Lessons on Marriage
from the Speeches to the Roman Rota[1]

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The article is a compilation of selected texts on the institution of marriage gathered from all the Speeches of the previous and the current Roman Pontiff to the Tribunal of the Roman Rota. Among the faithful of the Catholic Church, the normative value of these discourses has already been thoroughly studied and well founded. "These speeches, regularly published in the *Acta Apostolicae Sedis*, are valuable tools for the interpretation of the law, to manifest the ratio legis at the present time, to fill in the absences in the law…, and to typify a juridical institution in an identically substantial manner, although formally distinct" (Llobell). The applicability of the principles contained in these in relation to the State, that is the Philippines, is apparent. Aside from the underlying moral principles, by which "the authority of the Church [manifest] the truths which the Christian conscience ought already to possess" (Speech to the Roman Rota, 1995) and the fact that majority of the Filipinos are Catholics, it is quite notable that there exists a great similitude between the Family Code of the Philippines and canon law. We have limited ourselves to five main lessons touching (1) on the nature of marriage, (2) its indissolubility, (3) its juridical protection via the Declaration of Nullity in the Church, (4) the necessary Christian anthropology in order to understand such reality, and (5) some inherent and consequent pastoral considerations in abiding by the Christian principles.

Keywords: *Marriage, Indissolubility, Church Declaration of Nullity of Marriage, Canonical Marriage Law, Family Code of the Philippines, Speech of the Pope to the Roman Rota*

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The study of Matrimonial and Family Law in the Philippines should evoke interest to any student or professor of Civil Law and Church Law.[2] Currently aside from the Vatican City, the Philippines is the only country where civil divorce does not prosper and Canon Law has played a great part towards the protection of the good of indissolubility. Clearly, the provisions of the present Family Code on the basic premises and the requisites reflect a massive *civilizatio*.[3] In this paper, the author seeks to highlight some of these principles that are essential to Canon Law (perhaps, ignored by some Canon Lawyers) and which civil law practitioners should also consider in interpreting the Family Code, in the effort to further strengthen institutional support for Matrimony and the Family. This is another way of synthesizing the Church's doctrine using the Papal Discourses to the Tribunal of the Roman Rota (RRT) of John Paul II and Benedict XVI (Part II).[4] We think that a good compilation of selected texts of these speeches would constitute a reliable source in understanding Marriage. These declarations are normally incisive, historical, concise (tackling the most relevant aspects) and, juridical in character. They reflect the story of the Church[5] and they are addressed to jurists, initially to the RRT, but obviously to the rest of the ecclesiastical tribunals, and by extension, to those who hunger for justice ***intra*** and *extra Ecclesia*: the same potential readers of this paper.

[2] Largely influenced by juridical realism, the author deems it appropriate to call *Church Law* (a law not limited to the *canons*) what is traditionally denominated as Canon Law, although due to the weight of tradition, throughout the paper the concession is made.

[3] From the notes distributed in class (Canon Law and State Law: A comparative Analysis of Legal Systems in the World). "In the *civilizatio* perspective, it is the State Legislator or courts which integrate the Canon Law concepts or norms in their Legal system."

[4] I have limited my study to the speeches of the two recent Popes. The difference in style is notable: such consideration helps appreciate the *personal hand* of the respective Roman Pontiffs in these speeches.

Among the faithful of the Catholic Church, the normative value of these discourses has been thoroughly studied and well founded by Professor J. Llobell. According to him (*L'Osservatore Romano*, 6 Novembre 2005, pp. 7-8, in *Ius Ecclesiae*, 17 [2005], pp. 547-564): "These speeches, regularly published in the *Acta Apostolicae Sedis*, are valuable tools for the Roman Pontiffs who can make use of the yearly appointment to interpret the law, to manifest the *ratio legis* at the present time, to fill in the absences in the law…, and to typify a juridical institution in an identically substantial manner, although formally distinct." (the translation is the author's)

The applicability of the principles contained in these in relation to the State, that is, the Philippines, is apparent. Aside from the underlying moral principles, by which, "the authority of the Church manifests the truths which the Christian conscience ought already to possess" (D.1995, 8.1.) and, therefore, it is irrational to say that what the Church proclaims should remain in the private sphere [At the root of it, most of the time, is a misconception of freedom: D.1999, 6.1: human freedom finds its authentic and complete fulfilment precisely in the acceptance of the law.] and the fact that majority of the Filipinos are Catholics, it is quite notable that there exists a great similitude between the present Family Code and canon law. In addition, this adaptation of the enunciated universal principles to the cultural context is inevitable. Part of "the canonical [and the civil] judge's proper task is to consider the particular nature of each individual case in the context of the specific culture in which it is found." (D.1996, 1.4.)

[5] For example, the mention of the codification in the 1983 discourse, the "formulation of a universally recognized charter of family rights in order to assure this institution its just protection—in the interests of all of society" in the D.1981, 2.5, etc.

In interpreting the law, the civil lawyer needs to understand the principles behind the institutions and in the case of marriage, its natural construct. Canon Law has a lot to contribute in this regard. I barely mentioned our premise that notably several canonical principles and dispositions are at the roots of the Family Code. There is the influence on the definition of marriage. The recognition of the necessity of the complementarity of the sexes, and the permanence (indissolubility) of the union, among others, are basic postulates, that are identical in both the Family Code (FC) and the Code of Canon Law (CIC). In addition, the stress on indissolubility justifies the importance of consent as an essential requisite in the Family Code. The fact that it is both the spouses themselves, and not the solemnizing officer, who marry, is latent: "If either or both parties believing in good faith that the solemnizing officer had the legal authority to officiate the marriage, although in fact, the latter is not legally authorized," the marriage continues to be valid. This is obviously but an echo of the canonical principle that states that "in factual or legal common error and in positive and probable doubt of law or of fact, the Church supplies executive power of governance for both the external and internal forum," as applied to the faculty of assisting marriages (c.144 and c.1111.1).

There are other requisites that are "canonical." The substantial requirements of the canonical form of marriage are likewise imprint. Both the FC and the CIC (cf. FC Art 3.3, CIC c. 1104-1105) require the presence of the contracting parties before the solemnizing officer, their personal declaration of the consent and the presence of two witnesses of legal age. The several circumstances[6] that affect the legal capacity to marry contemplated in the FC appear to be copy-paste CIC. The insertion of Art. 36 on psychological incapacity is a further proof to the same argument.

Therefore, the five lessons using the selected texts from the aforementioned speeches are: (1) Marriage is a based on natural law and consists essentially in the mutual consent of the spouses. (2) Marriage is indissoluble. (3) A "marriage" that is only apparent, should undergo the Process of the Declaration of Nullity of

[6] Prior subsisting marriages (i.e. bigamous marriages); incestuous marriages (i.e., those between ascendants and descendants/ brothers and sisters, whether of the full or half blood, legitimate or illegitimate) (Art. 37, Family Code).

Other legal impediments that may affect the legal capacity of a person to contract marriage: Marriages that are void for reasons of public policy (Art. 38, Family Code), as follows:

- Between blood relatives up to the 4th civil degree;
- Between step-parents and step-children;
- Between parents-in-law and children-in-law;
- Between the adopter and the adopted;
- Between the surviving spouse of the adopter and the adopted;
- Between the adopted child and the legitimate child of the adopter;
- Between adopted children of the same adopter;
- Between parties where one, with the intention to marry the other, killed that other person's spouse or his or her own spouse (Art. 38, Family Code);
- Between brother-in-law and sister-in-law;
- Between stepbrother and stepsister;
- Between the adopted child and the illegitimate child of the adopter.

Matrimony, in which the Judge plays a very important role. (4) A sound anthropology is key to understanding Marriage, and (5) Sticking to these principles is "pastoral."

Marriage is based on natural law and consists essentially in the mutual consent

"Marriage is an institution based on natural law, and its characteristics are inscribed in the very being of man and woman."[7] "The ordering to the natural ends of marriage - the good of the spouses and the procreation and education of offspring - is intrinsically present in masculinity and femininity. The essential properties, unity and indissolubility, are also inscribed in the very being of marriage, since in no way are they laws extrinsic to it."[8] "The central core and foundation of this principle is the authentic concept of conjugal love between two persons of equal dignity, but different and complementary in their sexuality."[9]

"Marriage consists essentially, necessarily and solely in the mutual consent expressed by those to be married. This consent is nothing other than the conscious, responsible assumption of a commitment through a juridical act by which, in reciprocal self-giving, the spouses promise total and definitive love to each other. They are free to celebrate marriage, after having chosen each other with equal freedom, but as soon as they perform this act they establish a personal state in which love becomes something that is owed, entailing effects of a juridical nature as well."[10]

"The marriage consent is an ecclesial act. It establishes the 'domestic Church' and constitutes a sacramental reality where two elements are united: a spiritual element, as a communion of life in faith, hope, and charity; and a social element as an organized hierarchical society, a living cell of human society raised to the dignity of the great sacrament, the Church of Christ, in which it takes its place as the domestic Church."[11]

"The fact, however, that the natural datum is authoritatively confirmed and raised by Our Lord to a sacrament in no way justifies the tendency, unfortunately widespread today, to ideologize the idea of marriage - nature, essential properties and ends - by claiming a different valid conception for a believer or a non-believer, for a Catholic or a non-Catholic, as though the sacrament were a subsequent and extrinsic reality to the natural datum and not the natural datum itself evinced by reason, taken up and raised by Christ to a sign and means of salvation."[12] "The

[7] D.1991, 2.1. This has its immediate consequence: D.2000, 6.1: "In the light of marriage as a natural reality we can easily grasp the natural character of the capacity to marry." (*ius connubii)*

[8] D.2000, 5.2.

[9] D.1999, 3.1.

[10] D.1999, 4.1.

[11] Disc 1982, 5.2.

[12] D.2001, 4.2.

natural dimension and relationship with God are not two juxtaposed aspects: rather, they are intimately connected as are the truth of the human person and the truth of God."[13] That is why "the Church does not refuse to celebrate a marriage for the person who is well disposed, even if he is imperfectly prepared from the supernatural point of view, provided the person has the right intention to marry according to the natural reality of marriage. In fact, alongside natural marriage, one cannot describe another model of Christian marriage with specific supernatural requisites."[14]

Thus, "marriage, in which love is expressed as a commitment that is not only moral but rigorously juridical is essentially different from a mere *de facto* union—even though it claims to be based on love."[15] As a juridical reality that needs protection for its stability, aside from its intrinsic natural ends, it then follows that marriage enjoys the favor of the law or "favor matrimonii" (c. 1060)."[16]

Marriage is indissoluble

"Marriage "is" indissoluble: this property expresses a dimension of its objective being, it is not a mere subjective fact. Consequently, the good of indissolubility is the good of marriage itself; and the lack of understanding of its indissoluble character constitutes the lack of understanding of the essence of marriage."[17] "Being rooted in the personal and total self-giving of the couple, and being required by the good of the children, the indissolubility of marriage finds its ultimate truth in the plan that God has manifested in his revelation: he wills and he communicates the indissolubility of marriage as a fruit, a sign and a requirement of the absolutely faithful love that God has for man and that the Lord Jesus has for the Church" (*Familiaris consortio*, n. 20).[18]

"Christ's love for the Church has been compared to the indissoluble love uniting man with woman, and how that can be effectively signified by that great sacrament which is Christian marriage."[19]

It is obvious that there exists the "difficulty in accepting the indissolubility of the marital bond... Still less does it justify the presumption, as it is unfortunately formulated at times by some tribunals, that the predominant intention of the contracting parties, in a secularized society pervaded by strong divorce currents, is to desire a dissoluble marriage so much that the existence of true consent must instead be proven."[20]

[13] D.2003, 2.2.
[14] D.2003, 8.1.
[15] D.1999, 5.1.
[16] D.1997, 2.3.
[17] D.2002, 4.2.
[18] D.2000, 3.2.
[19] Disc 1986, 3.6.
[20] D.2000, 4.2.

And to stress the point, it is important to cite the "limits of the Roman Pontiff's power over ratified and consummated marriage, which 'cannot be dissolved by any human power or for any reason other than death' (CIC, can. 1141; CCEO, can. 853)."[21]

A "marriage" that is only apparent, should undergo the Process of the Declaration of Nullity of Matrimony, in which the Judge plays a very important role

"Certainly, 'the Church, after an examination of the situation by the competent ecclesiastical tribunal, can declare the nullity of a marriage, i.e., that the marriage never existed', and in this case the parties 'are free to marry, provided the natural obligations of a previous union are discharged' (CCC, n. 1629).[22]

In this Declaration, "the judgment represents an authentic interpretation of the law for the parties (see c. 16, §3)."[23] "Jurisprudence not only sees that the defense of the rights of individual christifideles is secured, but at the same time makes a significant contribution to acceptance of God's plan for the family in the ecclesial and, indirectly, in the entire human community."[24]

"Every correct judgement of the validity or nullity of a marriage contributes to the culture of indissolubility, in the Church and in the world. It is a very important and necessary contribution: indeed, it has an immediate practical application, since it gives certainty not only to the individual persons involved, but also to all marriages and families. Consequently, an unjust declaration of nullity, opposed to the truth of the normative principles or the facts, is particularly serious, since its official link with the Church encourages the spread of attitudes in which indissolubility finds verbal support, but is denied in practice."[25] "To be able to find the balance between the binding duty to defend the indissolubility of marriage and the due attention to the complex human reality of the concrete case"[26] is the role of the judge in a process of the Declaration of Nullity of Matrimony.

In this context, the Pope, addressing himself to the judges, advises the latter to "take seriously the obligation imposed on them by canon 1676 to favor and to seek actively the possible convalidation and reconciliation of the marriage. Naturally the same attitude of support for marriage and the family must prevail before turning

[21] D.2000, 6.1.
[22] D.2000, 4.1
[23] D.1984, 6.2.
[24] D.1997, 6.1.
[25] D.2002, 7.2.
[26] D.1984, 8.4.

to the tribunal,"[27] without forgetting that "it is also a service of charity towards the parties themselves out of love of the truth if it is necessary to deny the declaration of nullity."[28]

"The ultimate goal is the determination of an objective truth, which also concerns the common good. From this standpoint, such procedural acts as the proposal of certain 'incidental questions' or delaying, irrelevant, pointless actions or those which even impede the attainment of this goal, cannot be allowed in a canonical trial."[29] "No trial is against the other party, as though it were a question of inflicting unjust damage. The purpose is not to take a good away from anyone but rather to establish and protect the possession of goods by people and institutions."[30] And in all this, "the favor *iuris* reserved for marriage which implies the presumption of its validity until the contrary is proven (cf. CIC, can. 1060; CCEO, can. 779) should always be taken into consideration.[31]

It needs to be stressed that the nature of the sentence is declarative, and that the right of the spouses on this regard is limited. "The spouses, who in any case have the right to assert the nullity of their marriage, do not however have either the right to its nullity or the right to its validity. In fact, it is not a question of conducting a process to be definitively resolved by a constitutive sentence, but rather of the juridical ability to submit the question of the nullity of one's marriage to the competent Church authority and to request a decision in the matter."[32]

As an expert of the Law,[33] the judge lives and applies "the same spirit of canon law that expresses and realizes this goal of unity in charity."[34] "The correct application of canon law presupposes the grace of sacramental life, that fosters this unity in charity, because in the Church, law can have no other interpretation,

[27] D.2003, 7.1.

[28] 1987, 9.1.

[29] D.1996, 4.1. Besides, "the entitlement to timely justice is also part of the concrete service to the truth and constitutes a personal right." (D.2005, 6.4.)

[30] D.2006.

[31] D.2004, 4.1.

[32] D.1996, 3.1.

[33] In this regard, D.1984, 3.4: "At the delicate moment of pronouncing a judgment, which can have very deep repercussions in the lives and destinies of persons, you have always before your eyes two orders of factors, of a different nature, which will, however, find in your pronouncement an ideal and wise combination: the fact (*factum*) and the law (*ius*). The facts, which have been gathered carefully during the investigative stage and which you must conscientiously ponder and examine, arriving, if necessary, to the point of plumbing the obscure depths of the human psyche. The law (*ius*), which gives you the ideal measure or criterion of discernment to apply in the evaluation of the facts. This law (*ius*), which will guide you, giving you sure parameters, is the new Code of Canon Law. You must know it perfectly, not only in the procedural and marriage sections which are so familiar to you, but in its entirety, so that you may have complete knowledge of it, as magistrates (*magistrati*), that is, as masters of the law that you are."

[34] D.1998, 3.1.

meaning or value without falling short of the Church's essential purpose. No judicial activity conducted before the tribunals can be exempted from this vision and this ultimate goal."[35]

This responsibility should be consistent in the use of proofs and experts in the determination of impediments. "The judge therefore cannot and ought not to expect from the expert a judgment on the nullity of marriage, and still less must he feel bound by any such judgment which the expert may have expressed. It is for the judge and for him alone to consider the nullity of marriage."[36] "The help of experts in such subjects, who consider in accordance with their competence the nature and degree of psychic processes which impinge upon matrimonial consent and the ability of the person to assume the essential obligations of marriage….does not dispense the ecclesiastical judges, in the use of experts" reports from the duty of not allowing themselves to be influenced by unacceptable anthropological concepts that would eventually involve a misunderstanding concerning the truth of the facts and their meaning."[37]

A sound anthropology is key to understanding Marriage

The judge is morally responsible for making decisions in line with Christian anthropology that captures the global context of the institution of Marriage. "Reductionist anthropology does not in practice take into consideration the duty, arising from a conscious undertaking on the part of the spouses, to overcome even at the cost of sacrifice and renunciation the obstacles that interfere with the success of their marriage. Hence they regard every tension as a negative sign, an indication of weakness, and an incapacity to live out their marriage. Expert evidence of this kind therefore is inclined to extend the heading of incapacity of consent to include situations in which, due to the influence of the unconscious on the ordinary psychic life, people experience a reduction, but not however a deprivation of their actual freedom to strive for the good they have chosen. They consider easily even cases of slight psychopathological disturbance, or straight away failures of the moral order as proof of the incapacity to assume the essential obligations of married life. Unfortunately it can happen that the said approaches are sometimes uncritically accepted by ecclesiastical judges."[38]

"Where such an integral vision of the human being is lacking, normality on the theoretical level can easily become a myth and on the practical level, one ends up denying to the majority of people the possibility of giving valid consent."[39] "Christian

[35] D.1998, 2.7.
[36] D. 1987, 8.1.
[37] D.1987, 2.2.
[38] D.1987, 5.3.
[39] D.1988, 10.1.

anthropology,[40] enriched by the contribution of recent discoveries in psychology and psychiatry,[41] considers the human person, under every aspect—terrestrial and eternal, natural and transcendent. In accordance with this integrated vision, humans, in their historical existence, appear internally wounded by sin, and at the same time redeemed by the sacrifice of Christ."[42]

A consequence therefore is that the selection of judges with sound criteria is indispensable. "Bishops are therefore called to be personally involved in ensuring the suitability of the members of the tribunals, diocesan or interdiocesan, of which they are the Moderators, and in verifying that the sentences passed conform to right doctrine."[43]

Sticking to the principles is "pastoral…"

"The pastoral spirit... characterizes every aspect of the Church's being and activity, thus, the pastoral character of canon law should be noted, by taking concrete measures to ensure that canonical laws and structures might always be more suited to the welfare of souls."[44] "Juridical-canonical activity is pastoral by its very nature. It constitutes a special participation in the mission of Christ, the shepherd (pastor), and consists in bringing into reality the order of intra-ecclesial justice willed by Christ himself. Pastoral work, while extending far beyond juridical aspects alone, always includes a dimension of justice. In fact, it would be impossible to lead souls toward the kingdom of heaven without that minimum of love and prudence that is found in the commitment to seeing to it that the law and the rights of all in the Church

[40] In relation to Christian anthropology: here are some magisterial lines from the Discourses, worthy of mention:

D.1997, 4.2: "The personalist aspect of Christian marriage implies an integral vision of man which, in the light of faith, takes up and confirms whatever we can know by our natural powers. It is characterized by a sound realism in its conception of personal freedom, placed between the limits and influences of a human nature burdened by sin and the always sufficient help of divine grace."

D.1995, 5.3: "Humans, aided and strengthened by supernatural grace, are in fact capable of surpassing themselves, hence certain demands of the Gospel, which from a purely earthly and temporal viewpoint could seem too hard, are not only possible but can even result in bringing essential benefits to their personal growth in Christ."

D.1988, 6.2: "Humans, therefore, carry within themselves the seed of eternal life and the vocation to make transcendent values their own. They, however, remain internally vulnerable and dramatically exposed to the risk of failing in their own vocation. This is due to the resistance and difficulties which they encounter in their earthly existence. These may be found on the conscious level, where moral responsibility is involved, or on the subconscious level, and this may be either in ordinary psychic life or in that which is marked by slight or moderate psychic illnesses that do not impinge substantially on one's freedom to strive after transcendent ideals which have been responsibly chosen."

[41] This is also implied in D.2004, 7.1: ...valid contributions of sociology, psychology or psychiatry…

[42] D.1988, 6.2.

[43] D.2005, 4.1.

[44] D.1990, 2.1.

are observed faithfully."[45] And in relation to our topic, the "juridical significance is not juxtaposed as something foreign to the interpersonal reality of marriage, but constitutes a truly intrinsic dimension of it. Relations between the spouses, and like those between parents and children are constitutively relations of justice, and for that reason have in themselves juridical significance. The "rediscovery of law as an interpersonal reality and a vision of juridical institutions that highlights their constitutive link with persons themselves, which is so essential in the case of marriage and the family"[46] has been crucial to this doctrine.

"A judge, therefore, must always be on guard against the risk of false compassion that would degenerate into sentimentality, and would be pastoral appearance alone. The roads leading away from justice and truth end up in serving to distance people from God, thus yielding the opposite result from that which was sought in good faith."[47] This advice should be specially well imbibed in the minds of the Filipino pastors, so easily tempted by merely sentimental decisions.

"It is not a matter of modifying the divine law, and still less of bending it to human caprice, because that would mean the very denial of the former and the degradation of the latter. It is rather understanding people of today; placing them in proper harmony with the absolute demands of the divine law; of pointing out the most consistent way of conforming to it."[48]

"Law, justice, and peace relate to one another, form one whole and are mutually complementary."[49] "Justice too has its own splendor that can evoke a free response in the subject—one not merely external but arising from the depths of one's conscience."[50]

And so, the provisions on psychological incapacity should not be abused;

"Only incapacity and not difficulty in giving consent and in realizing a true community of life and love invalidates a marriage. Moreover, the breakdown of a marriage union is never in itself proof of such incapacity on the part of the contracting parties."[51]

The Church trial should respect the right of defense;

The new Code of Canon Law attributes great importance to the right of defense. In relation to the obligations and rights of all the faithful, c. 221, §1

[45] D.1990, 4.1.
[46] D.1997, 3.1.
[47] D.1990,5.2.
[48] D.1992, 3.2.
[49] D.1993, 2.2.
[50] D.1994, 2.1.
[51] D.1987, 7.1.

states: "Christ's faithful may lawfully vindicate and defend the rights they enjoy in the Church, before a competent ecclesiastical forum in accordance with the law." Paragraph 2 continues: "If members of Christ's faithful are summoned to trial by the competent authority, they have the right to be judged according to the provision of the law, to be applied with equity." Canon 1620 of the Code explicitly determines the irremediable nullity of the judgment if one or other party was denied the right of defense, while one can deduce from c. 1598, §1 the following principle which must guide all judicial activity in Church: "the right of defense always remains intact."[52]

The Church nullity process should respect the right to information;

"There is a necessity of publishing the judgment. How could one of the parties defend himself or herself in the court of appeal against the judgment of the lower tribunal if deprived of the right to know the reasons, both in law and in fact, supporting it?... Canon 1614 therefore decrees that a judgment has no effect before publication, even if the dispositive part has been made known to the parties with the permission of the judge."[53]

The Church procedure should imbibe the principle of subsidiarity;

"The new Code leaves significant room to the responsibility of the bishops' conferences or of the bishops of the individual particular churches for adaptations which are consonant with the diversity of the cultures and the variety of pastoral situations. It is a question of aspects which cannot be considered marginal or of little importance."[54]

The Truth should prevail.

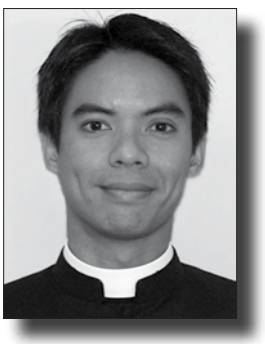
"There is frequently an intention to endorse excessive relativization, as if to impose, so as to safeguard alleged human needs, an interpretation and application of the law that thus ultimately pervert its characteristic features."[55] By all means, a "positivist mindset which is in contradiction with the best of the classical and Christian juridical tradition concerning the law,"[56] should be avoided. "A valid marriage, even one marked by serious difficulties, could not be considered invalid without doing violence to the truth and undermining thereby the only solid foundation which can support personal, marital, and social life."[57] Indeed "truth is not always easy: its affirmation is sometimes quite demanding."[58]

[52] D.1989, 2.1.
[53] D.1989, 9.1.
[54] D.1991, 7.3.
[55] D.1993, 6.1.
[56] D.2005, 6.2.
[57] D.1994, 5.4.
[58] D.1994, 5.1.

There is no sense therefore to instrumentalize the formalities of the law. "Taking advantage [of the administration] of justice to serve personal interests or pastoral practices—however sincere—that are not based on truth, will result in creating social and ecclesial situations of distrust and suspicion."[59]

To promote the truth, "legitimate authority, then, must be involved in and promote the proper formation of the personal conscience."[60]

The Church has been constantly and urgently calling for a pastoral and global effort to protect the sacred institution of Matrimony among her faithful. If the State, autonomous and independent—but at the same time collaborating—recognizes the reality of Matrimony, inevitably the same call should also form part of her agenda. In the Philippine setting, jurisprudence in the ecclesiastical courts, in the service of truth, should present an interesting and inspirational orientation, following the Popes' pronouncements. The timeliness of re-discovering what Canon Law has to offer and what Marriage is according to God's plan is but opportune: this year's twenty-fifth anniversary since the promulgation of the Family Code, and the ever-recurring divorce debate, currently in fashion.■



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[59] D.1994, 3.4.
[60] D.1994, 6.3.