Dyer said. "I don't want to place any judgment on the past, on the way things were done."

"There were no winners in that case, no winners at all," McNicholas said. "The child lost, Rita lost, my client lost, the priest lost. There were no winners, only losers."

Community correspondent Janet Barker contributed to this article.

# Pain Was Affair's Gift to Priest, Woman

By PATT MORRISON  
TIMES STAFF WRITER

On a January night, after spilling out his story, Father Henry Tamayo walked out into the garden and gazed for a long time at the winter stars.

"Where did it go?" he asked.

A friend wondered what Tamayo was looking for.

"I had a weight on my shoulders," Tamayo told him, "and it's lifted."

There was no such epiphany, no such date or place for Rita Milla, now 29, the young woman who said she was seduced first by Tamayo, then by six other priests. She later sued them and the archdiocese for fraud and clergy malpractice.

Yet she, too, has gradually felt herself freed of burdens: of feeling guilty, of being accused of making it all up, of being called by a bishop a woman with a "bad reputation." And Tamayo's coming forward "made me feel that I wasn't crazy,

thinking all this conspiracy stuff."

For Tamayo and Milla, once priest and parishioner, and for a time lovers, the years since the 1984 lawsuit brought some common experiences. Both said they were despondent and once considered suicide; both saw their families damaged by the scandal; both say they want the church to take responsibility, and both became disillusioned about elements of their church.

As a devout teen-ager, Milla went to church each morning, and said she spent four months in a convent after high school. Since 1984, though, she has not set foot in a church, nor have her parents, her sisters, or her daughter by one of the priests. "I'm afraid of going to church, any church actually. I gave myself so much to the church that I don't want to put myself or my kids in that situation again."

Tamayo spent months in the Philippines when, even though he was acting as a priest, he struggled

with self-reproach and "couldn't pray." He has always wanted to apologize to Milla, yet he was "sorry" her lawsuit had named the archdiocese as well.

In the years after the suit was filed, as friends fell away and "even a few relatives didn't believe me," Milla married, then divorced a man who couldn't cope with the scandal. She has since remarried a "perfect" man, and they have a 1-year-old son.

But she always wanted her story to be corroborated, to help others in her quandary, she said, perhaps organizing a support group or writing a book. "It's good that Tamayo showed up because it's always been in my conscience that this could be happening to somebody else."

As a teen-ager, "I was very trusting and I wanted to be very obedient to the church." She was also shy, confused and sometimes depressed, she said, which made her vulnerable to the sexual ad-

vances of priests.

All that happened to "a different person. I don't think it could happen to me now."

"I'd like to see the bishop and the church come out and say that it was true, say that they did want to cover it up. I'd like them to offer child support, not just to myself but to anybody else who comes to them saying they have a little one from a priest."

The toughest part has been telling her daughter all this. "I try to give her information little by little." For now, the girl is content. Milla said, to see "only a picture" of her father, "she wouldn't want to talk to him."

But the girl also asked a few months ago whether he had left because she was "a bad baby," said Milla. "The kind of person he is, running off and not caring about her. I think I was better off without him."



CONFIDENTIAL

Archdiocese of Los Angeles

Office of  
the Archbishop  
(213) 251-3288

1531  
West Ninth  
Street

Los Angeles  
California  
90015-1194

March 28, 1991

No. 2343/7

Most Reverend Agostino Cacciavillan  
Apostolic Pro-Nuncio  
3339 Massachusetts Avenue, N.W.  
Washington, D.C. 20008-3687

Dear Archbishop Cacciavillan:

Per your request of February 12, 1991, Father Dyer, Vicar for Clergy, responded to Mr. Dierickx on February 21, 1991, assuring him that you had received his correspondence. A copy of this letter is attached for your file.

In reviewing his February 4, 1991 letter to you, Mr. Dierickx failed to inform you that Santiago Tamayo had participated in a civil marriage to REDACTED on August 15, 1988, followed by a "religious" marriage on March 11, 1989. This marriage was performed by this Lucian Dierickx utilizing a matrimonial certificate that gives an impression that the marriage was performed at Incarnation Parish here in Los Angeles under the auspices of this Archdiocese. Notwithstanding this marriage, Santiago Tamayo is one of seven priests who were accused of being involved with a minor girl who eventually became pregnant, which pregnancy resulted in a lawsuit here in California with much notoriety and scandal to the Church.

The case is entitled REDACTED vs. Father Santiago Tamayo; Father Angel Cruces; Father Henry Cabong; Father Rubin Abaya; Father Sylvio Lacar; Father Victor Balbin; Father Valentin Tugade; Los Angeles Archdiocese of the Catholic Church. After years of litigation, the Archdiocese was found not liable for the actions of these priests, since the behavior alleged was not within the scope of employment of a Roman Catholic priest.

With regard to this lawsuit, as far as we know, none of the seven priests were ever effectively served. After the case broke in 1984, the priests fled from this Archdiocese to the Philippines. Of the seven, Santiago Tamayo was the only priest incardinated in the Archdiocese of Los Angeles. Since that time, the Archdiocese has been supporting him with a monthly expense check and health care insurance, with the condition that it was in his best interest to remain in the Philippines. Notwithstanding this directive, Santiago Tamayo returned to the United States in August 1988. He again was encouraged to return to the Philippines, since he could not be assigned in the Archdiocese. The Archdiocese did not hear from him until March of 1990. He requested that his monthly expense check be sent to him at a nursing home in Garden Grove, California, since he had suffered a stroke.

# Priest in Sex Scandal Was Advised to Stay Out of U.S.

■ **Religion:** Letters from L.A. archdiocese urged him to remain in Philippines after lawsuit was filed against him.

By PATT MORRISON  
TIMES STAFF WRITER

A series of letters reveal that the Los Angeles Roman Catholic archdiocese advised a priest to stay out of the country after a lawsuit was filed against him, the church and six other priests by a young parishioner who alleged that the priests seduced her and got her pregnant.

The correspondence on archdiocese letterheads shows that Father Santiago (Henry) Tamayo also received monthly payments equal to a priest's salary for much of the time he was living in his native Philippines.

While church officials were corresponding with the priest, they were declining to reveal his whereabouts to an attorney for the woman who was attempting to prosecute her lawsuit.

The letters and interviews shed new light on the scandal involving seven priests, which rocked the archdiocese when it emerged seven years ago.

Tamayo, 56, a Philippine-born U.S. citizen recently suspended from the priesthood because he had married, confirmed the substance of charges made in 1984 by Rita Milla, now 29, who said she had a child by one of seven priests who had sex with her as a teen-ager.

The \$21-million suit alleging conspiracy, fraud and clergy malpractice was dismissed after the state Supreme Court ruled that the church was not responsible for unauthorized sex acts of its priests and that too much time had passed before the filing of the suit.

A separate paternity suit is still unresolved, but it is agreed by all parties that Tamayo, who admits to having sex with Milla, is not the father. Three years ago, after Milla dropped a slander suit against a bishop, the church set up a \$20,000 trust fund for her daughter, which according to a church lawyer was not an admission of liability but an act of benevolence for the child.

At the time the fraud and malpractice suit was filed, church officials would say only that the priests were no longer with the archdiocese, and would not provide information on their whereabouts, according to Milla's attorney, Gloria Allred, who said that being able to question the priests was crucial to her lawsuit.

Tamayo said in an interview that he felt the archdiocese helped itself by letting the scandal die down, sending him money while he was living abroad and advising him not to return to Los Angeles, where he inevitably would have been questioned.

Among the correspondence Tamayo made available to The Times:

• A 1984 archdiocese letter, a copy of which was sent to the now-deceased Cardinal Timothy Manning, enclosing a \$375 check, the first of numerous monthly payments, and asking Tamayo "that you do not reveal that you are being paid by the Los Angeles Archdiocese unless requested under oath."

• A 1987 archdiocese letter acknowledging Tamayo's request to return from the Philippines but advising him to find a position there. "Given all that has taken place, [returning] does not seem advisable, and all the advisers to the Archdiocese counsel against it for the foreseeable future. Our lawyers also inform us that you are liable to personal suits arising out of your past actions. . . . Such suits can only open old wounds and further hurt anyone concerned, including the Archdiocese."

• A 1988 archdiocese letter written after Tamayo, ignoring the church's request, had returned to California with his daughter by another woman. "I advised you to settle elsewhere. . . . I cannot emphasize too strongly that there has been no change in the situation. Therefore I am requesting that you return to the Philippines promptly."

The letters were signed by the ranking churchmen responsible for dealing with the clergy.

Tamayo, once a popular South Bay parish priest, said he came forward after seven years because "I want to keep my conscience clear. . . . It took off a whole lot from my shoulders." When he got a letter in December saying that because he had married he was suspended from the priesthood, Tamayo said, "It was time to come out."

Milla, whose daughter is 8 years old, said, "I do admire [Tamayo] for having the courage to come out and say the truth, and I wish the church were as courageous as he is."

"The church is the one that covered everything up and they were the ones that had power to make things better and they didn't use it," she said. "I'd like to hear them say that they messed up and want to make it up."

In an interview, archdiocese officials and attorneys agreed that the church knew Tamayo was in the Philippines for several years, including while Milla's attorney was trying to serve him legal papers.

They said it was Tamayo's decision to go to the Philippines, but acknowledged that they thought it best that he stay there, not only because of the sex scandal but because his family wanted him close by after he suffered two strokes.

"I could see that it was in no one's best interest for him to return here," said attorney John F. McNicholas. "He could add or subtract nothing from the litigation. . . . All that could happen is that his return would open old wounds. . . . and just be a fertile source of sensationalism."

Church spokesman Father Gregory Coiro said the archdiocese also wanted Tamayo to stay abroad out of concern for its members.

"When people see their priest



JIM MENDENHALL / Los Angeles Times  
Rita Milla, 29, says she had a child by one of seven priests.

being accused of some sort of misconduct, there's a great deal of hurt among many many people. . . . We're not in the business of hurting people, we're in the business of healing people. This would not have been a healing move to have these [priests] coming back here."

As for the monthly payments, they did not amount to hush money but rather were legally mandated until Tamayo found another position, said Father Timothy Dyer, the recently appointed vicar for clergy. Although it was "very unusual [for the payments] to go on that long," he said, they were sent "out of compassion and care and a sense of moral responsibility for a man who had served us."

The admonition that Tamayo not talk about the payments except under oath was "just common sense," said Dyer, because in casual reference it might look like "well, maybe we're keeping him quiet, we're paying him to keep quiet. But that wasn't the reason to do it."

McNicholas said it was Tamayo who took advantage of the church, fathering a child eight years ago while he was pastor of a Wilmington parish, then coming back in 1988 against the archdiocese's advice, accepting its checks long after he married the child's mother in 1988.

"Here's a man who has betrayed himself, his church, and a few other people, and now says, 'They made me do it. Now wait a minute. Where is the truth here?'" McNicholas said.

SEE OTHER SIDE

The genesis of the scandal began in 1978, when Tamayo, who said he was frustrated in his parish work, began an affair with Milla, then 16. By 1981, when Tamayo got his own parish in Wilmington, he said he had ended his affair but that his friends, six Filipino priests, were pursuing their own.

Tamayo got Milla a job answering phones in the rectory after her father fell ill. The priests saw her when they visited Tamayo and sometimes had sex with her there, he alleged.

"I introduced her to them; maybe I was guilty of that, but I didn't put any shackles on her and tell her to have sex with everybody."

Once, Tamayo found the other priests "laughing" about their affairs. "I felt so bad, I said, 'Why did you have to do that?'"

In early 1982, about the time Tamayo had begun a relationship with another woman who would give birth to Tamayo's daughter, Milla became pregnant by one of the other priests.

"I asked them who was the father and they just laughed," recalled Tamayo. "I was so mad. 'Own up and maybe marry Rita or do something about it,' I told them. . . . Why somebody who is preaching justice and all this kind of thing would just back out . . . they weren't going to do anything about it."

Tamayo said he arranged for Milla to fly to the Philippines and give birth in his brother's medical clinic. Several Tamayo relatives stood as sponsors at the baby's baptism.

After Milla went to the archdiocese in July, 1983, asking for child support and asking that the priests be "punished," the seven clergymen were questioned by church officials, Tamayo said. "We told them everything." All seven, he said, returned to their parishes. "I didn't hear any kind of reprimand."

Exactly how and when the priests left the archdiocese is a subject of dispute.

Archdiocese attorney McNicholas said he was told the seven "panicked and left" as soon as they heard about a press conference by Allred in February, 1984. He said the archdiocese only kept track of Tamayo, the only one assigned to the archdiocese. If Milla's attorneys had pursued all legal options, he said, documents showing his whereabouts "would have been produced."

Tamayo and a former archdiocese employee recall it differently.

A former archdiocese spokesman, who asked not to be named, said word of the impending lawsuit reached Msgr. Benjamin Hawkes, now dead.

"He was absolutely infuriated. He got on the phone and told the priests to get out of town right away," he recalled. "It was fairly clear knowledge among the rest of the clergy that almost by the time Allred had her press conference, they were already out or on their way out of the archdiocese. They were just gone."

"I think they had a big mess on their hands," he said. "It would have been a scandal, no more or less, than if they had been honest, right from the start. . . . If [the priests] had been able to come out and be straightforward from the beginning, then you wouldn't have it coming out in seven or eight years, like it is now."

Tamayo said some of the priests went to his parents' home in Los Angeles. "I called up [then-chancellor Msgr. John] Rawden. I said, what will I do now? He said, 'Don't go back to the parish, there's a lot of TV people there.'"

Tamayo said he flew to Hawaii and called Rawden.

"He said, 'It's good you're in Hawaii because the bishop over there, the chancellor, is a good friend, so maybe they can give you a job there.' I had no inclination to do that—I'd worked here all my life." Rawden could not be reached for comment.

In the seven years since the affair surfaced, a change at the top of the archdiocese—from Manning to Archbishop Roger Mahony—has made for some differences. One is that procedures for handling such incidents have been established.

"If somebody gets into trouble, we don't take over responsibility, but he does," Dyer said. Counseling and therapy may be provided to the priest, and if they are needed for "someone who was victimized or hurt . . . that's the priest's responsibility" to pay for it. So is child support.

"I don't want to contrast this administration, to say we rode in on a white horse and changed everything, because that's not true," Dyer said. "I don't want to place any judgment on the past, on the way things were done."

"There were no winners in that case, no winners at all," McNicholas said. "The child lost, Rita lost, my client lost, the priest lost. There were no winners, only losers."

Community correspondent Janet Barker contributed to this article.

# Ex-Priest Apologizes for Seducing Teen-Ager

■ **Religion:** He expresses remorse for the 'evil of the past.' The woman, now 29, appears with him at a news conference.

By PATT MORRISON  
TIMES STAFF WRITER

Illuminated by the lights of a dozen news cameras, a former Roman Catholic priest apologized publicly Thursday to the woman he and six other priests seduced 10 years ago, when she was his teen-age parishioner.

At another news conference Thursday, Archbishop Roger Mahony said the responsibility for apologies rests on "priests who misused their vow of priestly celibacy," not on the archdiocese, which supervised the seven and advised one of them to stay out of the United States for several years after the scandal broke.

The apology that was issued Thursday came from Santiago (Henry) Tamayo, who read haltingly from his statement as the woman, Rita Milla, sat on his right and struggled to keep back tears.

"I had to go public and tell the whole truth. I knew that a cheap resolution would not undo the evil of the past," said Tamayo.

"I had her full trust and confidence, yet I got sexually involved with Rita," he said. "Weakened by the sense of my own sins, I failed as a pastor to rescue her from getting involved with the other priests. I am truly sorry for the pain, the anxieties and the sufferings she has

endured all these years." Milla said she wished Tamayo, whom she had met in a South Bay parish, "had come out with the truth in the beginning when things were so hard. . . . I believe that he might have done that, were it not for the church."

emotional exchange between Tamayo, 36, and Milla, now 29, was the first time the two had met since Milla filed suit in 1984, nearly two years after she gave birth to a child fathered by one of the priests.

She said that her child's father, whose whereabouts are still unknown, is "a coward. He should come out and admit it."

The 1984 suit, naming Tamayo, the other priests and the archdiocese, alleged fraud, clergy malpractice and conspiracy. It was dismissed after the priests disappeared and the archdiocese was excused as a defendant.

The archdiocese knew Tamayo had gone to the Philippines, but did not pay Milla's attorneys, but did not pay Tamayo a monthly income for much of the four years he was abroad, while urging him to stay out of the United States and settle in the Philippines, according to letters Tamayo provided to The Times and Milla's attorney, Gloria Allred.

"I felt terrible inside," Tamayo said, "but did not have the strength to challenge my religious superiors. I was frightened and above all I wanted to remain a Roman Catholic priest. So I stayed in hiding abroad for years," until, under stress and after suffering several strokes, "I could no longer stand



THOMAS REISEY / Los Angeles Times

Ex-priest Santiago (Henry) Tamayo reads statement apologizing to former parishioner Rita Milla. (left)

it. "I was hurt, it was their fault for not taking care of things."

Allred said Thursday, "We think it is the height of hypocrisy for the church to preach on one hand family values, but on the other hand to take an active role in assailing priests who abuse their position of trust."

Tamayo also thanked his former parishioners in several South Bay churches, some of whom contributed to a defense fund before he left the country in 1984, he said.

"I feel much better," he said after his apology. "I wish all my brother priests will come forward and feel as I do."

Times staff writer John Dart contributed to this story.

"very grieved when anyone in consecrated life breaks their vows," but "meaningful" apologies must come from "the people who did the actions."

Asked about the archdiocese's advice that Tamayo stay in the Philippines, he said, "I don't think it was a matter of cover-up, precisely."

Milla had told The Times she had done Tamayo's bidding—going to his family in the Philippines to give birth—to protect the priests and the church. The Caesarian delivery at Tamayo's brother's clinic was complicated by high blood pressure and seizures.

"I almost died protecting their reputation. . . . I wanted to do things quietly. If their reputation

Alfred said she is still evaluating the documents Tamayo provided to determine if legal options are still open to Milla.

"To me it smacks of a cover-up," said Allred. "What else would you call it?"

Mahony answered questions at a press conference announcing the first issue of a Spanish-language church newspaper, Vida Nueva, mailed to 110,000 households.

He said he did not know what had gone on before he came to the archdiocese in 1985, "but we do not advise priests to flee their responsibility. We advise them to get their legal counsel and to work closely with their attorneys."

The church, he said, is always

# Ex-Priest Apologizes for Seducing Teen-Ager

■ Religion: He expresses remorse for the evil of the past. The woman, now 29, appears with him at a news conference.

By PATT MORRISON  
TIMES STAFF WRITER

Illuminated by the lights of a dozen news cameras, a former Roman Catholic priest apologized publicly Thursday to the woman he and six other priests seduced 10 years ago, when she was his teenage parishioner.

At another news conference Thursday, Archbishop Roger Mahony, said the responsibility for apologies rests on "priests who misused their vow of priestly celibacy," not on the archdiocese, which supervised the seven and advised one of them to stay out of the United States for several years after the scandal broke.

The apology that was issued Thursday came from Santiago (Henry) Tamayo, who read haltingly from his statement as the woman, Rita Milla, sat in his right hand and struggled to keep back tears.

"I had to go public and tell the whole truth. I knew that a cheap absolutism would not undo the evil of the past," said Tamayo.

"I had her full trust and confidence, yet I got sexually involved with Rita," he said. "Wakened by the sense of my own sin, I failed as a pastor to rescue her from getting involved with the other priests. I am truly sorry for the pain, the anxieties and the suffering she has

endured all these years." Milla said she wished Tamayo, whom she had met in a South Bay parish, "had come out with the truth in the beginning when things were so hard. . . . I believe that he might have done that, were it not for the church."

The emotional exchange between Tamayo, 56, and Milla, now 29, was the first time the two had met since Milla filed suit in 1984, nearly two years after she gave birth to a child fathered by one of the priests.

She said that her child's father, whose whereabouts are still unknown, is "a coward. He should come out and admit it."

The 1984 suit, naming Tamayo, the other priests and the archdiocese, alleged fraud, clergy malpractice and conspiracy. It was dismissed after the priests disappeared and the archdiocese was excused as a defendant.

The archdiocese knew Tamayo had gone to the Philippines, but did not tell Milla's attorneys. It continued to pay Tamayo a monthly income for much of the four years he was abroad, while urging him to stay out of the United States and settle in the Philippines, according to letters Tamayo provided to The Times and Milla's attorney, Gloria Allred.

"I felt terrible inside," Tamayo said, "but did not have the strength to challenge my religious superiors. I was frightened and above all I wanted to remain a Roman Catholic priest. So I stayed in hiding abroad for years," until, under stress and after suffering several strokes, "I could no longer stand



THOMAS KELSEY / Los Angeles Times

Ex-priest Santiago (Henry) Tamayo reads statement apologizing to former parishioner Rita Milla, left.

"very grieved when anyone in consecrated life breaks their vows," but "meaningful" apologies must come from "the people who did the actions."

Asked about the archdiocese's advice that Tamayo stay in the Philippines, he said, "I don't think it was a matter of cover-up, precisely."

Milla had told The Times she had done Tamayo's bidding—going to his family in the Philippines to give birth—to protect the priest and the church. The Caesarian delivery at Tamayo's brother's clinic was complicated by high blood pressure and seizures.

"I almost died protecting their reputation. . . . I wanted to do things quietly. If their reputation

was hurt, it was their fault for not taking care of things.

Allred said Thursday, "We think it is the height of hypocrisy for the church to preach on one hand family values; but on the other hand to take an active role in assisting priests who abuse their position of trust."

Tamayo also thanked his former parishioners in several South Bay churches, some of whom contributed to a defense fund before he left the country in 1984, he said.

"I feel much better," he said after his apology. "I wish all my brother priests will come forward and feel as I do."

Times staff writer John Dart contributed to this story.