

## **PRESBYTERAL COUNCIL AND THE COLLEGE OF CONSULTORS**

### **Presbyteral Council:**

A group of priests which, representing the presbyterium, is to be like the senate of the Bishop in the governance of the diocese according to the norm of law to promote as much as possible the pastoral good of the portion of the People of God entrusted to him. (**Can. 495**).

Is to have its own statutes approved by the diocesan Bishop, attentive to the norms issued by the Conference of Bishops (**Can. 496**).

In electing the members of the Council, the statutes should determine in such a way that, insofar as possible, the priests of the presbyterium are represented, taking into account the different ministries and various regions of the diocese (**Can. 499**).

It is for the Bishop to convoke the council, preside over it, and determine the questions to be treated by it or receive proposals from the members. The council possesses only a *consultative vote*; the Bishop is to hear it in affairs of greater importance but needs its consent only in cases expressly defined by law; the council is not able to act without the diocesan bishop (**Can. 500, 1-3**). Though the council is a consultative body, however, the diocesan bishop should seriously consider its advice.

When the see is vacant, the presbyteral council ceases and the College of Consultors fulfills its functions. Within a year of taking possession, a Bishop must establish the presbyteral council anew (**Can. 501**).

More specifically, the *Statutes of the Presbyteral Council of Palo* has stipulated the following duties:

- a. All members shall attend the regular Presbyteral Council Meeting every January, April, July and October.
- b. The Archbishop reserved the prerogative to convene special presbyteral council meetings to which all members are duty bound to attend.
- c. The Members of the Palo Presbyteral Council shall at the start of their tenure take the Oath of Fidelity to God, to the Church and to the Office of the Archbishop.
- d. The members shall by virtue of the standing Pledge of Secrecy made, refrain from divulging any matter discussed during the Council Meetings when so expressly enjoined by the Archbishop.

### **College of Consultors (Canons 501-502)**

From among the members of the presbyteral council and in a number of *not less than 6 nor more than 12*, the diocesan Bishop freely appoints some priests who are to constitute for 5 years a College of Consultors, to which belongs the functions determined by law.

Within the 5 years elapse, however, it continues to exercise its proper functions until a new college is established.

The *bishop presides* over the College. When the See is impeded or vacant, however, the one who temporarily takes the place of the bishop or, if he has not yet been appointed, the priest who is senior in ordination in the College presides.

Moreover, Can. 502 also clearly states that the functions of the college of consultors is "determined by the law" (*iure determinata*). In other words, at various places the Code of Canon Law determines the specific functions of the College of Consultors.

The **College of Consultors** does not enjoy any legal competence outside of those areas as determined by the law. In a document written by *Cardinal Velasio De Paolis*, dated October 31, 2015 the following are stipulated.

***Specific functions of the College of Consultors as explicitly determined by the 1983 Code of Canon Law.***

1. In order to incardinate or ex-cardinate priests, after the diocese has been vacant for a year, the diocesan administrator requires the consent of the college of consultors; likewise, he needs their consent for granting permission for the transfer of priests to another diocese (**can. 272**).
2. In the case of the appointment of a diocesan bishop some of the college of consultors can be consulted as to whom this might be (**can. 377 §3**).
3. The College of Consultors receives the apostolic letters upon the diocesan bishop taking possession of his office (**can. 382 §3**).
4. The Coadjutor bishop presents the apostolic letter to the diocesan Bishop and to the College of Consultors. In case the diocese is totally impeded it is sufficient that the Coadjutor bishop or the Auxiliary bishop present the apostolic letter to the College of Consultors (**can. 404 §1, §3**).
5. When a diocese is impeded (cf. can. 412), and when that prescribed in can. 413 §1 is not possible, the College of Consultors is responsible for electing a priest to govern the diocese (**can. 413 §2**).
6. When a diocese is vacant (cf. can. 416) and if there are no auxiliary bishops and if the Holy See has not provided otherwise, the College of Consultors assumes the governance of the diocese (can. 419) and is bound to choose a diocesan Administrator within eight days from the notice of the vacancy of the diocese (**can. 421 §1**).
7. The College of Consultors informs the Holy See of the death of the diocesan bishop when there is no auxiliary bishop (**can. 422**).
8. The College of Consultors receives the renunciation from office of the diocesan Administrator. In this case as well as in the case of the death of the diocesan Administrator, the College of Consultors must choose another diocesan Administrator (**can. 430**).
9. The diocesan administrator (*not the diocesan bishop*) must obtain the consent of the College of Consultors for the removal from office of the chancellor and the notaries of the diocesan curia (**can. 485**).
10. The College of Consultors must be heard for the appointment of the diocesan financial officer (**can. 494 §1**) and for his removal from office (**can. 494 §2**).

11. The College of Consultors receives the profession of faith of the diocesan administrator (**can.833, 4°**).

12. The diocesan Administrator must receive the consent of the College of Consultors in order that he can issue dimissorial letters to individuals who are to receive holy orders (**can. 1018 §1, 2°**).

13. The diocesan bishop must hear the College of Consultors for financial administrative acts of major importance. Further, in addition to the cases specifically expressed in universal law or the charter of a foundation, the diocesan bishop needs the consent of the College of Consultors to place acts of extraordinary administration (**can. 1277**).

14. The diocesan bishop must obtain the consent of the College of Consultors to alienate goods (whose value is between the minimum and maximum amounts as established by the Bishops' Conference) of juridical persons not formally subject to the diocesan bishop and when the statutes do not indicate a competent authority. (**can. 1292 §1**).

15. The College of Consultors must give its consent for the alienation of the goods of the diocese (**can. 1292 §1**).

*As can be clearly seen from this list of the functions of the College of Consultors its central tasks turn on:*

a) the case in which a diocese is vacant or impeded and the consequent appointment of a diocesan Administrator and certain acts for which he needs the consent or counsel of the College of Consultors;

b) certain well defined financial operations that require its consent or counsel.

From the above taxative list of functions it is absolutely clear and unambiguous that the College of Consultors is not involved in any formal legal sense in the appointment or transfer of priests to various offices, such as parish priest or assistant priest in a parish, within the diocese. Such appointments are not within the competence of the College of Consultors but rather remain within the clear competence of the diocesan bishop as unambiguously established by the canon law (**cf. cann. 523, 547**).

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