

CASES AND QUERIES

PERMISSION OF PRIEST-CANDIDATES TO THE CCP

Query

1. — DO PRIESTS WHO WISH TO RUN FOR A SEAT IN 1971 CONSTITUTIONAL CONVENTION HAVE TO ASK PERMISSION FROM THEIR LOCAL ORDINARY?
2. — IF SO, DOES THE PERMISSION HAVE TO BE *IN SCRIPTIS*, OR IS AN ORAL ONE ENOUGH?
3. — WHAT PENALTIES WILL A PRIEST INCUR IF AND WHEN HE LAUNCHES HIS CANDIDACY WITHOUT THE SAID PERMISSION?

Answer

1. — They need permission from the proper Ordinary and the Ordinary of the place where the election will take place.

Can.139 § 4 states: "Senatorium aut oratorum legibus, quos *deputatos vocant*, munus ne sollicitent neve acceptent sine licentia Sanctae Sedis in locis ubi pontificia prohibitio intercesserit; idem ne attentent aliis in locis sine licentia tum sui Ordinarii, tum Ordinarii loci in quo electio facienda est."

Hence, even if those to be elected in the forthcoming Constitutional Convention are called *delegates*, it does not follow that the law stated cannot apply to them. The canon is not concerned with terminologies or designations which could be diverse in different places. It is rather concerned more with activity or function, and certainly those who will be elected to formulate the *fundamental laws of the land* can be called and are in fact truly *legislators*.

It should be noted that a priest who plans to launch his candidacy needs the permission both of his proper Ordinary and the Ordinary of the place where the election will be made or will take place, that is, in the corresponding district where he plans to present himself as candidate. Therefore, if the priest belongs to the secular clergy, and files his candidacy in the district not within the jurisdictional territory of his proper

diocese, he will need permission both from his own bishop and the bishop of the district where he plans to run as candidate. And if the priest belongs to an exempt religious Order, he will need the permission not only of his own major Superior, but also the bishop of the place where he plans to become a candidate.¹

On April 25, 1922, the Pontifical Commission for the Authentic Interpretation of the canons in the Code of Canon Law ruled that Ordinaries of the place "in concedenda licentia sacerdotibus, qui se candidatos ad deputationum comitia sistere cupiunt, potius difficiles quam faciles se praeberere debeant."²

2. — Canon 139 does not require that the permission of the Ordinary should be in writing nor is there any known law which requires the same. The convenience of having a written permission however, cannot be overemphasized especially in cases where the consent of two Ordinaries is needed. Furthermore, priest who has in his possession a written permission can easily refute and silence those who would in anyway question the legitimacy of his candidacy.

3. — There is no provision for punishment whatsoever in the Code of Canon Law concerning the case in question.

Nevertheless, the Ordinary can refuse permission and give express prohibition to any priest from presenting himself as candidate with threats of some kind of punishment if need be. In this case, any priest guilty of transgressing this prohibition could be punished accordingly (Cf. Can. 2220).

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¹ Can. 139 likewise oblige all religious (can. 592) and members of societies and institutes who live in common but without public vows (can. 679).

² AAS XIV (1922), p. 313. In the same date it ruled that Cardinals, Archbishops and Bishops whether residential or titular need permission from the Holy See, except in those cases where the Constitution of the land concedes to them the right to be lawmakers (*senatores*). In this instance, since the Holy See gives a tacit approval, they can exercise the said Office without the need of a special permission.