

## CASES AND QUERIES

### A PROBLEM OF ARANCEL

**INTRODUCTION.** I am the Pastor of a particular parish. Seven years ago my Bishop assigned an attached priest to this parish. He is diligent, attends faithfully to ministerial and pastoral works such as marriage arrangements, marriage catechetics, confessions, sick calls, and others. However, in accordance with the law of arancel of this Ecclesiastical Province, he is not entitled to any percentage of the parish income.

Recently an Assistant Pastor has been assigned to this same Parish. He is frequently absent and works only when he is previously assigned or instructed. As assistant he is entitled to ten percent out of the sixty percent of the income of the parish reserved to the Parish Priest.

**QUESTION.** Should I give the above mentioned ten percent to the Assistant Priest merely by reason of being Assistant even though he is absent or, if ever present, does not perform all the duties incumbent upon him? Should I give it to the Attached Priest if not *de condigno* at least *de congruo*?

#### **ANSWER:**

1. **The law.** The distribution of arancel or the percentage of the parish income that should go to the priests assigned to the parish, falls under the rules for benefice. Hence, only the Assistant Parish Priest is entitled to the ten percent of the sixty percent of the parish income reserved to the Parish Priest. The law does not recognize the condition of an attached priest. That is why, I do not believe that you, as Parish Priest, should take the amount which by law corresponds to the Assistant to give it to another priest. Strictly speaking, the application of this rule presupposes that the Assistant Parish Priest is actually rendering his duties as such.

2. **The obligation of the Assistant Priest.** The problem seems to be rooted in the fact that, in your estimation, the assistant you have does not comply with his obligations.

If the Assistant Parish Priest is permanently absent from the Parish and does not involve himself in the work after having been properly informed and advised, I suggest that you seek his removal. While he is not removed he is entitled to a share of the parish income and you will only create trouble by taking what is due to him in order to pay someone else who works in his place.

In the presentation of the case you mentioned that the Assistant Priest works when he is previously assigned. Hence, the first step in the solution of your problem is to arrange a fraternal dialogue with him and agree on a just distribution of work. You should also get him to agree that if ever it would be impossible for him to comply with the agreed assignments he will pay the attached priest whenever the latter acts as a substitute. By working out such agreements you need not take a unilateral decision and you will avoid conflict.

**3. The compensation of the attached priest.** Having in mind the case as you presented it, I believe the attached priest should be rewarded in a just manner for the pastoral work and services rendered to the parish. This is a matter of justice. But I advise you not to take the money for this purpose from the percentage of the parish income that is due to your Assistant Priest, for if you do so more problems and misunderstandings between you and your assistant will arise and further widen your communication gap. While you will argue that he is irresponsible, he will probably maintain that his absences are justifiable and your unilateral decision unproportionate to his shortcomings.

From what source should the Parish Priest take the payment for the attached priest? If the assistant will not voluntarily relinquish part of his percentage to pay for that part of his work that is done by the attached priest, the Parish Priest may consider the attached priest a Guest Priest and pay whatever is due to him according to the demands of justice, taking the money from the income generated by his work in the form of fees for baptisms, weddings and the like, or from church collections. Such income shall not be included in the income to be distributed to the Parish Priest and his assistant. For example, if five weddings have been officiated by the attached priest and the fee for the priest in these five weddings amounted to two hundred and fifty pesos (P250.00), this amount will be given to the attached priest and it will not be included in the total to be divided between the Parish Priest and his assistant. If furthermore the attached priest has heard confessions on a regular basis while the Parish Priest and his assistant priest have not, he shall be given compensation for this per hour, equivalent to what he would

get had he taught in a school for the same length of time. In this case the money will be taken from the Sunday collection and the amount will not be included in what has to be distributed to the Parish Priest and his assistant according to rules.

It is obvious that the main reason of a stipend or arancel is the spiritual welfare of the parish which has to be preserved and for this it is necessary that the provision for the material needs of those who serve it is adequate.

It is not advisable that you use the clause of the law of arancels of your Ecclesiastical Province stipulating that the ten percent due to the Assistant should not be given if he is absent unless it is obvious and clear that his absence has no justifiable reason. When all that is clear is the fact of the Assistant's absence, the Parish Priest risks making a wrong decision because his explanation of the absence might be unilateral and subjective. The assistant, when given no chance to explain his side, will consider the Parish Priest's decision unreasonable and unfair.

4. **Summing up.** It seems to me that your problem can be solved through a fraternal agreement. If attempts toward this fail and you do not want that part of the parish income be excluded from the amount to be distributed by percentage to you and your assistant, you may have to petition the Bishop for your assistant's removal. The attached priest, in any case, deserves compensation proportionate to his contribution to the good of the parish. If necessary, the parish should give this to him through extra-legal — though not illegal — means. As long as we seek the common good that the law desires to achieve, we may use means that the law does not envisage.

As a parting comment, you might find the solution of your problem in working for the attached priest to become an Assistant Priest in addition to the one you now have.

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