

THE ABSENTEE PASTOR

Query

A PARISH PRIEST GOES AWAY FROM HIS PARISH WITH THE PERMISSION OF HIS ORDINARY, FOR AS LONG AS SIX MONTHS TO A YEAR, GOES ABROAD FOR STUDIES, LET US EVEN SAY.

1. — DOES HE HAVE THE RIGHT TO HAVE THE PARISH RESERVED FOR HIM SO THAT WHEN HE COMES BACK HE WILL IMMEDIATELY RE-ASSUME HIS RESPONSIBILITY AS THE PARISH PRIEST OF THE VERY SAME PARISH HE LEFT?
2. — IN HIS ABSENCE, A VICARIUS SUBSTITUTUS IS ASSIGNED IN HIS PLACE. FOR HOW LONG SHOULD SUCH AN ARRANGEMENT HOLD?

Answer

1. — The law of residence for pastors as found in can. 465 does not contain anything contrary to what is alleged in the question. And can. 2147 which enumerates the causes where pastors can be removed from office does not mention the case in question.

Thus, even if a parish priest leaves his parish for a long time, with permission, he does not lose hold of the same. And when he comes back, he has the right and obligation to re-assume his duty as pastor immediately if he feels it is necessary and he is ready and disposed.

2. — The *Vicarius Substitutus* has to hold office for as long as the pastor who has permission to be away from his parish is absent. This at least, is the idea implied in can. 465 § 4.

A *Vicarius substitutus* occupies another's place and exercises another's authority during the period of absence of the person who has the title to the office. This is the concept of a vicarius. Although the duration of a pastor's absence can be foreseen or even fixed, a *vicarius substitutus* is only a substitute for the pastor who is away and nothing more. His incumbency therefore, can be shortened or prolonged depending upon the duration of the pastor's absence.

It is therefore, practical for Ordinaries to fix a definite period during which a pastor can be absent. In this case, all inconveniences and misunderstandings which could arise from the absence of the pastor and his sudden appearance without notice could be avoided. Besides,

a *vicarius substitutus* who knows for how long he will be holding his post can make long-range plans and pastoral arrangements which he could fulfill to the utmost during his incumbency as *vicarius*.

In this connection, I wish to state that the law of residence for pastors imposes upon them the obligation to habitually reside "*in domo parocchiali prope suam ecclesiam*" to be able to carry on the functions connected with the zealous care of souls. This obligation therefore, includes both material and formal residence.

The importance of this consideration has always been insisted upon by several Popes and Council on various occasions. The III Lateran Council for example, ordered that the care of a church or parish be entrusted only to a priest who could be expected to reside in the place where the church is and attend to the same personally. The same case is observed in connection with the consultation made by the Archbishop of Evora to Pope Alexander III concerning approval of appointments of prospective pastors wherein there is ground to fear that the prospect would not observe the law or residence religiously, or after having been entrusted the parish the same would abandon it afterwards. The pontiff answered that in the former case, such presentations should not be accepted nor approved; and in the latter case, he ruled that the pastor in question could be removed, unless he had the bishop's permission during his absence, and the cause for the same is for reasons of study and similar just causes.¹

The obligation of residence therefore, should be observed strictly and bishops should see to it that pastors are not unduly absent from their parishes for periods exceeding what is just and necessary.²

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¹ C., 4, III, 4., as cited by S.A. Moran, O.P., *Comm. al Código de Derecho Can.*, BAC, 1968, p. 738.

² Concerning the leave of absence that an Ordinary can concede for a grave cause, most jurists like Fagnani (*Commen. in lib. III. Decretal.*, De cler. non resid, c. 17, Clericos), Schmalzgrueber (*Jus Ecc. Univ.*, lib. 3, p. 1a, tit. 4 §3), Passerini (*De hom. stat. et off.*, q. 185, a. 5, n. 133), Muniz (*Derecho parr.*, c. n. 395) and Cocchi (*Commen. in C.I.C.*, 1. 2, n. 345) are of the opinion that the same can be extended by a bishop up to 3 or 4 months. Over this period, however, recourse should be made to the Sacred Congregation especially if the permission asked for is for a protracted duration.