

REPORT OF THE PROCURATOR GENERAL TO THE 47TH GENERAL CHAPTER

1. Introduction¹

In this report of the Procurator General to the 47th General Chapter of the Congregation, some elements are presented above all, in order to understand what this office encompasses and the areas in which it functions. Additionally, some final aspects are presented which the major Superiors should keep in mind in relation to this office. Regarding specific data on numbers and processes please refer to the statistical reports of the General Secretariat.

The first thing to be said is that whoever wants to know something about the Secretary General of a religious congregation should not consult the current code of Canon law, since the Code does not contain a single word on the subject.² Although this office was defined in c. 517 § 1 of the Code of 1917, the term does not even appear in the proceedings of the Commission for the revision of the code and the omission is not even explained.³ The reason may be, on the one hand, that the law must be applied for everyone in general and Procurators General are required only in Orders or male Institutes of Pontifical right. On the other hand, it gives more autonomy to the different religious congregations at the time that they are organized.

There are references to the Office of the Procurator General since the 13th century. His work is related to the issue of representation. Its importance grew when orders and religious institutes were moving their General Curias to Rome, so that little by little the Holy See began to deal with matters through this representative of the corresponding congregation instead of with their religious, houses, or provinces.

Each religious Institute, according to its tradition and its needs, has designed the office of the Procurator General. In some institutes, this work is joined with the Secretary General or is assumed by a General Consultor.

In our Congregation, at the third General Chapter (1758) Fr. Thomas Struzzieri (of the side of Jesus) was elected as the First General Consultor and, at the same time, Procurator General. The office was not even included in the Rule, but more and more it was necessitated by the urgency of matters with the Holy See, especially those related to solemn vows and the mission among infidels.⁴

2. Definition and characteristics of the Office

¹ See also Fr. Floriano De Fabiis, C.P., "Relations of the Congregation with the Holy See in the 46th General Chapter. Documentation and Chronicles", General Curia, Rome 2012, pp. 311-317.

² The Code refers to procurators in judicial causes, in administrative matters, in marriages and in other and in other matters.

³ Velasio De Paolis, "La vida consagrada en la Iglesia", BAC, Madrid 2011, pp. 453-459.

⁴ "Decreti e Raccomandazioni dei Capitoli Generali della Congregazione della SS. Croce e Passione di N.S.G.C", edited by Fabio Giorgini, C.P., Historical Commission, Rome, 1960, p. (5). Roma

Canon 517 § 1 of the 1917 Code says that: "All the religions of men of Pontifical right must have a Procurator General, appointed according to the constitutions, for processing business of their own religion with the Holy See". This same content is included in our General Regulations n. 88: "The Procurator General deals with the Holy See on affairs of the Congregation."⁵

It is always safe to assume that some issues and particular situations are directly dealt with by the Superior General with the Holy See, and vice versa. On the other hand, matters relating to the Congregation for the Causes of Saints are the responsibility of the Postulator General. Matters of the missions of the Congregation, except for those that are the competence of the Procurator, are dealt with by the General Secretary of Missions (GR/91).

Our own law provides that the Superior General with his Council (C/138) appoints the Procurator General. He is part of the General Curia (GR/81). He is an *ex officio* member of the General Chapter (C/129) and the General Synod (C/147). He is immediately subject to the Superior General in the performance of his office and concerning community life, the Superior General can establish that he is subject to his delegate or the Superior of the Generalate (GR/86).

The Procurator participates in the choice of a General consultor when one has ceased in his office (C/139). He is called - in the first place - to complete the *quorum* of the General Council (GR/83). Ordinarily he is invited to attend the General Consultas⁶, but if he is not a General Consultor he has no deliberative vote, except in those cases stipulated by law (GR/88). All dispensations or permissions which must be granted by the Holy See or the Superior General, except as mandated by common law, must be sent to the Superior General or the Procurator General (GR/3).

3. Areas of responsibility

As stated previously the Procurator General is responsible for processing legal affairs in general and those related to the Holy See in particular, as the ordinary representative of the Congregation. The fact that our Institute has had a Procurator General almost since its inception shows that this figure corresponds to our own tradition and needs. References to this office in the current Constitutions and the General Regulations demonstrate the relevance and the need for this office.

3.1 Internal Matters of the Passionist Congregation

With regard to legal matters within the Congregation, the Procurator General is responsible for--

⁵ In our tradition, this is the least part of the work. The Juridical Commission proposes to change this definition to-- "handles legal matter of the Congregation, in particular those concerning the Holy See".

⁶ The Juridical Commission for this General Chapter proposes that his participation in the General Consulta be allowed, and the same for General Econome and the Secretary General for the Missions, when it deals with matters pertaining to their office.

- Answering the legal questions posed by religious or those responsible in the legal entities (Superior, director of formation, etc.).
- Preparing informative material (within his sphere of action) for the Congregation.⁷
- Preparing legal texts for consideration by the General Council and advise on legal issues: opening/suppression of houses, acceptance of parishes, agreements with bishops regarding parishes...
- Revision of Provincial Regulations and the Decrees of Provincial Chapters and Vice-Provincial Congresses;
- Prepare official documents: indulgences, decrees, etc.
- Study and complete information regarding legal cases referring to persons, that must be studied and approved, where appropriate, by the Superior General with his Council-- dispensation from temporary vows, perpetual vows (Bull *Supremi Apostolatus*); leave of absence from a religious house; readmission into the Congregation; passage from one congregation to another; indulgence of secularization; immediate incardination in a diocese (Bull *Supremi Apostolatus*); renunciation of personal property...

3.2 Matters regarding the Holy See

In relation to the Holy See, the handling of legal matters is coupled with the function of representation. As a starting point, the Procurator General relates with all dicasteries, boards and entities of the Holy See. In practice, his activity mostly concerns a few dicasteries, with others, it is more sporadic—

The Congregation for Institutes of Consecrated Life and Societies of Apostolic Life.

- Legalize signatures for requests for Visas and residency permits.
- Disseminate, modify or introduce new texts in the Constitutions.
- Permissions for sales, rentals, works, investments, loans or extraordinary administrative activities in general or that surpass the permitted maximum quantities.
- Extend or grant indulgences of secularization for more than three years, incardination *ad experimentum* in a diocese, the expulsion of religious, appeals of religious or third parties to the Congregation, whether they be the first or second instance...
- Postulation of a Brother in order to be elected Superior.
- Complaints that may come to this Congregation about the behavior of our religious anywhere in the world.

⁷ For example, during the last two years: Workshop concerning canonical matters that arose during the Synod of 2015; documentation about basic norms that regulate the delicts reserved to the Congregation for the Doctrine of the Faith; Proper Liturgy; stipends for the celebration of Masses.

- Juridical recognition of Superiors and entities (Provinces, Vice-Provinces)
- Sanation of prior decisions or juridical acts.
- In certain circumstances, for some of these procedures, the Procurator General also represents the Passionist nuns' monasteries and some congregations of women aggregated to ours.

The Congregation for Clergy

- Processes for dispensation from the obligations inherent in the sacrament of Orders and Religious Profession, including the dispensation from celibacy.
- Topics concerning Masses.

The Congregation for Worship and the Discipline of the Sacraments

- Matters concerning our Proper Calendar
- Approval of texts of our proper liturgy and ritual of Profession, as well as translations.

The Congregation for the Doctrine of the Faith

- Matters concerning the abuse of minors and *Delicta Graviora* in general.

The Secretariat of State

- Legalize signatures for requests for Visas for foreigners and academic titles.
- Requests for a private audience with the Pope for General Chapters, etc.
- Topics concerning religious or the Congregation that are presented in this department.

Apostolic Signature

- Appeals and causes before the Church's Supreme Court.

Congregation for Oriental Churches

- Permission to celebrate or be ordained in a rite other than the original rite of the religious.

Apostolic Penitentiary

- Concession or renewal of plenary indulgences for our churches or shrines.
- Concession of an apostolic blessing and plenary indulgence on the occasion of special celebrations, anniversaries, etc.

Congregation for Education

- Legalization of signatures of academic titles.

- Validation of academic titles.

4. Final Observations

In the preceding paragraphs, I have offered a brief description of the areas where the Procurator General functions both within our Congregation and with the Holy See. I conclude with some final observations.

1. The various procedures and documentation required for each category have not been described. I referred to the workshop that was held at the beginning of the fifteenth General Synod (Rome, 2015) and the working paper that was circulated.⁸ In this document, the different procedures and how to perform them are described. If there are any questions or concerns about procedures, please feel free to contact me.
2. The key to an efficient and fast response to the procedures is that these be presented properly and with all the required documentation. The basic documentation is always the request of the party concerned and the letter/assessment of the major Superior with his Council, in addition to all the particular documentation required in each case. When all the documentation is prepared, it is sent to the General Curia (GR/3). Incomplete documentation hinders and slows down the process unnecessarily.
3. It is the responsibility of the major Superior to exercise his pastoral ministry (c. 665 § 2) toward those religious who are experiencing difficult times and to help them - when there is no other solution to clarify their legal status.⁹ If after doing everything possible, the religious is not willing to collaborate, their expulsion is imposed-- not addressing problems does not resolve them. When one is in a situation of illegitimacy, and 20 years have elapsed, he remains a member of the Congregation and the province. In some more problematic cases, due to the indifference of the major Superiors, they act, *ex officio* from the General Curia; however, this is not the solution. The major superior must assume this serious responsibility when these cases occur. It would be good to reflect and remember the words of Pope Francis in the *Motu proprio*, "As a loving mother"¹⁰-- "*...can be legitimately removed from this office if he has through negligence committed or through omission facilitated acts that have caused grave harm to others, either to physical persons or to the community as a whole. The harm may be physical, moral, spiritual or through the use of patrimony.*"
4. In addition to the above, one must take into account the time needed to resolve a process or case. Decisions that correspond to the Superior General with his Council usually take place during the scheduled meetings of the General Council, normally every month and a half. Apart from these

⁸ The work document with its appendices, a total of 60 pages, translated in Italian, English and Spanish is available upon request.

⁹ Currently more than 100 religious are living outside a religious community: legitimate absences that are automatically renewed, illegitimate absences, processes of excommunication and incardination in process or without even being presented, cases of concubines, etc.

¹⁰ Pope Francis, *Motu Proprio*, Art. 1 § 1, 4 June 2016.

meetings, according to the cases and the urgency, some decisions are made when there is a *quorum* in an extraordinary meeting; however, this is not always possible. Additionally if the case must be presented to the Holy See for approval or confirmation, it should be kept in mind that it takes at least one month to process.¹¹

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¹¹ For example, the legalization of signatures can take one week; permissions for financial matters, one month; processes for secularization, four months; causes before the Congregation for the Doctrine Faith, various months, according to the degree of gravity.