

# Decent Support and Social Security of the Clergy Under the 1983 Code of Canon Law\*

## *I. Introduction.*

To attain a fuller view of the canonical provisions that will be in effect on November 27, 1983 regarding the decent support and social security of the clergy, it does not suffice to inquire only about the innovations introduced by the new Code; it is also necessary to know the status of the present legislations vis-a-vis the new law.

For one thing, the revised Code of Canon Law promulgated on January 25, 1983 abrogates the Code of 1917. But the new legislation in some places repeats or presupposes certain provisions of the old law. It is a principle in statutory construction that those canons which refer to the old law are to be understood in accordance with the old law or canonical tradition.<sup>1</sup>

For another thing, the status of the existing laws which are not derived from the 1917 Code is relevant to us since we have other legislations decreed by the 1907 Provincial Council of Manila, the First Plenary Council of the Philippines in 1953 and by the Catholic Bishops Conference of the Philippines (CBCP).

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<sup>1</sup> Cf. can. 6, #2 of the 1983 CIC. Hereinafter the canons referred to are those of the 1983 Code of Canon Law unless otherwise specified. The English translation of the texts however is not yet official.

A provision in the new Code stipulates that universal and particular laws other than the 1917 Code are abrogated if they are contrary to the prescriptions of the new law.<sup>2</sup> Moreover, a general law does not abolish laws for particular places or statutes of inferior legislations unless the contrary is explicitly stated in the general law, or that particular law is directly contrary to the new general law.<sup>3</sup>

Hence the decrees of the Council of Manila, the First Plenary Council of the Philippines and the CBCP will retain their force even after November 27, 1983, unless they are directly contrary to the provisions of the new Code or explicitly suppressed by it.

The pertinent canons are mainly contained in Book II — “The People of God,” and Book V — “The Temporal Goods of the Church,” while some are found in Book IV — “The Church’s Office to Sanctify” and Book VI — “The Sanctions in the Church.”

The canons on the subject are not grouped together in one section. For our purpose the relevant canons are picked out from the different portions of the Code and put together to give a more comprehensive picture of the decent support and social security of the clergy.

## *II. The Right of the Church to Provide Means of Support for the Clergy.*

In a rare allusion to the prerogative of a perfect society, the 1983 Code asserts the right of the Church to an unencumbered pursuit of its proper ends, one of which is to provide appropriate means of support for the clergy.

By inherent right the Catholic Church can independently of civil power acquire, retain, administer, and alienate temporal goods for the purpose of pursuing the ends proper to it.<sup>4</sup>

The following ends are especially proper to the Church: to order divine worship; *to provide appropriate means of sup-*

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<sup>2</sup> Cf. can. 6, #1, no. 2.

<sup>3</sup> Cf. can. 20.

<sup>4</sup> Can. 1254, #1 (emphasis supplied). Cf. also can 1495 of the 1917 CIC; hereinafter canon numbers preceded by a cross (+) refer to the 1917 Code of Canon Law.

port for clergy and other ministers; to perform the works of the sacred apostolate and of charity, especially towards those in need.<sup>5</sup>

### III. *The Right of the Clergy to a Decent Support.*

The priest lays his claim to a decent support on the basis of his dedication to the ecclesiastical community:

When clerics dedicate themselves to the ecclesiastical ministry they deserve a remuneration which is consistent with their condition in accord with the nature of the office itself and with the conditions of time and place. By this remuneration they should be able to provide for the necessities of their own life and for the equitable payment of those whose services they need.<sup>6</sup>

In the 1917 Code this claim to a decent support is guaranteed by the canonical "title of ordination" which is a stable source of income sufficient for the support of the clerics who wish to receive sacred Orders. Originally the titles of ordination were the titles of a benefice or in default thereof, of patrimony or pension.<sup>7</sup> If none of these titles is available, the deficiency may be supplied by the "title of service of the Church or Diocese" and in mission lands by the "title of the Missions." The Ordinary in this case must give to the priest promoted to the sacred Orders under the "title of the service to the Church or Diocese" a benefice or office or salary sufficient for his proper support.<sup>8</sup>

The First Plenary Council of the Philippines decreed on this regard:

From a custom existing for more than a hundred years, the clerics in the Philippines are legitimately promoted to the sacred Orders under the title *servitii Ecclesiae*. This title is not merely supplementary but ordinary and, as a rule, is

<sup>5</sup> Can. 1254 (emphasis supplied); cf. also + can. 1496.

<sup>6</sup> Can. 281. Cf. Vatican II, "Presbyterorum Ordinis" (hereinafter referred to as "P.O.") December 7, 1965, Art. 20, in *Acta Apostolicae Sedis*, (hereinafter referred to as AAS), 58-991. English translation edited by Austin Flannery in *The Documents of Vatican II*, (New York: Pillar Books 1975) pp. 863-902.

<sup>7</sup> Cf. +can. 979, #1.

<sup>8</sup> Cf. +can. 981, #2

common to all, although of itself, it does not exclude other titles admitted by Canon Law. As a consequence, the Ordinary must confer on the priest promoted under the title *servitii Ecclesiae* a benefice or office or subsidy sufficient for the latter's decent sustenance. Since this custom at the instance of the Fathers of the First Council of Manila, was ratified by St. Pius X on February 11, 1910 without any limitation of time, it is beyond doubt that it remains in vigor even after the promulgation of the (1917) Code of Canon Law.<sup>9</sup>

And this will definitely remain so even after November 27 since it is a centennial custom not directly reprobated by the new Code.<sup>10</sup>

A diocesan priest therefore in the Philippines possesses the right to an adequate support by virtue of his ecclesiastical ministry as enunciated by can. 281, #1 of the new Code and by virtue of the canonical title of *servitii Ecclesiae* which has been sanctioned by centennial custom.

Canon 384 reiterates this particular obligation to provide for the support of the priests:

He (the diocesan bishop) should attend to the priests with special concern and should listen to them as his assistants and advisers. He would protect their rights and see to it that they correctly fulfill the obligations proper to their state. He should also see to it that means are available and arrangements made for them to foster their spiritual and intellectual life. *He should also, in accord with the norm of law, make provision for their decent support and social assistance.*<sup>11</sup>

#### IV. *The Obligation of the Faithful to Support the Priests.*

In the execution of this task, the bishop may enlist the assistance of the faithful inasmuch as it is for their welfare that the priests have dedicated themselves. This corresponding duty of the faithful is pointed out:

<sup>9</sup> *Acta et Decreta Primi Concilii Plenarii Insularum Philippinarum*, (Manilae: Typis Pontificiae Universitatis Sanctae Thomae, 1956), art. 419.

<sup>10</sup> Cf. can. 5, #2; can. 26 and can. 28.

<sup>11</sup> Cf. Pope Paul VI, "Ecclesiae Sanctae, I" (hereinafter referred to as "E. S."), August 6, 1966 in AAS 58 (1966) pp. 757-758, art. 8, English translation in Flannery, *op. cit.*, pp. 591-610.

*The Christian faithful are held by the obligation to subsidize the necessities of the Church in order to provide what is needed for divine worship, apostolic and charitable works, and the honest sustenance of ministers.*<sup>12</sup>

The Code further elucidates this obligation and refers to the norms laid down by the Conference of Bishops on this matter:

The faithful should contribute their help to the Church through supplying the relief it asks for and in accord with the norms approved by the Conference of Bishops.<sup>13</sup>

The faithful could contribute to the support of the ministers through the offerings for the application and intention of masses:

The faithful who make an offering so that the mass may be applied for their intention contribute to the good of the Church and by their offering take part in the concern of the Church for the support of its ministers and works.<sup>14</sup>

The diocesan bishop is charged with the job to remind the faithful of their obligation and to urge their compliance.

The diocesan bishop is bound to admonish the faithful concerning this obligation spoken in canon 222, #1 and to urge its observance in an appropriate manner.<sup>15</sup>

*V. The Regulation of the Offerings of the Faithful by the Provincial Council.*

Due in part to the delicate nature of the taxation which may lead to misunderstanding by the faithful, the Code provides:

Unless the law has provided otherwise, it is the responsibility of the Council of Bishops of a province to set a limit for the offerings given on the occasion of administering the sacraments and sacramentals.<sup>16</sup>

Unlike the 1917 Code<sup>17</sup> which demands the subsequent approval by the Holy See for the schedule of fees to take effect, the

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<sup>12</sup> Can. 222, #1 (emphasis supplied); cf. +can. 1490 and "P. O.," art. 20.

<sup>13</sup> Can. 1262.

<sup>14</sup> Can. 946.

<sup>15</sup> Can. 222, #1; cf. also "P.O.," art. 20.

<sup>16</sup> Can. 1264, no. 2.

<sup>17</sup> +Can. 150'.

new Code does not make mention of this requirement and entrusts solely to the Council of Bishops of a province the responsibility of determining the limit of the offerings to be given on the occasion of administration of sacraments and sacramentals.

It is interesting to note how the Holy See frowned on the practice of setting a bracket of fees from which one is free to just pick out the amount of his choice. The Sacred Congregation of the Council (now the S. C. of the Clergy) criticized in a particular case, the schedule forwarded for approval by a certain province specifying a range of fees within which the bishops of the province were to choose from.<sup>18</sup>

Going to specifics, the new law provides further instructions regarding the offerings for the mass and funeral services.

It pertains to the Provincial Council or the Council of Bishops of the Province to define by decree for the entire province what offering is to be made for the celebration and application of mass and it is not lawful for a priest to ask for a larger sum; he may accept an offering, voluntarily given, which is larger than that determined for the application of a mass and he may also accept a lesser amount.<sup>19</sup>

On the offerings given on the occasion of funerals, the Code ordains:

The prescriptions of canon 1264 should be observed in regard to the offerings given on the occasion of funerals. Precautions should nevertheless be taken lest any prejudiced treatment of persons occurs in the funeral rites and lest poor persons be deprived of the funeral rites which are their due.<sup>20</sup>

There appears to be a slight deviation from the instructions handed down by the previous Code on the persons who would determine the funeral and mass offerings. The 1917 Code confers the right to the local Ordinary for his diocese,<sup>21</sup> while the new Code assigns the prerogative to the Provincial Council or the Council of Bishops of the province.

<sup>18</sup> S.C.C., resol. Dec. 11, 1920 (AAS, XIII, [1921], 350; Rouscaren, *Canon Law Digest*, I, 720 ff. The resolution referred to was the decree of the S.C.C. of June 10, 1876 (cf. *Fontes*, no. 4298) and letter of Innocent XI, *Essendo Avuto* of Oct. 8, 1678.

<sup>19</sup> Can. 952.

<sup>20</sup> Can. 1181.

<sup>21</sup> Cf. +can. 1234 for funeral rites and +can. 831 for masses.

In compliance with the norms laid down by the council, the priests are enjoined not to ask offerings in excess of the established schedule:

The minister should not ask for anything for the administration of the sacraments beyond the offerings established by competent authority. Care is always to be taken that the needy are not deprived of the help of the sacraments because of their poverty.<sup>22</sup>

The former law attaches penal sanction to the violation of the directive regarding the observance of the approved schedule of fees:

Persons who misuse or exact more than the customary taxes, legitimately approved shall be restrained by a heavy monetary fine, and, if they fail again, shall be suspended, or removed from office in proportion to the gravity of their guilt, without prejudice to their obligation of making restitution of the money unjustly acquired.<sup>23</sup>

This penalty however, is no longer found in the 1983 Code.

#### VI. *The Social Security of the Clergy.*

Not only the present necessities but also the future needs and social security of the clergy must be attended to.

Provision is likewise to be made so that they possess that social assistance by which their needs are suitably provided for if they suffer from illness, incapacity, or old age.<sup>24</sup>

Furthermore the diocesan bishop is reminded by canon 394 to make provision for the social assistance to the priests in accord with the norm of law. Suitable support and housing should also be accorded to those who resigned because of old age.

When a parish priest has completed his seventy-fifth years of age, he should offer his resignation from office to his diocesan bishop. After the bishop has considered all the circumstances or person and of place, he should decide whether to accept the resignation or to defer it. *The diocesan bishop taking into account the norms issued by the Confe-*

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<sup>22</sup> Can. 848; cf. also +can. 463, #2.

<sup>23</sup> +Can. 2408.

<sup>24</sup> Can. 281, #2.

*rence of Bishops, is to provide for the suitable support and housing of the persons who is resigned.*<sup>25</sup>

In the Philippines the CBCP has come up with the following conclusions regarding the Clergy Social Security:<sup>26</sup>

1. The diocesan curia shall set aside investment funds for sickness, retirement and death provisions for the clergy. Other ways and means towards this end may also be utilized.
2. Formation of association of the clergy also for the sickness, retirement and death benefits is to be encouraged.
3. Eventual expansion of said associations into the inter-diocesan or national levels is to be urged.

The CBCP accordingly established a Pension Plan and a Supplementary Pension Plan as of January 1, 1975, to provide for the retirement, death, disability or separation benefits to bishops and diocesan priests.

In 1969, the Philippine Priests Inc. established a Group Accident Insurance as well as a Health and Sickness Insurance which entitled the member priests to certain hospitalization benefits. Unfortunately, the stockholders of the PPI in their meeting on May 18, 1983 decided to abort the existence of the corporation from 50 years to 14 years to pave the way for the organization of the Association of Philippine Clergy. With the extinction of the PPI also went the welfare program for the members.

Supplementing the CBCP Pension Plan, other social security programs have been established in the regional level like the Mindanao-Sulu Self-Insured Hospitalization Plan and in the local level like the hospitalization arrangement for priests in the Archdiocese of Manila.

In countries where no provision is made for the social security of the clergy, the Code exhorts the Conference of Bishops:

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<sup>25</sup> Can. 538, #3; cf. also Vatican II, "Christus Dominus" (hereinafter referred to as "C.D."), October 28, 1965, AAS 58-673; English translation edited by Flannery, *op. cit.*, pp. 564-590; see also "E.S." art. 20.

<sup>26</sup> Cf. Testera, "The CBCP at Work: A Systematic Compilation of the Major Decisions taken by the Catholic Bishops' Conference of the Philippines, January 1964 — July 1979," *Boletín Eclesiástico de Filipinas* (hereinafter referred to as *BEF*), January — February 1980, Vol. LIV, nos. 602-603, pp. 47-48.



The Conference of Bishops should see to it that an institute exists which sufficiently provides for the social security of the clergy in nations where social insurance has not yet been suitably arranged for the benefit of the clergy.<sup>27</sup>

In accord with different local circumstances the aims mentioned can be more appropriately obtained through a federation of such diocesan institutes, or through some cooperative venture or even through some suitable association established for the benefit of various dioceses and even for the benefit of an entire territory of an Episcopal Conference.<sup>28</sup>

Not wanting to create unnecessary complications with the laws of the land, the Code encourages:

If such is possible, these institutes are to be so established that they are also recognized as operative under the civil law.<sup>29</sup>

#### *VII. Parochial Benefices and the Maintenance of the Clergy.*

A vestige of history which found its way into the 1917 Code is the ecclesiastical benefice. It is defined as a "juridical entity, permanently constituted or erected by a competent ecclesiastical authority, and consisting of a sacred Office and the right to receive the revenues accruing from the endowment of such office."<sup>30</sup> If the ecclesiastical authority does not attach the endowment to the office, there could not be a benefice, but only a pious foundation, a laical chaplaincy and the like. There are offices that are not benefices, but there can never be benefices without the sacred Office.

From the definition, it is evident that a benefice consists of four elements:

- external: 1) erection by a competent ecclesiastical authority,  
2) permanence or stability as a juridical person;
- internal: 3) office,  
4) right to receive the income of the endowment attached to the office.

<sup>27</sup> Can. 1274, #2; cf. also "P.O.," art. 21, par. 3; "E.S.," art. 8, pars. 2 and 3.

<sup>28</sup> Can. 1274, #4; cf. "P.O.," art. 21 and "E.S.," art. 8.

<sup>29</sup> Can. 1274, #5; cf. +1529.

<sup>30</sup> +Can. 1409.

As early as 1907 the parishes in the Philippines were placed under the title of ecclesiastical benefice by the Provincial Council of Manila.<sup>31</sup> After the promulgation of the 1917 Code, Cardinal Gasparri, then president of the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law answered to a query:<sup>32</sup>

A parish is always an ecclesiastical benefice according to canon 1411, 5°, whether it has the proper endowment (resources or revenues) as described in canon 1410, or even if lacking such endowment, it be erected according to the provisions of canon 1415, #3.

Eminent canonists as Cappello and Coronata contended that parishes with endowment derived from any of the indicated sources may be declared parochial benefices.<sup>33</sup> However, Vatican II through its decree "Presbyterorum Ordinis,"<sup>34</sup> and Pope Paul VI through the implementing letter, *motu proprio* "Ecclesiae Sanctae, I"<sup>35</sup> directed the Commission for the Revision of the Code of Canon Law to examine the system of the benefice, either to replace it or reform it, with the end in view that the principal emphasis in law will be laid on the ecclesiastical office itself and the right to the revenues attached to the endowment will be regarded only as of secondary importance. It seems that the last element of the benefice, i.e., the right to receive the income of the endowment, has been the target of the clamor for reform of benefices. The Vatican II documents have been emphatic on the fundamental equality of remuneration of priests living under the same circumstances, and this could hardly be achieved if the beneficiary insists on his right to the revenues of the endowment. Furthermore, as can be seen later on, the 1983 Code recommends

<sup>31</sup> *Acta et Decreta Concilii Provincialis Manilae*, art. 429; cf. also commentary by Ravanera, *The Parochial Benefice in the Philippines*, (Rome: Catholic Book Agency, 1953) pp. 76-77.

<sup>32</sup> Cf. Bouscaren, *Canon Law Digest*, Vol. I, p. 150. +Can. 1411, 5° distinguishes benefices into curate (*curata*) or non-curate (*non-curata*), according as the care of souls is or is not attached to the benefice. +Can. 1410 enumerates the kinds of revenues that may endow the benefice. +Can. 1415, #3 rules that it is not forbidden to erect parishes or quasi-parishes, where a proper endowment cannot be had, if one can prudently foresee that the necessary revenues will be obtained from other sources.

<sup>33</sup> F. M. Cappello, *Summa Iuris Canonici*, 4 ed., Vol. II (Romae: Universitas Gregoriana, 1945), 514; M. Conte a Coronata, *Institutiones Iuris Canonici*, 2 ed., Vol. II (Taurini: Marietti, 1939) p. 366.

<sup>34</sup> Art. 21.

<sup>35</sup> Art. 8.

the transfer of the income and even the endowment to the diocesan institute.

In contrast to the 80 canons on benefices in the 1917 Code (+canons 1409-1488), the new Code cites only one canon on the subject:

In the regions where benefices in the strict sense still exist, it is the responsibility of the Conference of Bishops *to oversee* the government of such benefices through appropriate norms which are agreeable to and approved by the Apostolic See. This should be accomplished in such a way that the income from and even the original endowment for these benefices, *to the extent that it is possible*, are gradually bestowed upon the institute mentioned in can. 1274, #1.<sup>36</sup>

And canon 1274, #1 stipulates:

*Unless other provision has been made* for the clergy's support each diocese should have a special institute which collects goods and offerings and whose purpose is to provide in accord with the norms of canon 281 for the support of the clergy who give their services for the benefit of the diocese.<sup>37</sup>

This seems to be in conformity to the reality that the benefices have become a vanishing institution in the Church today and to the growing trend in post-Vatican era which tends to dissociate the sacred office from the income in places where benefices still exist. Considering the particular circumstances in different regions, the Bishops' Conferences are entrusted with the task to draw up norms regarding benefices which may happen to be still in their territory. A prudent transition from the strict beneficial system is encouraged to that proposed by the new Code. With the phasing out of the present system into a new arrangement, returns of the capital attached to the ecclesiastical office can no longer be claimed by right by the holder of that office. In the proposed transfer of the income to the general fund managed by a special institute, suitable and fundamentally equal support can be assured and retirement funds can be adequately provided for.

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<sup>36</sup> Can. 1272.

<sup>37</sup> Cf. "P.O.," art. 21 and "E.S.," art. 8.

However, this provision of the Code appears to be only commendatory and not obligatory as can be gleaned from the wordings of the canons. Canon 1272 says "to the extent that it is possible" and canon 1274, #1 states "unless other provision has been made for the clergy's support," thereby acknowledging the possibility of other mode of support suitable to the circumstances of the place.

It is relevant to note that the draft of the Commission in the 1980 Schema advocated the eventual suppression of benefices strictly so-called in regions where they still exist.<sup>38</sup> The final text, however, of the 1983 Code comes out with no direct provision for suppression but a *regulation (regimen moderari)* of benefices by the Conference of Bishops with appropriate norms in accord with the Holy See.

The new Code introduces some specific mitigations in the right of the beneficiary to the income of the endowment. In the old Law the claim of the pastor to the revenues of the parish was such that if any of the parochial affairs are discharged by another priest, the fees or offerings belong to the pastor, unless it is certain that those making the offerings wished otherwise concerning the amount that is over and above the ordinary tax.<sup>39</sup> The 1983 Code takes a different view on the offerings given on these occasions:

Although another person may have performed some parochial duty, that person should put the offerings which he or she received from the Christian faithful on that occasion into the *parish account*. This is the case unless it is obvious that in the matter of voluntary offerings such would be contrary to the will of the donor. After he has listened to his *council of priests*, the diocesan bishop has the competence to issue regulations which provide for what happens to these offerings and for the *remuneration of priests who fulfill the same duty*.<sup>40</sup>

The same procedure should be observed when such duties are performed by a parochial vicar:

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<sup>38</sup> Pontificia Commissio Codici Iuris Canonici Recognoscendo, *Schema Codicis Iuris Canonici*, (Romae: Libreria Editrice Vaticana, 1980), can. 1223.

<sup>39</sup> Cf. +can. 463, #3.

<sup>40</sup> Can. 531 (emphasis supplied).

The prescriptions of Canon 531 should be observed concerning the offerings which the Christian faithful give to the parochial vicar on the occasion of their performing his pastoral ministry.<sup>41</sup>

In January 1969, the CBCP put forward some principles to be followed on the manner of providing support for the parishes:<sup>42</sup>

1. The obligation of the faithful to support their parish is to be reiterated. This requires the intensification of the education process.
2. Appearance of commercialism, particularly in the administration of the sacraments should be avoided, consequently:
  - a. In the spirit of Vatican II, classification in the administration of sacraments will be gradually eliminated.
  - b. The traditional system of the "arancel" will eventually be abolished in accordance to Vatican II.
3. The meaning and value of voluntary offerings towards the support of the parishes are to be emphasized, hence:
  - a. Intensive and extensive education is to be given to the faithful to impart the meaning and value of the donations, particularly during the reception of certain sacraments.
  - b. As a preparation for the eventual elimination of the "arancel" the faithful must be taught to fulfill their above-mentioned duty through Sunday collections.
4. The diocese should help the needy parishes. Therefore, the diocese will set up investments gathered from whatever available sources of income to generate trust funds that can supplement the lack of funds in poor parishes.
5. With the permission of the Holy See and with the exception of "Obras Pias" parish income from Church properties, excluding the revenues coming from the present "arancel," should be centralized in diocesan curia with the purpose of assisting poor parishes.

In accordance with the recommendations of the Commission on the Clergy, the CBCP approved the proposal that each diocese at least three parishes — one rich, one medium class and one poor — implement *ad experimentum* the conclusions of the meeting regarding the clergy remuneration and social security.<sup>43</sup>

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<sup>41</sup> Can. 551.

<sup>42</sup> BEF 56 (1977), pp. 484-493.

<sup>43</sup> Testera, *op. cit.*, p. 47.

On the matter of the remuneration of the clergy, priests should be given two kinds of payments: 1) a personal basic remuneration applied to the entire country, and 2) an allowance to be determined in the diocesan level according to the conditions and financial capabilities of each diocese.<sup>44</sup>

In sum, two possible alternative courses have been presented by the Vatican documents and opened by the new Code, viz., a) the elimination of the benefices, or b) the reform of the system.

Towards the elimination of the benefices some sectors saw in the biblical tithing as the answer to the financial problems of the Church and its ministers. A number of parishes and a diocese embarked with enthusiasm on the experiment in varying modifications in the late sixties and early seventies, such as the "envelope system" of Sorsogon Diocese,<sup>45</sup> the "monthly thanksgiving program" of Sto. Niño Parish of Tacloban City,<sup>46</sup> and the "parish monthly support program" at Phil-Am, Quezon City.<sup>47</sup> But what started with a bang died with a whimper in some places. In a *post mortem* analysis of the experiments, the failure could be attributed to one or the other of the following causes:<sup>48</sup>

1. apathy of pastors entrenched in financial security under the present "arancel" system;
2. cooling off of initial enthusiasm upon realization that the tithes were insufficient for the needs of the priests and the parish;
3. prevalent criticism that it was a poor imitation of the collection system of the "Iglesia ni Kristo";
4. unsteady jobs and unstable income of the parishioners;
5. inconsistency of the application of the guidelines of tithing;

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<sup>44</sup> *Ibid.*

<sup>45</sup> Dimen, "Towards an Equitable Remuneration of Priests Through the Envelope System," *Philippine Priests' Forum* (hereinafter referred to as *PPF*), March 1969, pp. 5-21.

<sup>46</sup> Parado, "The Santo Niño Approach to Tithing," *PPF*, 1969, pp. 34-38.

<sup>47</sup> Castigador, "The Parish Monthly Support System for the Philippine Parishes," UST (1975), unpublished report.

<sup>48</sup> Testera, "The Church's Financial Support Through Tithing — Philippine Experience," *BEF*, Vol. LII, (June-July 1977), pp. 486-488.

6. traces of the "arancel" system in the use of bonded collection the possible source of corruption;
7. unsustained enthusiasm over the program.

The history of tithing reveals that in other regions and in different periods, the system suffered certain defects and internal weaknesses. Tithing system was enforced on the Church by legislation when the Christian community started to show laxity and indifference in their obligation to support the clergy and to maintain the church building through free and voluntary offerings. The miserable failure of tithing in several occasions prompted the Council of Chalcedon in 451 to forbid ordination of any cleric unless he had a *titulus ordinationis*, and the African Church to enjoin its clerics to earn a living by trade or agriculture. While the law continued to oblige the duty of tithing, at times under pain of excommunication, the Church persisted in the search for other sources of income such as the proprietary churches of Germany, landed estates in Gaul, the patronatus in Spain, etc.<sup>49</sup>

In our country, not all of the recent experiments, however, ended in dismal flops. There is no gainsaying that certain scattering innovations in isolated parishes meet some limited success. But this would not be sufficient to guarantee a wider acceptance due to the diverse situations, the different economic conditions, and the distinctive mentality of the people in the different parts of the nation.

Regarding the second alternative or reforming the existing benefices, it can be said that the new Code does not intend to *radically* do away with parochial benefices. The provision does not directly point at the parochial benefices as now existing in our country, which derive their endowment from stole fees given by the faithful, but at the equitable distribution of the remuneration for priests. This position is, in a way, substantiated by the stipulation of the new Code that still asks the Assembly of Bishops in an ecclesiastical provision to define the offerings of the faithful on the occasion of the administration of sacraments and sacra-

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<sup>49</sup> Hannan, *The Canonical Concept of "Congrua Sustentatio" for the Secular Clergy*, (Washington D.C.: Catholic University of America Press, 1950), pp. 4-6, 11, 22.

mentals. However, it suggests that stole fees on these occasions are to be placed in a special institute to be distributed to the support of the clergy rendering service to the diocese, unless other means of this kind has been provided for. New means may be used to refine the old system in the hope that its defects can be eliminated or at least minimized.

#### *VIII. Support of Priests Working in Other Dioceses.*

In instances wherein a priest has to work in places outside his diocese of incardination, an agreement should be made between the bishop *a quo* and the bishop *ad quem* to safeguard the rights of the priest which include his claim to a decent support:

Outside the case of the true necessity of his own particular Church the diocesan bishops should not deny clerics permission to move to regions which suffer from a serious dearth of clergy and there exercise the sacred ministry when he knows that such clerics are prepared for such and when he judges them fit to do so. *He should also make provision that the rights and duties of these clerics are established through a written agreement with the diocesan bishop of the place where they are going.*<sup>50</sup>

Should there be a request for incardination, the admitting bishop should consider among other things the following guideline:

A bishop should not allow the incardination of a cleric unless . . . the necessity of or advantage towards his own particular Church demands it and provided *the prescriptions of the law concerning the decent support of clerics are observed.*<sup>51</sup>

#### *IX. Administration of Social Security Funds.*

In connection with the administration and investment of the social security fund, it may be noted that the canons of the new Code are substantially the same as the canons of the 1917 Code with modified emphasis on the role of the Conference of Bishops

<sup>50</sup> Can. 271 (emphasis supplied).

<sup>51</sup> Can. 269, no. 1 (emphasis supplied).



in their respective regions. There are certain points that need further attention. Many undertakings which look beautiful and perfect in the planning stage become failures in execution due to mismanagement and defective supervision.

Since canon 1274 provides for the possibility of federated diocesan institutes to handle the common funds, it follows that the Bishops' Conference should put up norms to govern the administration of such funds:

An aggregate of goods which come from different dioceses is administered according to the norms lawfully agreed upon by the bishops concerned.<sup>52</sup>

New safeguards are added in the new Code to ensure diligent and sufficient administration and to forestall abuses:

The diocesan bishop must seek the advice of the financial council in order to issue the more important acts of administration. Their relative importance should be judged in light of the economic situation of the diocese. He indeed needs the consent of this council and the College of Consultors in cases specifically mentioned in the universal law or in the charter of a foundation and in order to issue acts of extraordinary administration. The Episcopal Conference has the right to declare which acts are considered as extraordinary.<sup>53</sup>

Acts of administration may either be ordinary or extraordinary. Ordinary acts of administration are those which are to be done at fixed intervals (monthly, quarterly, annually) as well as those which are necessary for the customary transaction of affairs. Extraordinary administration, on the other hand, includes such acts as do not occur periodically and are of their nature of greater importance that they be executed according to the formalities demanded by law.

If the statutes of the Bishops' Conference does not make mention of the nature of certain acts, canon 1281, #2 provides that it is within the competence of the diocesan bishop to determine such acts of persons subject to him, after he has sought the advice of the financial council. Canon 1284 mentions in detail

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<sup>52</sup> Can. 1275.

<sup>53</sup> Can. 1277.

how an administrator can fulfill his office with the solicitude of a good father of a family.

The law urges the bishops in the exercise of their *ius curandi* to monitor and supervise acts of administration:

Ordinaries should see to it that the entire matter of the administration of ecclesiastical goods is regulated by issuing special instructions which are within the limits of universal and particular law and which give due attention to rights, lawful customs, and circumstances.<sup>54</sup>

#### X. *Business Activities of the Clergy.*

Corrolary to the canons which directly provide for the support of the clergy are the regulations which govern the economic activities of the priests. Due to some degree to the inadequacy of the beneficial endowments and the increasing cost of commodities, a number of clerics have taken recourse to business transactions to supplement or augment their income and to secure their old age.

The legislation about business by the clerics is regulated in the new Code by canon 286 which is just a reiteration of canon 142 of the 1917 Code:

Clerics are forbidden personally or through the agency of others to conduct business or trade either for their own benefit or that of others without the permission of legitimate ecclesiastical authority.

"Negotiatio" or business means any transactions made for the sake of gain and profit,<sup>55</sup> while "mercatura" or trade is a type of "negotiatio" in the form of buy-and-sell with the intention of making some gain in the difference of the prices.<sup>56</sup> Every trade is business, but not every business is trade. It should be noted that the canon refers only to *habitual* transactions; single isolated instances do not fall under the prohibition.

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<sup>54</sup> Can. 1276, #2.

<sup>55</sup> Bouscaren and Ellis, *Canon Law*, 3rd ed., (Milwaukee: Bruce Publishing Co., 1957) p. 118.

<sup>56</sup> Bernabe Alonso, *La Negociacion Prohibida a los Clerigos y Sus Sanciones*, (Manila: Imprinta de la Universidad de Santo Tomas, 1950), no. 2.

"Negotiatio" may be divided into the following:

- a) negotiatio quaestuosa,
- b) negotiatio industrialis;
- c) negotiatio oeconomica; and
- d) negotiatio politica.

"Negotiatio quaestuosa," also called "negotiatio lucrativo" and "negotiatio proprie dicta," consists in profit seeking transactions of buying merchandise with the intention of selling it unchanged at a profit. It has some special forms:

- a. *cambium*, or money changing where the matter bought and sold is money itself;
- b. *speculation*, where stocks, bonds, or commodities are bought and sold with a view chiefly to immediate profit without expectation of permanent ownership.

This form of business is prohibited and has been considered as the primary object of the canon's prohibition.<sup>57</sup>

Business is called industrial if it consists in buying materials, changing them, and selling them for profit. This is further divided into:

- a. strict sense, where the change of the material is done by hired labor;
- b. broad sense, where it is done by one's own or domestic labor.<sup>58</sup>

In order to have a strict industrial business, four conditions must be present at the same time:

- i. materials must be bought;
- ii. the materials must be changed by hired labor;
- iii. the transformed materials are sold with profit;
- iv. the whole operation is undertaken with the intention from the beginning of realizing a profit by selling at a higher price.<sup>59</sup>

<sup>57</sup> T. Smiddy, "Negotiatio," *The Jurist*, Vol. XI (1951), p. 495.

<sup>58</sup> Bouscaren-Ellis, *op. cit.*, p. 118.

<sup>59</sup> Abelan, "De Vetita Clericis et Religiosis Negotiatione," *Periodica*, XXXIX (1950), p. 239.

On the other hand it is industrial in the broad sense if:

- i. one changes his own materials by himself and sells them with a profit; or
- ii. one has his own materials transformed by hired labor and sells them at a profit; or
- iii. one buys materials and have them transformed by his own work and sells them with a profit.

In these instances the profit is derived either from: i) one's own work and materials; or ii) partly from one's own materials; or iii) from one's own work.<sup>60</sup>

Strictly industrial business is forbidden while industrial business in the broad sense is allowed.<sup>61</sup>

"Negotiatio oeconomica," oftentimes called "negotiatio domestica," consists in buying something with the primary purpose of using it for personal use or for the family, but later on resold even at a profit, either because it has become superfluous or of some other proper motive.<sup>62</sup> Hence there was no formal intention of reselling the thing at a profit at the time when it was bought.

Clerics are not prohibited from entering into economic business. On the contrary they are even advised to do so in the name of reasonable administration of property to avoid loss or the decrease of value of the property.

"Negotiatio oeconomica," occasionally called "negotiatio publica," may be described as the purchasing of goods usually at wholesale prices and selling them at retail prices to a determined group of person, as members of a society (K of C), people of a certain group (cooperatives), students of a school (canteen), patients of a hospital (pharmacy), etc. The specific element of this kind of business is the fact that it is done to help a certain community.<sup>63</sup>

<sup>60</sup> K. Dillen, *The Second Book of the Code*, Pro Manuscripto ad Usum Alumnorum, (Makati, Rizal: Seminarium S. Caroli, 1963), pp. 70-71.

<sup>61</sup> Bouscaren-Ellis, *op. cit.*, p. 118. Also cf. Capello, *Summa Iuris Canonici*, I, ed. 4., n. 248; Beste, *Introductio in Codicem*, p. 196; Brys, *Iuris Canonici Compendium*, I, p. 246.

<sup>62</sup> Wernz-Vidal, *Ius Canonicum*, II, (Romae: Apud Aedes Universitatis Gregorianae, 1928), no. 126.

<sup>63</sup> Dillen, *op. cit.*, p. 71.

On the liceity of "negotiatio politica," authors writing on the subject do not have the same opinion. All however are agreed that if the business is engaged in for formal profit, then it is forbidden.

In practice, particularly when net profit cannot be always avoided to maintain operation, Hannan clarified the issue by borrowing from the concept of secular jurisprudence and giving distinction that a corporation is non-profit as long as its temporary net profits are periodically turned back into its activity.<sup>64</sup> Profits from a bookstore then may be used for the benefits of the students as expanded library, etc.<sup>65</sup> Canonists who allowed profitable operation to stores supposed that the goods were brought at a wholesale price or at a discount, and explained that the sale of these things at the current market price is not a "sale at a profit" in the ordinary meaning of the term.<sup>66</sup> These arguments have been applied to a certain extent to similar areas of running religious goods in stands, schools, lunchrooms and cafeterias, and gift shops in hospitals and sanitariums. Along this contention of only apparent "negotiatio" application has been extended to include many kinds of charity sales by arguing that the goods purchased at such transactions are gifts that elicit the benefactors' generosity.<sup>67</sup>

However, certain business activities allowed under the terms of canon 286 may still be forbidden in given circumstances by canon 285, #2 when they are considered as foreign to the clerical state:

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<sup>64</sup> Hannan, "Cooperation in Forbidden Merchandising," *The Jurist*, XI (1951), pp. 103-104.

<sup>65</sup> Ellis, "May Religious Buy and Sell?" *Review for Religious*, V (1946), p. 58; Regatillo, *Institutiones Iuris Canonici*, I (Santander: Sal Terrae, 1941), n. 254.

<sup>66</sup> Conway, "Discount Prices," *Irish Ecclesiastical Record*, LXXIV (1950), 444-445; Wouters, *Manuale Theologiae Moralis*, I, (Brugis: Carolus Beyaart, n. 254.

<sup>67</sup> Smiddy, *op. cit.*, pp. 508-510; Vermeersch, "De Negotiatione Clericorum," *Periodica*, XXII (1933), 210-211; XXIII (1934), 199; Brunini, *The Clerical Obligations of Canons 139 and 142*, (Washington, D.C.: Catholic University of America Press, 1937), p. 84; Ellis, *op. cit.*, pp. 59-60; Donovan, "Church Goods Selling by Pastor," *Homeletic and Pastoral Review*, XLVIII (1948), 780; (1951) pp. 373-374; 467-468; Conway, "Negotiatio: Sale of Pious Objects, Candles, Books," *Irish Ecclesiastical Record*, LXXV (1951), 69-71; Hannan, "Cooperation in Forbidden Merchandising," 102-104.

Clerics should avoid those things which although not unbecoming are nevertheless alien to the clerical state.

Moreover, without the permission of their Ordinary, clerics should not become agents for the goods belonging to lay persons nor assume secular offices which include the obligation to render accounts. They are forbidden to act as surety, even in behalf of their own goods, without consultation with their own Ordinary. They should likewise refrain from signing promissory notes by which is undertaken the obligation to pay an amount of money without any determined reason.<sup>68</sup>

The penal sanction of the violation of the prohibition of forbidden trade and business in the new Code is a repetition of the old law.

Clerics or religious who practice trade or business against the prescriptions of the canon should be punished in accord with the seriousness of the offense.<sup>69</sup>

*The motu proprio*, "De Episcoporum Muneribus" while granting wider latitude to the dispensing power of the bishops, expressly reserves to the Holy Father the dispensation from prohibition upon clerics who are in sacred Orders to practice business or commerce, personally or through others, for their own advantage or that of other persons.<sup>70</sup>

#### *XI. Constitutive Elements of Decent Support.*

The erroneous notion must be corrected which avers that what constitutes the decent support of the clergy is the barest minimum level of subsistence. The Church distinguishes between a fitting support and a minimum support in its legislation on the support that is to be accorded to the members of the clergy in various circumstances. The Church exhibits its concept of a comfortable but very moderate support of the clergy in the approved regulations and practices of religious congregations and orders

<sup>68</sup> Can. 285, #4; cf. also +can. 139, #3, a.

<sup>69</sup> Can. 1393; cf. also +can. 2380.

<sup>70</sup> Paul VI, "De Episcoporum Muneribus," AAS 58-467, IX, no. 3, d; translation in *Canon Law Digest* VI, pp. 397-398; cf. also Miguez *et alii*, commentaries on can. 142, *Código de Derecho Canonico*, (Madrid: BAC 1980), p. 65, and on "De Episcoporum Muneribus," *Derecho Canonico Postconciliar*, (Madrid: BAC, 1978), p. 94.

whose members take the vow of poverty. Although the vow, which forbids the owning and administering of private property, does not involve any particular standard of living, the spirit of poverty commanded by the religious life enjoins a life of decent but very moderate living.<sup>71</sup>

Vatican II and the new Code, as they recommend equity, recognize the diverse circumstances that prevail in every country and even in regions of the same country which make it practically impossible to fix a priestly remuneration applicable to all.<sup>72</sup> To carry out the intention of the Church, it becomes imperative to determine the constitutive elements of adequate support which can be generally applied to clerics living anywhere.

Canonists divide the income of the clergy into the following categories.<sup>73</sup>

1. beneficial income — that which comes directly from the benefice such as "salaries" of pastors as paid in accordance to the diocesan statutes, contributions or taxes according to a fixed rate paid by the faithful, the income from founded masses accruing to the holder of a benefice;
2. patrimonial income — that which comes from testaments, gifts and donations;
3. quasi-patrimonial — that which comes from acts of the ministry which are not an integral part of the office held by the beneficiary, though they are performed in virtue of the office, such as stole fees; also the voluntary offerings of the faithful;
4. parsimonial income — that which through frugal living is saved from the amount allotted for the fitting support of the clergy.

A pastor may freely dispose of all his parsimonial earnings as well as his patrimonial and quasi-patrimonial incomes. However the Code reminds him of some moderation:

Clerics should cultivate a simple style of life and should remove themselves from everything which have a semblance of vanity.<sup>74</sup>

<sup>71</sup> Schaefer, *Compendium de Religiosis ad Normam Iuris Canonici*, 3. ed. (Romae: Herder, 1940), p. 700.

<sup>72</sup> Cf. "P.O.," art. 20; "E.S.," art. 8; can. 281, #1.

<sup>73</sup> Cf. Cappello, *op. cit.*, II, 535; Wernz-Vidal, *op. cit.*, pars 2, 239; Vermeersch-Creusen, *op. cit.*, II, 554.

<sup>74</sup> Can. 282, #1.

The decent support of the clergy is to be computed from the beneficial income and its disposal is regulated by certain guidelines:

After they have provided for their own decent support and for the fulfillment of all the duties of their state of life from the goods which they receive on the occasion of exercising an ecclesiastical office, clerics should wish to use any such superfluous goods for the good of the Church and for works of charity.<sup>75</sup>

Consequently, if a pastor does not need for his fitting support all that is allotted to him as his salary, he is obliged to devote this superfluous amount to the poor or to pious causes. This obligation is a grave duty of religion, but most probably not a duty of justice. Hence, if one contravenes this obligation, he is not bound to restitution.<sup>76</sup> However, the law regarding superfluous income refers only to that portion of the income from a benefice or pension, not to the income from other sources.<sup>77</sup>

It is to be noted that the stole fees may not be automatically considered as a constitutive part of the endowment. A positive declaration of the bishop is needed in order to designate the stole fees as revenues of the benefice. Taken in themselves, stole fees are classified as quasi-patrimonial income, and form a part of the personal income of the pastor.<sup>78</sup>

Stipends of *manual* masses are not considered portion of the beneficial income; they belong exclusively to the priests who celebrate the masses. This is the commonly held position on "portio congrua" which dates back to the pre-code legislations declaring stipends of manual masses as not part of the revenues of the benefice.<sup>79</sup> This stand has been confirmed by the contemporary

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<sup>75</sup> Can. 282, #2; cf. also +can. 1473.

<sup>76</sup> Vermeersch-Creusen, *op. cit.*, 554; Beste, *op. cit.*, p. 371; Cappello, *op. cit.*, II, 535; Coronata, *Institutiones Iuris Canonici*, II, 415.

<sup>77</sup> Cf. Philip Hannan, *op. cit.*, p. 133.

<sup>78</sup> Anthony Mickells, *The Constitutive Elements of Parishes*, (Washington D.C.: Catholic University of America Press, 1950), p. 107.

<sup>79</sup> Cf. S.C.C., "Cremonen., " 8 Feb. 1738 — *Fontes*, n. 3481; *ibid.*, "Ariminen., " 8 & 29 Aug. 1722, 15 May 1723 — *Fontes*, nn. 3245, 3261.



replies of the Roman Curia and commentaries of noted canonists.<sup>80</sup> Hence stipends of manual masses ordinarily may not be included in the computation of decent support, but may be made as a supplementary source of sustenance.

In spite of several indications regarding some elements to be included in the determination of the decent support, the new Code does not come out in defining what exactly are the constitutive items of the "*congrua sustentatio*." Neither did the Council of Trent nor the 1917 Code. We shall draw our formulation from the commentaries of many noted jurists.

Probably the most comprehensive and precise description of decent support was given by Regatillo:

(*Honesta sustentatio*) a fitting support must be understood in a generous way and without scrupulosity (*anxietate*). It includes, according to the doctors, all that is necessary for food, clothing, housing, medical care and preservation of health, the maintenance of servants according to the status of the beneficiary, decent relaxation, a moderate amount of liberality towards good causes, the demands of sociability, of hospitality that must be shown to friends and to the needy, of the payment of one's debts as well as those of one's relatives, of prudent provision for the future, etc. All these must be supplied in accordance with the dignity of the person, the amount of the income (of the benefice, parish, etc.), the merits and efforts for the Church of the person receiving the benefice... The best norm is the prevailing usage among zealous holders of benefices.<sup>81</sup>

This description conforms basically with those of the prominent older canonists, such as Schmalzgrueber, Wernz, Reiffenstuel, Bouix and Grandclaude. Some newer commentators of note as Wernz-Vidal, Cappello and Vermeersch-Creusen agree in general with the stand of Regatillo, but are hesitant to enumerate all the constitutive elements of a fitting support.

<sup>80</sup> Cf. S.C.C., "In causa Montisvidei et aliarum," Jan. 10, 1920 in AAS, XII, 70; *ibid.*, April 16, 1921 in AAS, XIII, 532; Woywod and Smith, *A Practical Commentary on the Code of Canon Law*, II, N. 2122; P. Hannan, *op. cit.*, pp. 133-135.

<sup>81</sup> Regatillo, *Institutiones Iuris Canonici*, vol. I, 2. ed., (Santander: Sal Terrae, 1946), 195.

After the interpretation of the mind of the Church and the discernment of the consensus of canonists, it may be safe to conclude that the following elements constitute the determinants of "congrua sustentatio" due to the priests.<sup>82</sup>

1. it should include all that is necessary for a comfortable, secure living;
2. the degree of this comfortable, secure living is to be determined by:
  - a. the dignity and merits of the cleric, and
  - b. the circumstances which reflect the economic condition of the locality in which he is ministering;
3. it should be fundamentally the same for everybody living in the same situation considering the time and place as well as the nature of the office they hold; and
4. the judgment of the competent authority should be had on the amount to be accorded to the clerics for their support.

There is unanimity of opinion among the commentators on most of the elements deemed necessary for a comfortable and secure living — food, housing, clothing, medical care, almsgiving, recreation, the meeting of social responsibilities, the costs of hospitality, and provision for the future.<sup>83</sup>

Expenses and rentals for the living accommodations should not be deducted from the amount a cleric receives for his fitting support.<sup>84</sup>

The Church provides an opportunity for clerics to enjoy adequate recreation through its regulations on vacations. Vatican II prescribed that the priests' remuneration would be such to enable them to enjoy a proper holiday each year.<sup>85</sup> The recommendation for vacation is reiterated in the new Code:

It is fitting for clerics to have a due and sufficient period for vacation each year determined by universal or particular law.<sup>86</sup>

<sup>82</sup> Abbo-Hannan, *The Sacred Canons*, Vol. II (New York: Herder Book Co., 1951), p. 691; Augustine, *A Commentary on the New Code of Canon Law*, vol. VI (St. Louis: Herder 1920), p. 537; Cappello, *op. cit.*, 535; Coronata, *op. cit.*, 416; Regatillo, *op. cit.*, 195; Vermeersch-Creusen, *op. cit.*, 169; Wernz-Vidal, *op. cit.*, IV, pars 2, p. 249; "P.O.," art. 20; "E.S.," art. 8.

<sup>83</sup> Cf. P. Hannan, *op. cit.*, pp. 111-137.

<sup>84</sup> Cf. Wernz-Vidal, *op. cit.*, IV, pars 2, 240; Corazzini, *La Parrocchia* (Torino, 1900), p. 451.

<sup>85</sup> "P.O." art. 20.

<sup>86</sup> Cf. can. 533, #3; cf. also +can. 465, #2.

The new legislation sets the limit of time a pastor may be absent from the parish for the purpose of vacation to one continuous or intermittent month, which is a reduction from the two-month period of the 1917 Code.<sup>86</sup>

The attitude of the Church regarding the duty of priests to assist their parents can be gleaned from the practice of religious orders and congregations regarding members who have dependent parents: a candidate may not be allowed to enter the novitiate if his parents are dependents,<sup>87</sup> and if the parents become dependents after the cleric has pronounced the vow of poverty, he may receive and send money to them without violating the vow.<sup>88</sup> This duty must be proportionately shared by the brothers and sisters. An extravagant and ostentatious life is however to be avoided by his family to prevent scandal and criticism from the people.

The individuating factors that determine what is a comfortable and secure life of the clergy are: 1) the dignity and merit of the cleric, and 2) the circumstances regarding place and time.

Among diocesan priests, dignity is determined by the ecclesiastical rank. A pastor raised to an ecclesiastical dignity acquires the concomitant obligations to support greater causes and to meet greater demands. Hence the necessity of a higher income to satisfy the needs.<sup>89</sup>

Unless the cleric is assured of sufficient pension upon retirement, the present sustenance should be adequate to provide for his old age or disability.<sup>90</sup> Furthermore, the remuneration should also give the priests the means of providing properly for the salary of those who devote themselves for their service and of personally assisting in some way those who are in need.<sup>91</sup>

Merit is a factor to be reckoned with in the computation of his remuneration and assignment to a parish. This includes the

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<sup>86</sup> Cf. can. 533, #3; cf. also +can. 465, #2.

<sup>87</sup> Cf. +can. 542, #2.

<sup>88</sup> Schaefer, *op. cit.*, p. 700.

<sup>89</sup> Regatillo, *op. cit.*, I, 195.

<sup>90</sup> Cf. can. 281, #2; also see +can. 921.

<sup>91</sup> Cf. can. 281, #1; "P.O.," art. 20; +can. 1473.

accomplishment of the cleric such as sanctity, administrative ability, scholastic attainments, as well as labor and zeal in the ministry of the Church.<sup>92</sup>

Another factor in the determination of the degree of comfortable and secure living is the circumstances of time and place. Vatican II recognized this element when it stated that equity should be observed in consonance with the condition of time and place.<sup>93</sup> This is a confirmation of the canonical stipulation that proper maintenance of the cleric must be determined in accordance with the circumstances — *pro diversis locorum et temporum necessitatibus*. There is however never any excuse for prodigal life on the part of the clergy despite of the wealth of the locality. A life style indulged in luxury and extravagance is completely foreign and abhorrent to the clerical life, regardless how opulent the economic situation of the place may be.<sup>94</sup>

In some cases, the determination of adequate sustenance should give way to the welfare of souls. "Salus animarum suprema lex," should be the guiding principle. If a parish is not sufficiently capable to support its pastor, the Ordinary is bound to supplement the required remuneration from the diocesan funds or from other sources.<sup>95</sup>

On top of these considerations, should a cleric feels aggrieved by the decision of the Ordinary concerning his income, the cleric can seek redress from the Sacred Congregation of the Clergy which, through the decree *Regimini Ecclesiae Universae*, is competent to handle matters related to the decent support of the clergy.<sup>96</sup>

FR. NEREO P. ODCHIMAR  
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<sup>92</sup> Cf. "P.O.," art. 31; Regatillo, *op. cit.*, 195; +459, #3, nn. 2 & 3.

<sup>93</sup> "P.O.," art. 20; "E.C.," art. 8.

<sup>94</sup> Cf. Cappello, *op. cit.*, II, 535.

<sup>95</sup> Cf. can. 281, #1; "P.O.," art. 20; *Acta et Decreta Primi Consilii Plenarii Insularum Philippinarum*, art. 419; Also cf. +can. 1414, #3.