

# BOLETIN ECLESIASTICO DE FILIPINAS

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## *The Pope speaks:*

### Man's Insufficiency

. . . It is with confident anticipation that We witness today a new phenomenon. With distance almost eliminated, with the way open to the conquest of space, with the progress of scientific research and the advancement of technical production, there has evolved in man an unexpected and truly surprising state of mind.

We believe We can say that the man of thought and of action in this century — afflicted by two world wars and by innumerable other conflicts — is not so confident in himself and in his conquests. He is not so certain of being able to achieve happiness on earth as he was in the eighteenth and nineteenth centuries. Still less is he confident that his genius and his energies alone will be able to allay the anxieties, disperse the fears and overcome the weaknesses which constantly threaten to overpower him.

More specifically, We note that there is a kind of lamentation rising from practically all of contemporary literature. We note that the powerful ones of the world admit that they do not know how to raise man up to that happiness and prosperity which continues to be the goal of his tireless search.

The Catholic Church has never told humanity that she wishes to protect it against the hard law of sorrow and of death. She has not tried to deceive humanity, nor has she administered to it the painful drug of illusion. Rather, she has continued to declare that life is a pilgrimage and has taught her sons to join in the hymn of hope which, despite everything, still resounds throughout the world.

Now that man, considerably dismayed by what scientific progress has achieved, realizes that no conquest can bring him happiness; now that those who vainly promise eternal youth and easy prosperity continue to succeed each other and eliminate each other, it is providential and quite natural for the Church to raise her solemn and persuasive voice and to offer to all men the comfort of that doctrine and of that Christian way of life which prepare man for the splendours of the eternal joy for which he was made.

Not in the least intimidated by difficulties which her sons encounter and which interfere with her service to truth, justice and love; always faithful to the commandments of her Divine Founder, the Church seeks to tell humanity about Him once again, about Jesus Christ the Master, the Shepherd, the Victim and Sacrifice of expiation and of redemption.

**POPE JOHN XXIII**

*Pentecost address, June 10, 1962*

## **METAS DEL APOSTOLADO MODERNO**

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### **DISCURSO DEL PAPA A LOS GRADUADOS DE LA ACCION CATOLICA ITALIANA**

**QUERIDOS hijos e hijas:** Nos sentimos contentos de poder saludar y felicitar al XXV Congreso Nacional del Movimiento de Graduados de Acción Católica, como una especie de jubileo y de una manera especial por celebrarse en este año, en nuestra ciudad de Bérgamo, el cincuentenario de la fundación del Centro de San Alejandro, para, universitarios y profesionales, a cuyo nacimiento y expansión dió impulso, juntamente con otros, el Papa que os habla. Eran las primeras experiencias de los tiempos modernos, y el Señor sabe cuanto le agradecemos haber podido contribuir a ellas con nuestro pequeño granito de arena. El recibiros hoy tiene un significado esplendoroso, expresión de nuestra gran benevolencia y de la consciente vocación al apostolado de cada uno de vosotros.

El Papa aprecia y bendice de todo corazón las diversas ramas de Acción Católica de todos los países del mundo. Considera a sus miembros como preciosos colaboradores de los obispos en las diversas circunstancias del vivir social. Y si dedicamos viva atención a los sectores de mayor importancia, a vosotros de una manera especial, queridos hijos e hijas, llamados a una misión de la más extensa responsabilidad. De hecho estais llamados a dar el testimonio de la palabra y del ejemplo en el campo de la profesión y del estudio; sois la levadura, que debe hacer fermentar para Cristo las energías vigorosas del pensa-

miento y de la cultura. La ambición del Apóstol Pablo que quería llevar “todos los entendimientos a la obediencia a Cristo” (2 Cor. 10, 5), es también vuestra.

Si esto os habla de la benevolencia de la Iglesia, abre también a vuestro afán los vastos horizontes del apostolado específico, al que estais llamados, indicándoos las difíciles metas que lleva consigo vuestro nombre de católicos convencidos y conquistadores. La tarea que se os confía no es fácil, pero la gracia del Señor, sin el que nada podemos, está con vosotros para manteneros firmes, iluminaros y lanzaros hacia nuevas conquistas. Nunca falta a los que, poniendo únicamente su esperanza en el Señor, saben también trabajar activamente en pro del enraizamiento del ideal cristiano en la sociedad.

## EL SENTIDO MORAL EN LAS COSTUMBRES DE HOY

Es testimonio de esta generosa voluntad el tema, tan sugestivo y rico en aplicaciones, del presente Congreso Nacional: “El sentido moral en las costumbres contemporáneas”. Vuestras comisiones de estudio han profundizado en los aspectos concretos del tema, considerando el sentido moral en la acción educativa de la familia y de la escuela, en la información para conocer los medios de comunicación; en el arte, en la política, en lo jurídico, en lo administrativo, económico y social. Toda la vida de hoy ha quedado patente a vuestra mirada, tanto en sus aspectos menos edificantes, para ponerles urgente remedio, como en sus valores positivos para subrayarlos en pro de una mayor sensibilidad moral.

No es raro escuchar opiniones de desánimo y depresión al juzgar algunas manifestaciones de las costumbres públicas, prensa y espectáculos, que preocupan por la ausencia o por lo menos por el abandono del sentido moral.

Ya hemos indicado en otra ocasión, especialmente a los juristas y a los periodistas católicos, lo que desea la Iglesia en este campo y el inmenso dolor que le producen dos insidiosos

peligros de corrupción, abiertos en especial a los adolescentes y a los jóvenes. No repetimos, pues, la doctrina, ya que es patrimonio de cada uno de vosotros y de todas las conciencias rectas, pero sí queremos repetir que, a pesar de todo, seguimos confiando. Personalmente — os lo podemos decir a vosotros—encerramos en nuestro corazón penas y preocupaciones a veces indecibles, de las que sólo hablamos con el Señor; pero pensamos especialmente en los hombres de buena voluntad, que son muchos, y contamos con la cooperación de las fuerzas sanas para el robustecimiento de los grandes ideales. Y vosotros sois los primeros de todos, queridos hijos e hijas; se os ha confiado un deber urgente y delicado.

En sentido moral, entendido como la aplicación íntegra y generosa de los Mandamientos de Dios, es condición indispensable para el desarrollo tranquilo y constructivo de los pueblos; donde está ausente, las almas se debilitan, y se resiente todo el orden social. Por tanto, al defender el patrimonio moral—fundamentado en la ley de Dios, escrita en los corazones de los hombres, y solemnemente sancionada por la ley divina positiva—la Iglesia cumple su misión salvífica y al mismo tiempo asegura a los pueblos la defensa de su eficacia en el orden natural.

Es, por tanto, preciso aunar los esfuerzos en esta gran tarea. Vosotros, queridos hijos e hijas, no estareis solos como si defendierais preocupaciones anacrónicas, pues tendreis el apoyo de cuantos sienten la responsabilidad sincera de su propio deber. Animo; interesad a la opinión pública; convocad a los hombres que aman la justicia y que caminan por la senda de la rectitud.

Lo precisa la santidad de la familia, que debe templar las almas para las dificultades de la vida, dándoles una profunda conciencia; lo exigen los jóvenes, en los que ponemos toda nuestra confianza para el futuro; lo pide la sociedad, que espera hombres muy sensibles a los atractivos de una sociabilidad, amplia y comprensiva, y del todo al servicio de las exigencias comunes.

El centro de todas las preocupaciones ha de ser la persona humana, creada a imagen y semejanza de Dios, y redimida por la Sangre preciosa de Cristo. Las actividades inmediatas hay que orientarlas al respeto a la persona: la familia, la escuela, la política y la economía, el arte y la literatura, la prensa y las diversiones. Todo ha de convergir en este centro, para respetar su dignidad inalienable, desarrollar sus posibilidades, educar sus juicios, para que se desarrolle una personalidad completa en el plano de la salvación: "Todo es vuestro, pero vosotros sois de Cristo y Cristo es de Dios" (*Cfr. 1 Cor. 3, 22-23*).

Queridos hijos a hijas: Os hemos confiado nuestras esperanzas, os estamos agradecidos por todo lo que habeis hecho y por lo que sabreis hacer, con la acostumbrada entrega para traducir en la vida lo que ahora es objeto de estudio profundo en estos días de vuestro Congreso en Roma. El esplendoroso cortejo de los Magos con dones para el Niño Redentor tiene una especial significación para vuestra vocación: tambien vosotros ofrecéis al Señor vuestros dones, vuestro entendimiento y voluntad, vuestro apostolado y vuestro tiempo. Dios, en su misericordiosa bondad, os regalará con mayores frutos de gracia.

Nuestra oración os acompaña durante todo el nuevo año en la difusión del ideal cristiano, en todas las modalidades de la profesión, de la cultura y de la enseñanza. Y para que sean aun mayores los dones del cielo, impartimos sobre vosotros, que tan bien representais a la gran familia de los profesionales católicos italianos y del mundo entero, y sobre vuestras familias, nuestra generosa y propiciadora bendición apostólica.

JOHN XXIII.

# SACRA PAENITENTIARIA APOSTOLICA

## (SECTIO DE INDULGENTIIS)

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### D E C R E T U M

Ssmus D. N. Ioannes Div. Prov. Pp. XXIII, in Audientia infra scripto Cardinali Paenitentiario Maiori die 19 mensis Octobris vertentis anni concessa, benigne statuere dignatus est ut, post benedictionem in finem Missae Pontificalis cum throno impartitam Cardinales *Indulgentiam partialem quindecim annorum*, Archiepiscopi *partialem decem annorum*, Episcopi vero *partialem septem annorum* dilargiri valeant in favorem christifidelium, qui saltem corde contrito eandem benedictionem devote acceperint.

Praesenti *in perpetuum* valituro absque ulla Apostolicarum Litterarum in forma brevi expeditione.

Datum Romae, e S. Paenitentiaria Apostolica, die 31 Octobris a. 1962.

F. Card. CENTO  
*Paenitentiarius Maior*

I. Rossi.  
*Regens*

## **DIOCESAN CURIAE**

### **CAPIZ**

#### **NEW APPOINTMENTS**

1. Rt. Rev. Msgr. Conrado Mesina, D.P.  
*Vicar General*
2. Rt. Rev. Msgr. Edmundo Fuerte, D.P., V.F.  
*Rector of the Cathedral of the Immaculate Conception,  
City of Roxas*
3. Rev. Fr. Luis D. Meñez  
*Parish Priest, Panitan, Capiz*
4. Rev. Fr. Efren Layson  
*Parish Priest, Numancia, Aklan*
5. Rev. Fr. Leopoldo Lauron  
*Parish Priest, San Agustin, Romblon*
6. Rev. Fr. Alex Oquindo  
*Parish Priest, Calatrava, Romblon.*

**REV. SINFORIANO FUERTE**  
*Chancellor*



## DOCTRINAL SECTION

### THE WAYS AND MEANS

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#### TO MAKE OUR PEOPLE AWARE OF THE GREAT NEED FOR PRIESTS IN THE PHILIPPINES

The topic I will talk about is one which poses a serious problem to our beloved Catholic Philippines and her Catholic people — the problem of the need for priests. It is everybody's knowledge that there is a great need for priests in our country today. Assigned to study this problem and to suggest the ways and means to make our people aware of it, I should say that one does not have to be a bishop in order to understand to the fullest extent the seriousness of the problem and the immediate need of its solution. In all humility and frankness, I believe that anyone, any priest for that matter, can certainly make a better development of the topic. However, just for another understanding of our subject, let me first study the problem in my little humble way and then proceed to the means to solve it.

It cannot be denied that religious ignorance about the Catholic priesthood reigns among our people today. Everyone of us here knows of that philosophical principle — *nihil volitum quin praecognitum*. It follows therefore that the first solution to our problem is *instruction*. First of all, our people should understand properly the dignity of the Catholic Priesthood in order to make them better appreciate it. Then explain to them clearly the purpose of this present life which must be employed to attain one's eternal salvation; that this eternal salvation ordinarily cannot be brought about without the help of the priest; and that the actual conditions in the Philippines as far as Catholic religion is concerned, needs for more priests. Now I will limit myself to discuss why we need priests and more priests at that, as a means to make our people aware of the great need for more priests in the Philippines today, and lastly to give some practical suggestions as a solution to our problem.

The Holy Scripture says that the priest is the "light of the world" and the "salt of the earth" — "*Lux Mundi et Sal Terrae*". Our country is called the only Christian nation in the Orient, but what kind of nation is it and will it be, if there is darkness because there is no sufficient *Lux Mundi*, and if there is corruption because there is not enough *Sal Terrae*? The Scripture again says that, "not by bread alone doth men live but by every word that cometh out of the mouth of God." How could man, therefore, ever live in the strictest sense of life if he has all the material bread for his body but not even the least spiritual food for his soul? And who is called in life, except the priest, to minister and administer, to offer and give that spiritual bread of life, and to preach and announce the word of God Himself? God said, "*Without Me you can do nothing.*" Paraphrasing the same words and speaking about the great need for priests to offer the Divine Sacrifice which is the center of our faith according to the apostles and to give the very Body and Blood of the Saviour wrought out in that same Divine Sacrifice, we too can say: "Without the priest we can do nothing." The priest is "*Ex hominibus assumptus, ut offerat sacrificia pro omnibus*" — chosen from men to offer sacrifices for all."

Not without a purpose was man created. Briefly, the end of all creation, and particularly the creation of man, is primarily the glory of God — to make manifest the glorious omnipotence of the Creator God. Having been given reason and will in a very special way, Man should give glory to God by knowing, loving and serving Him in this life to the fullest of his faculties and capabilities in order to be worthy of Him in the life hereafter. Indeed, Man is created chiefly for the life beyond the grave. Hence, we can say he is just a stranger, a wanderer, a pilgrim in this life. He is bound somewhere; he has an end to attain. Man is created to be saved and consequently to go to heaven, and if he does not reach heaven, he will end up in hell for all eternity. Certainly, in this search for God and in this road to heaven—here is where we poignantly feel the need for what we have referred to in the preceding paragraph "*Lux Mundi*" and "*Sal Terrae*".

Man needs the priest to attain heaven. In order to be saved, he needs the channels of grace which are the sacraments; he needs the dependence on God thru prayer and thru hard work in terms of His Commandments and those of His Church. But before he needs all these helps, man needs faith. The Apostle says: Without faith, it is impossible to please God — *Sine fide impossibile est Deo placere*. . . The just man lives by faith — *Justus ex fide vivit*. But faith generally presupposes preaching forth as the Apostle continues: *Fides ex auditu. Auditus autem per verbum Christi*. (Rom. 10:17). In other words, Faith comes to man by hearing the word of Christ. Elaborating on the subject of faith, the Apostle points

to us the need for priests by saying again: *Quo modo credent ii qui non audierunt? Quomodo autem audient sine praedicante?* (Rom. 10:14). Hence, the need for someone to preach. Man needs the priest. We need priests.

Furthermore as we said before, having faith alone is not enough for salvation. Man needs the channels of grace — the Sacraments because in them is charity, the sanctifying grace which is the life of the soul. Faith without good works is dead, but the Sacraments give the life of grace to our faith. "*Sacramenta propter homines*" we say in Theology, most particularly referring to the Sacrament par excellence — the Sacrament of the Body and Blood of our Lord Himself. "But, without the ministers, the priests, there could be no Sacraments because Christ so ordained that the Sacraments instituted by Him be renewed, performed and made by his duly constituted ministers. Hence, no priests, no Sacraments. And, if there are few priests, not too many people could receive the Sacraments and, if they do receive them, they could not do so too frequently, which obviously paves the way to some relatively serious consequences. Of this, I will talk later in order to give a clearer understanding and firmer grasp of our present problem.

Particularly in our country today, there is a dire need for priests. It seems that many have not yet been called and that from the few that have been called, a still fewer portion has only been chosen. Let us take a look into the recent census of Philippine inhabitants and Filipino Catholics. There is the last census of 27,500,000 Filipinos. Of this figure, the total number of Catholics is 20,315,576 as given in the 1960 census which is at present I believe is around 23 million. These 23 million Catholic Filipinos are being served only by 1,667 diocesan priests assigned in the parishes. This is also taken from the 1960 Catholic Directory of the Philippines. We do not include here the religious priests who work in the parishes or engaged in the schools. As in most countries, it is very ideal to take care of the spiritual needs of the Catholics while doing the great work of conversion among the non-Christians and non-Catholics. In that regard, we need priests nine times more than the present number of 1,667 diocesan and native clergy. Furthermore, being the only Catholic country in the Far East with the total population of 1,543,000,000 (that is, of the entire Far East), of which only 2.7% are Catholics, our country, the Philippines, is to a certain extent expected to bring to the rest of the population the glad tidings of the Gospel, that is, to pass on the rich blessings of Christianity to those other peoples of the Far East, who are still grouping in the darkness of paganism and suffering in the slavery of Satan.

The scarcity of priests is already a big problem. Making much more of the problem are the serious consequences resulting from it. The lack of priests obviously contributes to the great evil of religious ignorance, because most people, especially the children, naturally cannot receive any elementary religious instruction and in most cases not even the most necessary truths for their eternal salvation. As a consequence, religious ignorance breeds indifference towards divine worship, daily prayers, family prayers, and Sunday or Holiday Masses. It causes the neglect of moral obligation towards the laws of God, the laws of the Church and the laws of the land. It encourages juvenile delinquency in the young and immorality and materialism in the old. The most lamentable of all the consequences of the scarcity of priests are indeed the deaths of a large number of Catholics without the comfort of the last Sacraments. There are parishes where 90% of those who die do not receive the Sacraments due to great distances. Large and scattered areas can hardly be visited by a priest who is most often assigned in a parish of 20 to 30 thousand souls.

No less lamentable indeed is the fact that the enemies of God and of our Christian democratic way of life, the Communists, as well as the enemies of our Catholic Religion, the protestant sects backed up with foreign fund, are taking advantage of the lack of Catholic priests in our country today to penetrate places and barrios where the religious and moral influence of the parish priests is almost nil due to the lack of material time on the part of said parish priests to visit them more often, and where those enemies insidiously spread their errors and false doctrines to the detriment of our national security as well as of the eternal salvation of the Filipinos. Yes, the real threat of infernal communism will open wide the eyes of our people to the great need for more priests if they just know of this threats.

Thus far, the main branches and development of our huge problem. A close study and equally keen understanding of it will have already given the best solutions according to the demands of the situation and the circumstances of our people. However, the best solution of the problem is the systematic way of making our people aware of the problem on hand. May I suggest that it behooves us in this regard to insist on the establishment on the Diocesan and Parish levels of the Pontifical Society for Priestly Vocations. We should have Diocesan Centers of the Society and Parish Centers too.

In general, the annual plan for vocations as suggested by the Pontifical Society in Rome to be drawn up by the Diocesan Office for Vocations will help to encourage vocations and at the same time to make our people aware of our own great problem of vocations in our country. The chief elements of a good Plan for Vocations, as outlined by the Ponti-

fical Society are: (a) The Crusade of Prayer, (b) Sermons and instructions on the Vocation, (c) The choice of candidates for the Priesthood, (d) The part to be played by the clergy, (e) The Indispensable collaboration of the family, (f) The Collaboration of Catholic Teachers, (g) The collaboration of Catholic Action, that is, of all the Catholic Societies, (h) The collaboration of the youth societies, (i) Altar-Boys' Society, Pueri Cantores, etc. (j) The collaboration of the schools and colleges, (k) The collaboration of the seminarians.

Particularly, however, the Most Rev. Archbishops and Bishops can give emphasis on any of the chief elements in the preceding paragraph during their pastoral visit. Undoubtedly, the best way of deepening religious convictions, thereby making our people aware of the need for priests, is as what I have said in the beginning, by giving clear and methodical and constant instructions on the Catholic truths connected with the priesthood, vocations and the need for priests. In this regard, there could be found many suitable occasions for such sermons arising from the normal exercise of the priestly ministry. However, parish priests should not take for granted the informal talks they can give in parish churches and especially in barrio chapels on the occasion of certain religious celebrations like baptisms, weddings and burials, especially to those who proverbially do not enter the Church except three times in life, that is, during their baptism, their wedding and burial. In these informal talks, the priest may tell the people in their own lowly and humble language about the sad consequences of many sick person being left dying somewhere in the parish without the priest at his bedside simply because the priest, who is alone in that rural parish of about 25,000 souls, is still at the bedside of another dying man in the opposite direction of the parish. Or else each Archdiocese or diocese may assign a priest, secular or regular, or a team of priests or major seminarians well prepared for this subject to go to all parishes or any other places they are most needed to instruct the people. Or also to set aside a year during which all parish priests should preach on the great need for more priests. Or else, to hold parish conventions or seminars for the same ends where all members of all parish organizations should attend specially the Legion of Mary so that they can instruct others on this subject.

Moreover, we could always make use of the different media of modern communications, which are all very effective in so far as the art of communication is concerned. Take for example, the new discovery of television in the cities where such is possible, the use of the press for those who fortunately can read and that of the radio for those who unfortunately cannot. In television, this particular awareness of the need for priests could be vividly aroused by appealing strikingly to all the faculties of man in a higher emotional degree. On the radio, the same awareness

and consciousness could be brought to many more who would not be benefited otherwise because of lack of intellectual preparation or simply because of certain distances. In the press, that same awareness and consciousness could be well planted in the understanding in a more intelligent manner. In this latter way, we may have the idea of posters, parish leaflets and others of that kind. To some extent theaters and shows can be also utilized.

However, there is no better and more effective way of encouraging vocations and of fostering immediate awareness of the need for priests than the *Crusade of Prayer* which the people should be asked to join. Our Lord Himself said: "Ask and you shall receive." Speaking about prayer in this our particular purpose, let me quote to you the famous Father Ramiere: "Prayer is the kind of cooperation best suited to help on the work of grace in the souls of our brethren, making us the helpers of God in their regeneration . . . God has given us the all-powerful means of bringing life to the souls that have lost it. This means is Prayer. Prayer perfectly fulfills every condition which God wants from us in the work of our brother's salvation . . . He will not have us believe that we are sincerely devoted to His interests, unless we labour with all our strength to make Him reign over the souls which constitute His Kingdom . . ."

Prayers make us saviours of our brethren. If we pray to God for more priests, we will have them, for did not God Himself say, "Pray the Lord of the harvest to send laborers to His vineyard?" Quoting from the Pontifical Society for Priestly Vocations for the purpose of arousing that awareness of the seed for priests, I might as well say to you the following:

"Since Our Lord invites us to pray the Lord of the Harvest that He send new workers for the harvest, the Diocesan Office for Vocations should prepare with special care a Crusade for Prayer to be carried on continuously in all the Diocese. These prayers should be accompanied by practices of mortification, to be recommended to all generous souls as a means of meriting many good vocations. The Crusade of Prayer may be based on the following experiences and practices gathered from many Dioceses:

1. An Annual Day for Priests: This is usually kept on Holy Thursday. Special prayers are offered throughout the Diocese for priests, seminarians, and new vocations.

2. Monthly or weekly Days of Prayer for Priests, observed in parishes and communities . . . Special devotions and prayers are offered for priests and vocations. If possible, Mass is said for the intention and the Faithful are invited to receive Communion. There is exposition of the Blessed Sacrament.

3. Various groups of people are asked to offer up prayers and sacrifices to obtain vocations: children, young boys, youth, parents, newly-married couples, teachers, the sick.

4. Those especially are asked to offer prayers and sacrifices who are consecrated or specially dedicated to the service of God.

5. Of most value in the Crusade of Prayer is the frequent application of Mass to obtain Vocations . . ."

Thus far, the Pontifical Society for Priestly Vocations. In conclusion, speaking about asking other people to offer prayers and sacrifices, let me say that the devotions and prayers to Jesus in the Blessed Sacrament and to His Blessed Mother for the cause of the Holy Priesthood will bring about consciousness and awareness of our need for Priests. For this particular purpose, let us have for example:

1. Catholic parents should have for a special intention during their daily prayers that God do them the singular honor of calling at least one of their children to the Holy Priesthood or to any religious congregation as recommended by Pope Pius XII of happy memory.
2. Three special Aves (Hail Marys) after the daily recitation of the Holy Rosary;
3. Some short prayers after the Perpetual Novena to Our Lady of Perpetual Help, now very much popularized;
4. First Holy Friday devotion;
5. The Holy Hour Devotion;
6. First Saturday Devotion;
7. First Thursday Devotion;
8. And many other devotions to that effect.

Let us not forget that all the good things come from God and that the awareness and consciousness of the need for priests should derive from Him. Let us ask it from Him for ourselves and for our people. We have done our part. We have studied our great problem and we have planned solutions to it. What is left for us to do now is to pray and to encourage others to pray the Lord of the Harvest to send laborers to His vineyard.

✠ JUAN NILMAR, D.D.  
*Auxiliary Bishop of Jaro*

## ESPERANZAS

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El punto quizás mas grave y crucial del movimiento unionista reside en el concepto tan distinto con que es planteado el problema por los católicos y por "hermanos separados" que viven fuera de la Iglesia Católica. Muy bien comentaba un eclesiólogo en 1950: "Sin entrar ahora a discutir cuál de las dos posiciones es más justa y razonable, basta de momento hacer notar bien la grave dificultad que presenta la solución del problema ecuménico por lo antitéticamente que vienen planteados sus términos en uno y otro campo. El mismo órgano del Consejo Mundial de las Iglesias, comentando la *Instrucción* del Santo Oficio regulando la actuación de los católicos en este Movimiento, hacía notar que ambas posturas resultaban de momento irreductibles, porque se movían sobre concepciones distintas de la naturaleza del Movimiento ecuménico. "Es necesario—decía—notar dos cosas: La primera que el documento habla del Movimiento Ecuménico como si no tuviera otra razón de ser que la de hallar el camino que conduce a Roma. Ahora bien, la Iglesia de Roma está en su perfecto derecho considerando de esta manera la propia obra ecuménica; pero es evidentemente erróneo suponer que tal sea la razón de ser del Movimiento Ecuménico" (B. G. MONSEGÜ, C. P.; *Semana Española de Teología*, 1952, pp. 232, 233).

¿Puede de ahí concluirse que la re-unión de los disidentes no rebasa los límites de un sueño irrealizable?

**Posibilidades del unionismo.** — De ellas se habló ya largamente en la Semana XII Española de Teología (1952). Así se expresaba el mismo MONSEGÜ: "El mero hecho de sentir este afán ecuménico es una buena señal, y aunque actualmente ignoremos cómo se llegará a la síntesis que satisfaga los buenos deseos, sin faltar ni a la verdad ni a la caridad, no por eso hemos de dejar de ver la utilidad grande que el mundo cristiano puede y debe sacar de esta inquietud ecuménica... Para unos y otros (católicos y no católicos) el Movimiento ecuménico resulta prueba de contraste, definidor de posiciones, estímulo para una grande empresa, motivo fundado de



una grande y consoladora realidad en esperanza. La Iglesia Católica pone unas premisas a este movimiento que nacen de la certeza que tiene y del celo con que vela por la fe católica recibida de Cristo. Las otras confesiones cristianas buscan en las reuniones y conferencias ecuménicas un medio para conocer la verdad de Cristo y ponerla en práctica. ¿No podemos entonces esperar fundadamente que en Cristo y por Cristo, a quien todos adoramos y a quien todos escuchamos, la unión de todos los cristianos sea una realidad?" (*ib.* pag. 233 y 234).

a) *Ambiente favorable*: "El clima de hace un siglo, escribe Olaechea ("El Próximo Concilio", pag. 65) era todavía un clima de oposición y recelo, más que de voluntad de concordia, que es la llamada a decidir en última instancia. Felizmente se han promovido en los últimos tiempos algunas inciativas de acercamiento y diálogo entre los representantes de las distintas confesiones cristianas separadas, sujetándose por la parte católica a las reglas propuestas en la instrucción *Ecclesia Catholica*, que precisa la condición de estos diálogos. El actual Pontífice ha sido uno de los más tenaces adelantados de este movimiento de acercamiento y caridad mútuas que ha logrado derretir los hielos de la incomprensión y recelo y eliminar inveterados prejuicios mútuos".

Y añade dicho autor: "Junto a este hecho consolador, es necesario hacer notar otro dato profundamente positivo. No sólo se ha ido abandonando el lastre de viejos prejuicios, sino que se ha desarrollado en los últimos tiempos una conciencia unitaria que jamás ha alcanzado un grado tan elevado de buena voluntad. No es solamente la coexistencia pacífica, ni aún francamente amistosa, el objetivo anhelado por los distintos grupos disidentes cristianos, sino el de la unidad en un solo organismo, en la única Iglesia que salió de las manos de su divino Fundador" (pag. 66).

Este ambiente favorable entre los mismos Orientales lo expone así el Patriarca de Constantinopla: "No hay más que una sola Iglesia. La Iglesia ortodoxa y la Iglesia Católica son las dos ramas de una sola Iglesia. Existen divergencias; éstas son mínimas. Las hubo también entre los discípulos y entre el Salvador y los discípulos. Existían divergencias cuando subsistía la unidad. Las divergencias no deben impedir la unidad, desde el momento que tenemos el mismo Señor, la misma Tradición, los mismo mártires, los mismos santos. Estamos en los umbrales de una época nueva. El pasado es el pasado. Las responsabilidades de las iglesias son grandes, las de sus Jefes son inmensas, ante el peligro del materialismo comunista" (Cfr. *Ecclesia*, 16 de Enero de 1960, p. 20).

A pesar de ciertos espíritus rigoristas, aún entre los protestantes se respira hoy día una atmósfera más impregnada del movimiento unionista como se desprende tanto del hecho de los Congresos celebrados entre ellos para fomentar el ecumenismo como de los pasos de acercamiento que

han dado sobre varias cuestiones teológicas: "Jalones importantes son los establecidos por los disidentes para la convergencia con la Iglesia católica **en la restauración** de algunos sacramentos, como la confesión y su inquieta crisis sobre la doctrina de la presencia real eucarística; la renovación de la disciplina monacal o la restauración de la devoción mariana en la piedad protestante y, sobre todo, la aproximación a la tesis católica en puntos tan fundamentales como la tradición, la justificación y la gracia" (*Olaechea, op. cit.*, pag. 182). Y antes había escrito: "Dos hechos de notable importancia se destacan en la teología protestante actual: su liberación progresiva de la plaga del racionalismo, de la que ha estado imbuida por largos años, y el puesto cada vez más importante que se va dando en ella a la tradición patristica (pag. 94).

b) *El Concilio Vaticano II*. Entre los múltiples medios con que la Iglesia católica trabaja actualmente por el sano y recto unionismo descuella **indudablemente, no digamos la celebración del Concilio II Vaticano** al cual han sido invitados miembros de las iglesias disidentes, sino el mismo anuncio de que esta magna asamblea, al menos de una manera indirecta, trataría el problema del unionismo.

Apenas hecho público el proyecto del Pontífice reinante de convocar un Concilio se recibieron en el Vaticano cartas de felicitación a la vez que frases de sincera colaboración a tan noble empresa tanto de parte de la Iglesia Oriental como de los sectores protestantes, según hemos visto en alguno de nuestros anteriores artículos. Basta por ahora recoger dos testimonios recientes: Roger Schütz, prior de la Comunidad protestante de **Taizé**, ha podido escribir: "La búsqueda de la unidad de los cristianos ha recibido un impulso con el anuncio del Concilio. Este anuncio constituye un estimulante ecuménico providencial y ha suscitado entre los laicos protestantes del mundo entero una grande esperanza. Ha tenido la virtud de despertar entre ellos una conciencia que dormitaba".

"En Oriente ha producido el mismo efecto. En los días del octavario por la unión de las Iglesias de 1961 varias confesiones cristianas separadas de Egipto se han reunido en las iglesias católicas para rezar por la unidad" (*Olaechea, op. cit.*, pag. 174).

**Esperanzas consoladoras.** Insistimos en que el unionismo sigue ganando terreno. Entre otros motivos, por la inestabilidad del protestantismo con un movimiento giratorio hacia el campo católico. Y también, como explica Monsegú, "a los no católicos, además de servirles de mucho esta misma comprobación de la insuficiencia e insatisfacción que cada una de las confesiones cristianas siente, el Movimiento ecuménico les dará ocasión para refrescar la historia de la desunión cristiana, poniendo más atención a las causas que motivaron el alejamiento de la Iglesia Madre, que no ha favorecido ciertamente a la causa cristiana, y conociendo con más

claridad los fundamentos que justifican la actitud intrasigente de Roma, que no son motivos de orgullo, sino exigencia de la naturaleza de las cosas y postulados indispensables o imprescriptibles de la verdad" (l.c.).

Por otra parte "para los católicos el movimiento unionista, dice el mismo autor, es síntoma precioso para calcular hasta qué punto los disidentes andan de acuerdo o desacuerdo entre sí y con nosotros, lo mismo que para comprobar la existencia de algo que les obliga a buscar la salvación en la unión. No es poco comenzar a ver que la desunión visible del mundo cristiano es un daño para la causa cristiana".

Esperanzas que pueden llegar a una realidad sobre todo si los católicos cooperamos a dicha obra con los medios propuestos tanto por el Pontífice reinante como por varios Prelados, encabezados por la Jerarquía de Colombia que en 29 de junio de 1961 publicó una *Instrucción Colectiva* sobre el Concilio Ecuménico Vaticano.

a) *La oración*: "El feliz éxito del Concilio ecuménico, más que de humanos trabajos y diligente habilidad, ciertamente depende de las oraciones hechas por todos con gran fervor, como en una piadosa competencia mútua" (*Ad Petri Cathedram*). Y "cada vez que los fieles son exhortados a rezar una oración especial por el Concilio, estén convencidos de que se trata de una cosa seria y grave" (*Exhortación de 11 de sept. de 1960 a los fieles de Castelgandolfo*).

b) *El estudio*: Decía el Papa: "Otra manera de cooperación en los méritos y beneficios del Concilio ecuménico es seguir el curso de su desarrollo ahondando en los principios doctrinales, en la *cultura religiosa*, en conocimientos históricos, de lo cual la inteligencia honrada y bien equilibrada saca un criterio acertado y práctico y unas inestimables enseñanzas" (*Discur. en la Festividad de Pentecostes*; 5 de junio de 1960).

c) *Auténtica vida cristiana*: Porque "si el Concilio busca, ante todo, revigorar la propia vida y adhesión de la Iglesia para así representarla sin mancha y sin arruga, es lógico que los buenos fieles escojan su puesto de sincero testimonio de vida cristiana en el ámbito de la actividad específica de cada cual" (*Instrucción de la Jerarquía de Colombia*). Y "no vacilamos en afirmar, añade el Papa, que nuestras diligencias y afanes por el éxito del Concilio serían vanos, si este esfuerzo colectivo de santificación fuera menos concorde y decidido. Ningún elemento podría contribuir a él como la santidad buscada y lograda. Las oraciones, las virtudes de cada uno, el espíritu interior se convierten en un instrumento de inmenso bien" (*Homil. del 14 de nov. de 1960*).

d) *La adhesión a la jerarquía*: porque "no se puede ser cristiano y, al mismo tiempo estar separado del obispo. No hay otra forma de sentir con la Iglesia que la de sentir íntimamente con la Jerarquía establecida por

Cristo. Apartarse de ella y no comulgar perfectamente con sus enseñanzas es ponerse en peligro de perder, no sólo la verdad, sino la misma salvación eterna... Hemos de dar, amadísimos fieles, el testimonio de unidad en nuestra Iglesia una, para que conozca el mundo que Cristo es el Enviado del Padre como único Redentor de la humanidad. En esa forma contribuiremos también a que el Concilio sea, como anhela el Papa, una invitación eficaz a todos los hermanos separados para que vuelvan al único redil bajo el cayado del único Pastor" (*Instruc. Colect. del Episcop. Colombiano*; 29 de Junio de 1961).

Si bien estos medios directamente conducirán al éxito del Concilio, indirectamente también favorecen la causa del Unionismo, como quiera que este asunto ha de tratarse en el Concilio con especial empeño.

**Conclusión.** — El Concilio II Vaticano que hace tres años se vislumbraba en el lejano horizonte, y hasta a muchos les parecía un dorado sueño, hoy día es una consumada realidad. Y nos consta que en las sesiones dedicadas al tema de la Unidad de la Iglesia los Padres del Concilio han estudiado ya los planes más beneficiosos para el retorno de los hermanos separados.

Para la preparación del Concilio hubieron de movilizarse múltiples armas. Para su celebración y consumación se precisa aún poner en juego todas las fuerzas católicas. No todas las generaciones humanas han tenido la suerte de presenciar el acontecimiento de un Concilio General. Nuestra generación ha sido bendecida con estos momentos de intensa gracia. Hay además indicios para pensar que el presente Concilio será uno de los más grandes de la Iglesia, y por ende de más copiosos frutos espirituales. Deber por tanto de todo cristiano es el contribuir a que también resulte un Concilio de mayor, y más intenso fervor. "Todos los militantes de la Iglesia han de entrar en acción. Hay que interesar también a las masas indiferentes. El Concilio no es una empresa de la Jerarquía exclusivamente, sino de toda la Iglesia. Junto al Concilio de los Pastores ha de ir paralelo el Concilio de los fieles" (Olaechea, *op. cit.* pag. 198).

FR. V. VICENTE, O.P.

## CIVIL EFFECTS OF LEGAL SEPARATION

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The legal effects of legal separation may vary in finality and content before, during or after the hearing of the separation suit. Accordingly this chapter will trace, (1) the effects of the mere filing of Petition for legal separation, (2) the effects of legal separation suit *pendente lite*, and finally, (3) the effects of the final decree of separation.

### EFFECTS OF FILING OF PETITION FOR LEGAL SEPARATION

After the filing of the petition for legal separation, the spouse shall be entitled to live separately from each other and manage their respective property.

The husband shall continue to manage the conjugal partnership property but if the court deems it proper, it may appoint another to manage said property, in which case the administrator shall have the same rights and duties as a guardian and shall not be allowed to dispose of the income or of the capital except in accordance with the order of the court.<sup>1</sup>

This article provides for the effect of legal separation upon the filing of the petition; the subsequent article provides for the effect during the pendency of the petition and the next article provides for the effect after the final decree of legal separation. Under this article, the following are the effects of the mere filing of petition:

(1) The spouses are entitled to live separately and manage their respective properties, hence, the wife can have separate domicile from that of the husband<sup>2</sup>, and in case of the paraphernal property was transferred by the wife to the husband during the marriage<sup>3</sup>, the filing of the petition revokes the transfer and the husband resumes management of his separate property.

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<sup>1</sup> Art. 104—N.C.C.

<sup>2</sup> DE LA VIÑA vs. VILLAREAL, 41 Phil. 13.

<sup>3</sup> Art. 137,—N.C.C.

(2) The husband continues to manage the conjugal property unless the court deems it proper for reasons of justice and the protection of the interests of the wife to appoint an administrator who shall have the same powers as guardian of property. Thus, if the husband because of anger or for purpose of revenge mismanages the property of the conjugal partnership in order to spite or prejudice his wife, the court at the instance of the wife may remove the husband as manager and appoint an administrator and may grant a preliminary writ of injunction to restrain the husband from alienating or encumbering properties of the conjugal partnership during the pendency of the legal proceedings<sup>4</sup>.

In an action for legal separation instituted by the wife, in which a prayer for partition of the conjugal property is also made, and it is alleged that the husband continues to manage the property of the conjugal partnership with the object of injuring her interest, the wife may obtain a preliminary injunction restraining the husband from alienating or encumbering any part of said property during the pendency of the legal separation proceedings<sup>5</sup>.

### EFFECTS OF SEPARATION "PENDENTE LITE"

During the pendency of the petition for legal separation the following are the effects: (1) The court must provide for the care of the minor children and may set aside the income of the conjugal property or the property itself to answer for the support of the children; and (2) The court must provide for alimony *pendente lite* for the support of the wife<sup>6</sup>.

**Care of Children.** — While the action for legal separation is pending, the custody of the children may be determined in two ways: (1) by agreement of the spouses, which shall not be disturbed unless prejudicial to the children; and (2) by court order, which shall be based on the sound discretion of the judge, taking into account the welfare of the children as the ruling consideration<sup>7</sup>.

**Support.** — The care of the minor children means support. By support is meant everything indispensable for sustenance. Support is derived from the latin word, *sub-portare*, and, as indicated by the definition as well as the derivation, implies sustaining from beneath, and it includes the idea of bearing weight<sup>8</sup>.

<sup>4</sup> CAGUIAOA, E., *Civil Code, Annotated and Commented*,

<sup>5</sup> SANTOS vs. SWEENEY, 4 Phil. 79.

<sup>6</sup> Art. 105 — N.C.C.

<sup>7</sup> SANTOS vs. SWEENEY, 4 Phil. 79.

<sup>8</sup> LORENZO vs. MARTINEZ, 36 Phil. 976; PELAYO vs. LAVIN, 40 Phil.

Art. 290. Support is everything that is indispensable for sustenance, dwelling, clothing and medical attendance, according to the social position of the family.

Support also includes the education of the person entitled to be supported until he completes his education, or training for some profession, trade or vocation, even beyond the age of majority<sup>9</sup>.

**Support Classified.** — *Natural* support is that which is absolutely indispensable for the subsistence of the recipient.

*Civil* support refers to what is necessary for the recipient to live and maintain himself in accordance with his condition and circumstance, including not only that which is indispensable for subsistence but also those which arise from the civil and social position which he may have.

*Legal* support also known as family support is that which is provided for by the law.

*Voluntary* support, otherwise known as patrimonial support is that which is provided for by the will of man, expressed either in acts *inter vivos* or acts *mortis causa*.

*Judicial* support is that which springs from decisions of tribunals, and may either be definite or provisional<sup>10</sup>.

It is safe to advance that the support contemplated for the care of the minor children pending action for legal separation includes all the classes of support as classified under the New Civil Code. However, the amount granted lies within the discretion of the Court and depends upon the veracity of consideration, and is governed by no fixed rules. The ability of the spouses to pay is of utmost importance in determining the amount, and in estimating his ability his entire income will be taken into consideration<sup>11</sup>.

*Agreement of spouses to support.* — An agreement to support must not be contrary to public policy. An agreement by which the grantor transfers to a charitable institution all his present property, is not against public policy<sup>12</sup>.

The father and mother are the natural guardians of their children, and as such, they are duty bound and entitled to keep them in their

<sup>9</sup> 83 *Corpus Juris Secundum* 905.

<sup>10</sup> Arts. 290-304 — *N.C.C.*

<sup>11</sup> TOLENTINO, ARTURO, *Commentaries and Jurisprudence on the Civil Code with Special Laws*, 1, p. 368; PADILLA, AMBROSIO, *Civil Code Annotated* (2 ed., Manila: P.C.F. Publications, 1956), p. 345; FRANCISCO, VICENTE, *Civil Code of the Philippines Annotated and Commented* (3 vols, Manila: East Publishing Co., 1953), II, p. 326.

<sup>12</sup> 19 *Corpus Juris Secundum* 220.

company. The court should not cause to disturb an agreement entered into by the spouses in case of legal separation because although there exists differences between them, the natural affection of parents toward their children outweighs all possible advantages of wealth and culture.

*When court comes in.* — In default of an agreement of the spouses for the care of the minor children, court will cause these children to be cared for in accordance with the provisions of this Code. Hence, for whatever expenses incurred for the care of the children shall be the liability of the spouses. For example, the spouses during the pendency of proceedings cannot or fail to agree on support of the children, the court, considering the best interest of the said minor children, may commit them to charitable institutions or persons for their care. The welfare of the children is the paramount factor to be considered by the court.

**Alimony "Pendente Lite" for the Wife.** — Alimony in law is the allowance awarded out of her husband's estate, to which a wife is entitled on separation; or more rarely, granted to a husband from his wife's estate. Alimony may be granted by the court during litigation, in which case, it is known as *pendente lite*; or at the conclusion of the suit, when it is called *permanent alimony*. The former enables the wife to pursue the litigation, whether proceedings have been brought by or against her. The amount granted lies within the sound discretion of the court and depends upon the veracity of considerations, and is governed by no fixed rules. The ability of the husband to pay is of utmost importance in determining the amount, and in estimating his ability, his entire income will be taken into consideration, whether derived from his property or his personal exertions. So far a general rule can be drawn from the decisions and practices of the courts, the proportion of the joint income to be awarded for permanent alimony is said to range from one half to one third, while in case of alimony, *pendente lite*, it is not usual to allow more than one-fifth, and usually a smaller proportion will be allowed out of a large estate than just out of a small one. Permanent alimony is the periodical allowance awarded to the wife if the termination of the suit is favorable to her. A failure on the part of the husband to pay is usually regarded as contempt of court<sup>13</sup>. Alimony awarded a wife in a decree of legal separation may be thereafter changed to meet conditions, or revoked as to future payments for wife's misconduct after decree<sup>14</sup>. In addition to the sum allowed the wife for her maintenance and support during the pendency of the suit, it is usual to allow her a sum to defray the expenses of the suit.<sup>15</sup>

<sup>13</sup> 50 Am Jur 874.

<sup>14</sup> 50 Am Jur 876.

<sup>15</sup> GLOTH v. GLOTH, 153 S.E. 879-885; 154 VA 511.



When the necessity for the allowances ceases, the alimony should be stopped. Thus upon the death of either party, pending the action, the right to temporary alimony ceases.

## EFFECT OF PENDENCY OF ACTION UPON

**Conjugal Partnership of Gains.** — The mere pendency of an action for legal separation has no effect whatsoever upon the property relations of the spouses. The conjugal partnership of gains of the conjugal partnership is not effected<sup>16</sup>. However, the husband may be removed as the administrator of the conjugal partnership property at the instance of the wife. For reasons of the interests of the wife the court may appoint an administrator of the conjugal partnership; the court may further grant a writ of preliminary injunction to restrain the husband from alienating or encumbering properties of the conjugal partnership<sup>17</sup>.

## EFFECTS OF THE FINAL DECREE OF SEPARATION

Art. 106. The decree of legal separation shall have the following effects:

(1) The spouses shall be entitled to live separately from each other but the marriage bonds shall not be severed;

(2) The conjugal partnership of gains or absolute conjugal community of property shall be dissolved and liquidated, but the offending spouse shall have no right to any share of the profits earned by the partnership or community, without prejudice to the provisions of article 176;

(3) The custody of the minor children shall be awarded to the innocent spouse, unless otherwise directed by the court in the interest of said minors, for whom said court may appoint a guardian;

(4) The offending spouse shall be disqualified from inheriting from the innocent spouse by the intestate succession. Moreover, provisions in favor of the offending spouse made in the will of the innocent one shall be revoked by operation of law.

**Effect Upon the Persons of the Spouses.** — The spouses are entitled to live separately from each other<sup>18</sup>. Upon the issuance of the

<sup>16</sup> 19 *Corpus Juris Secundum* 220.

<sup>17</sup> CAGUIAOA, *op. cit.*, pp. 101-106.

<sup>18</sup> Art. 106 — N.C.C.

decree of legal separation, all that the law grants to the married couple is the non-observance of the provision of the law as to cohabitation. The wife may exercise any profession or occupation or engage in business without the consent of the husband. In other words they can have separate domiciles and the duty to cohabitation is extinguished but the marriage tie is not severed. Hence the obligation of mutual fidelity still remains, so that if either party is guilty of infidelity the innocent spouse may prosecute the other criminally for adultery or concubinage. Although the marriage tie exists, the duty of support and assistance which ordinarily flows from such marriage ties does not operate. The court may, however, order that the guilty spouse support the innocent spouse<sup>19</sup>.

**Marriage Bond.** — Legal separation does not dissolve the marriage relations between the parties; it grants a mere suspension, leaving all other marital rights and obligations still subsisting between the parties as husband and wife. Such a decree of separation may be terminated by a reconciliation of the parties. They may in their own mutual discretion, reunite at pleasure; indeed, it is the policy of the common law that they should do so; and to that end the door is ever left open, while the parties are held firmly by the indissoluble matrimonial tie, as an inducement for the desired for reconciliation<sup>20</sup>. Legal separation is not final. It creates a separation from bed and board but does not sever the marriage tie. It does not affect status because it is terminable by the reconciliation of the parties at any time so desired by them.

**Family Home.** — The family home needs and is deserving of the protection of the law. Among other things, the home is the seat and symbol of family affections. Hence, once constituted, it is exempt from execution, forced sale or attachment<sup>21</sup>.

In case of legal separation, the family home shall be dissolved, and the property shall cease to be exempt from execution, forced sale or attachment<sup>22</sup>. When the spouses are legally separated, there is no further need for the family home. Hence, the property so used shall cease to be exempt from execution, forced sale or attachment.

**On the Properties.** — The court in making disposition of the property of the spouses is necessarily limited by the amount of property in its hands for division. Real estate, title to which had been placed in the wife by the husband when in poor health, has been divided. Where the decree makes no disposition of the parties' property rights, the separate

<sup>19</sup> Art. 292 — N.C.C.

<sup>20</sup> MILLER v. CLARK, 23 IND 370-372.

<sup>21</sup> RUDOLPH'S ESTATE v. U.S., 194 A 311-312; 108 PA Super 459.

<sup>22</sup> Art. 237 — N.C.C.

property of the parties becomes their individual property, and their community property becomes their common property.

The statutes usually authorize a division of the property, whether the separation is obtained at the instance of the wife or the husband. Under the same statutes, a court, although granting a separation for the fault of the wife, may divide the property equitably between the parties, especially where the property was acquired by the joint earnings of herself and her husband during *coverture*; and where the custody of the children is awarded to the wife, although a separation is granted to the husband, she may be entitled to a share of the property<sup>23</sup>.

The conjugal partnership of gains or the absolute community of property whichever system governs the property of the spouses is dissolved and liquidated and the offending spouse shall be given no right to the profits earned by the partnership or community. The gain is forfeited in favor of the innocent spouse. However, an exception is made in case the property of the conjugal partnership came principally from the fruits of the separate property of the guilty spouse or from his work, labor and industry in which case there is no forfeiture and the guilty spouse shall receive his share of the profits<sup>24</sup>.

**On Succession.** — The offending spouse by virtue of the final decree of legal separation is disqualified from inheriting from the innocent spouse. All provisions in favor of the offending spouse are automatically revoked by the operation of law. Since the guilty spouse is disqualified, he will not be entitled to the *legitime* because the disqualification reaches up to the *legitime*<sup>25</sup>.

The guilty spouse, by virtue of the decree of legal separation becomes disqualified to succeed the innocent spouse. He could not even be entitled to the *legitime*. Testamentary dispositions in his favors contained in the will executed by the innocent spouse before the decree of legal separation, becomes *ipso iure* inoperative. But if the will is executed after the decree, the disposition in favor of the offender shall be valid.

**Donations Propter Nuptias.** — Art. 107. The innocent spouse, after a decree of legal separation has been granted, may revoke donations by reason of marriage made by him or by her to the offending spouse. Alienations and mortgages made before the notation of the complaint for revocation in the Registry of Property shall be valid. The action lapses after four years following the date the decree became final.

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<sup>23</sup> 17 *Am Jur* 331-332.

<sup>24</sup> Art. 176 — N.C.C.

<sup>25</sup> Art. 1002 — N.C.C.

This is another effect of the decree of legal separation entitling the innocent spouse to revoke the donation *propter nuptias* in favor of the guilty spouse. The revocation, however, is not *ipso facto* and is discretionary with the innocent spouse and said discretion must be exercised within four years from the date the decree of legal separation became final. Thus if the innocent spouse does not bring the action to revoke within four years from the time of final decree of legal separation, the action to revoke has prescribed and the donation *propter nuptias* becomes irrevocable. Pending court proceedings, a conveyance made by the husband to prevent the wife from recovering alimony is fraudulent and may be set aside<sup>26</sup>.

**Mutual Support of Spouses.** — Those who in the first place are bound to support each other are the spouses, this precept being a necessary and precise consequence of the principal ends of marriage. Art. 109 expressly declares that the spouses, besides living together and "observing mutual respect and fidelity, are bound to render mutual help and support." The law has given such importance to support between spouses that it is repeatedly declared by the courts that renunciation thereof is of no effect whatsoever while the conjugal partnership endures. Art. 301 establishes that "the right to receive support can neither be renounced nor transmitted to a third person."

During the pendency of legal separation proceedings the court shall make provision for the care of the minor children in accordance with the circumstances, and may order the conjugal partnership property or the income therefrom to be set aside for their support; and in default thereof said minor children shall be cared for in conformity with the provision of the Civil Code; but the Court shall abstain from making any order in this respect in case the parents have by mutual agreement made provision for the care of said minor children and these are, in the judgment of the Court, well cared<sup>27</sup>.

During the proceedings for legal separation, the spouses and children shall be supported from the conjugal partnership property. After the final decree of separation, the obligation of mutual support ceases. However, the court may order that the guilty spouse shall give support to the innocent one, the judgment specifying the terms of such an order<sup>28</sup>.

The obligation which the law imposes on the husband to maintain the wife is a duty universally recognized in civil society and is clearly expressed in article 142 and article 143 of the Civil Code. The enforcement of this obligation by the wife against the husband is not conditioned upon the procurement of a separation by her, nor even upon the existence

<sup>26</sup> COCHRAN v. COCHRAN, 96 MINN 523-525; 105 N.W. 183.

<sup>27</sup> Art. 105 — N.C.C

<sup>28</sup> GOITIA vs. CAMPOS RUEDA, 35 Phil. 252.

of a cause for separation. Accordingly it has been determined that where the wife is forced to leave the matrimonial abode and to live apart from her husband, she can, in this jurisdiction, compel him to make provision for her separate maintenance<sup>29</sup>.

**Surnames.** — When legal separation has been granted, the wife shall continue using her name and surname employed before the legal separation.

Notwithstanding the decree of legal separation which does not sever the marriage bond, the wife shall continue to use her name and surname employed before the legal separation.

It has been held that a woman's married name is her name and that she can only acquire a new name by reputation<sup>30</sup>.

**Parental Authority.** — The decree of legal separation terminated, by force of law, the parental authority of the guilty spouse, because the child shall be given to the innocent spouse. But by special order of the Court, the innocent spouse may also be deprived of parental authority, if the welfare of the child demands, and a guardian appointed for such child. In the event of a reconciliation, the decree of legal separation is rescinded and the parental authority of the parents will be restored, unless the court directs otherwise in the interest of the child<sup>31</sup>.

**Custody of Children.** — While the normal domestic status continues, the law recognizes the right of the father and the mother to the companionship and the privilege of rearing their children but when irreparable friction arises and the courts are asked to terminate the marriage relations, it is no longer possible for the child to have the advantage of their joint comfort and support. When all the parties are before it the court exercising jurisdiction in separation proceeding has the power to determine the custody of minor children<sup>32</sup>.

While there is no absolute rule by which it can be determined which of the two contesting parents is entitled to the custody of a child on their separation, the paramount consideration in determining to whom the custody of the child shall be awarded is the welfare of the child. To that welfare the claim and personal desires of the parents, and even the wishes of the child, must yield, especially if such desires or wishes are opposed to that object<sup>33</sup>.

<sup>29</sup> *Am Jur* 546.

<sup>30</sup> TOLENTINO, *op. cit.*, I, p. 364; PADILLA, A., *Civil Code Annotated*, I, p. 352., FRANCISCO, V., *Civil Code Annotated and Commented*, I, p. 342.

<sup>31</sup> Art. 330 — N.C.C.

<sup>32</sup> 17 *Am Jur* 343-344.

<sup>33</sup> *Am Jur* 345.

Under the discretion of the court, the custody of the children is usually awarded to the party that prevails in a suit, whether the separation is awarded on the ground of adultery, concubinage or attempt on life. A husband, however, obtaining a separation from his wife for her mis-conduct is not entitled as a matter of law to the custody of their children, and since the paramount consideration is the welfare of the children, their custody may be awarded to the mother, the guilty party, when the best interest of the children seems to require it<sup>34</sup>. Guilt or innocence of either is not a conclusive factor.

The innocent spouse shall have the custody of the minor children unless the best interest of the minor children requires otherwise in which case the court may appoint a guardian. It is to be noted, however, that the Code provides that the minor children below seven years cannot be separated from the mother except for compelling reasons and compelling reasons are reasons of health rather than morality<sup>35</sup>. Consequently, even though the wife is the guilty spouse, if the child is less than seven years he shall remain in the custody of the said guilty spouse except when she suffers for example, advanced venereal disease, from a very contagious disease, such as advanced tuberculosis or leprosy. If the child is over seven years old and the innocent spouse is not capable of taking care of the child but the guilty spouse is capable, may the court award the custody of said minor child to the guilty spouse? It is submitted that the court may not. The article provides that the court should appoint a guardian who is not necessary if the custody of the minor child in favor of the guilty spouse is allowable by law.

Art. 106 requires that in finally awarding the custody of the children, the innocent spouse is to be given such custody, unless the court deems it best for them to have a guardian. Can the custody be awarded to the guilty spouse? This article does not expressly permit it, and even impliedly prohibits it by providing for the appointment of a guardian, if the innocent spouse is not fit to have custody of the children.

Art. 363. In all cases on the care, custody, education and property of children, the latter's welfare shall be paramount. No mother shall be separated from her child under seven years of age, unless the court finds compelling reasons for such measure.

The general rule preventing the separation of a child less than seven years of age from the mother, has been provided in order to avoid the tragedy of a mother who sees her baby torn away from her. It may be said, also, that the maternal affection and care during the early years of

<sup>34</sup> Art. 362 — N.C.C.

<sup>35</sup> 19 *Corpus Juris Secundum* 234.

a child are generally needed by the child more than paternal care. The exception provided in the article has to be for "compelling reasons," for the good of the child. The Code Commission is of the view that even the adultery of the mother would not be sufficient ground for separating the child less than seven years from her. Her moral dereliction will not have any effect upon the baby who is as yet unable to understand the situation<sup>36</sup>.

The court in the exercise of its broad discretion will determine what is to the best interests of the child<sup>37</sup>. Every element of the child's mental and physical surroundings is a factor to be considered. Its age<sup>38</sup>, religion<sup>39</sup>, sex<sup>40</sup>, state of health<sup>41</sup>, the election of the child<sup>42</sup>, and its peace of mind<sup>43</sup>, are interlocking factors in the settlement of a custodial decree. So also the character<sup>44</sup>, pecuniary position<sup>45</sup>, political beliefs<sup>46</sup>, and education of those contending for its custody receive due weight in the decision<sup>47</sup>.

The question as to which one of the spouses who are parties in a proceeding for a legal separation is entitled to the possession of the minor children is a matter within the sound discretion of the court and the exercise of that discretion will not be interfered with until it is shown that said discretion has been abused<sup>48</sup>. In the exercise of such discretion, however the welfare of the minor children is always the ruling consideration<sup>49</sup>.

**Access of the Parent to the Child.** — A parent against whom an adverse judgment of legal separation has been rendered has certain natural rights with respect to his child whose custody is given to the plain-

<sup>36</sup> TOLENTINO, *op. cit.*, 1, pp. 656-657.

<sup>37</sup> BASDEN v. BASDEN, 209 ALA 632; CHADWICK v. CHADWICK, 275 MICH 226, 226 N.W. 331.

<sup>38</sup> MCFADDEN v. MCFADDEN, 2 ARIZ 246, 196 P. 452; PORTER v. PORTER, 168 MD 296, 177 A 464.

<sup>39</sup> In the Matter of Vardinakis, 160 MISC 13, 289, N.Y.S., 355:

When the child is remanded or committed by the court to any duly authorized association, agency, society or institution, other than an institution supported and controlled by the state or subdivision thereof, such commitment must be made when practicable, to a duly authorized association, agency, society or institution under the control of the persons of the same religious faith or persuasion as that of the child."

<sup>40</sup> ROSS v. ROSS, 89 COLO 536, 541, 5 P 246, 78 (1931).

<sup>41</sup> MCFADDEN v. MCFADDEN, 2 ARIZ 246, 196 P 452.

<sup>42</sup> PARRISH v. PARRISH, 116 VA 476, 481, 82 S. E. 119, 121.

<sup>43</sup> OLIVER v. OLIVER, 151 MASS 349, 351; 24 N. E. 51.

<sup>44</sup> HARTNEMEIR v. HARTNEMEIR, 248 KY 803; 59 S.W. 1014 (1933); 212 MICH 438, 190 N.W. 463 (1920).

<sup>45</sup> MOORE v. MOORE, 192 IOWA 394; 184 N. W. 732 (1921).

<sup>46</sup> GLENDENING, v. GLENDENING, 159 MISC 215.

<sup>47</sup> GLENDENING v. GLENDENING,, 159 MISC 216.

<sup>48</sup> PELAYO vs. LAVIN, 40 Phil. 501.

<sup>49</sup> LORENZO vs. MARTINEZ, 36 Phil. 976.

tiff parent. One of these is the right of access to his child under court regulation; unless he has forfeited this privilege by his conduct or it would injuriously affect the child<sup>50</sup>.

The right of the custody of children by a court decree does not deprive the other party of access to the children in the absence of an express provision to the contrary. The decree may include a provision permitting the parent deprived of the custody to visit the children under such restrictions as may warrant, within the discretion of the court, which discretion should not be abused. However, attempt to alienate a child's affections may constitute contempt of court<sup>51</sup>. The privilege of visitation is not an absolute right, but must yield to the good of the child, if the parent, for example is morally unfit to associate with the child. Thus access is ordinarily not granted to an adulterous wife, at least while she continues her illicit relations with her paramour. A third person to whom the custody of a child is awarded at the parents' request has no authority to limit their visits to the child. It has been held improper to make it entirely discretionary with the custodian as to whether or not the other parent should be allowed to see the children<sup>52</sup>.

The right to custody must be properly exercised. Whenever abused or whenever the parent has become unfit, by immoral or profligate habits to have the management and instruction of the children, the court of appropriate jurisdiction has not hesitated to interfere to restrain the abuse or remove the subject of such abuse from the custody of the offending parent.

An agreement of the parties as to the custody of their children made previous to a decree of separation will not necessarily control the decision of the court, at least when a change of conditions arise. Where the welfare of the child is involved, as it is in these separation suits, parents cannot by contract so bind themselves as to foreclose the court from an inquiry as to what that welfare requires. If such an agreement is conducive to the general welfare of the children, it may be enforced. But this does not exclude the court's subsequent power to modify the agreement if there is a change in conditions, affecting the welfare of the children.

The appointment of a guardian and the determination as to who shall have the custody of the minor children constitute a well recognized branch of equity jurisdiction. Accordingly, where the father is an unfit person to have the custody of his children and no provision has been made in the decree as regards their custody, a court of equity has jurisdiction to appoint a guardian for them and award their custody to some other suitable persons. At the present time the statutes generally authorize the court

<sup>50</sup> JACQUET v. DISIMONE, 175 LA 617, 143 SO 710.

<sup>51</sup> MINER v. MINER, 11 ILL 43

<sup>52</sup> 17 Am Jur 348.



having jurisdiction of separation proceedings to determine the guardian of the children<sup>53</sup>.

**Support of the Children.** — The human being who comes into existence with a destiny indicated to him by his proper nature, has a right to existence and to the development of the same nature, on the physical and spiritual level. In the actual organization of the family and of society the obligation to provide that need is found imposed first on the parents and afterwards on the state. Each one is duty bound to provide to whoever is unable to accomplish that end, the necessary means for individual realization on the physical and spiritual sphere. It is a duty, which does not depend upon the will of the one who has it; nor does it rise from mere ties of human affection, piety or charity. It is a duty imposed upon all by the law of nature, based on man's right to existence and human development.

Parents are under obligation to support their children. Legal separation does not relieve the parents of liability for the support of the children of the marriage<sup>54</sup>. The primary duty to support the children of a marriage is upon the husband. The liability of a husband to his separated wife in respect to the support of their children is the same as to any third person. Unless modified by the decree of separation, it is well recognized that he may be liable to her for her maintenance of their children while they live with her. *A fortiori*, the father may be liable to a third person for necessities furnished a child<sup>55</sup>.

One could readily perceive the parental obsession with which Civil provisions strive to provide for the welfare of the children of the separated spouses. Their welfare receives paramount consideration. But overshadowing all these considerations, dwarfing them almost, is the provision which stabilizes the permanency of the marriage bond. Here Christian tradition triumphs. For no other reason could Philippine Civil Jurisprudence be prouder than this bright single feature, which holds in theory and in effect the indissolubility of marriage.

REV. E. SANTA RITA, JR.

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<sup>53</sup> 17 *Am Jur* 511-512.

<sup>54</sup> 17 *Am Jur* 512-513.

<sup>55</sup> STANTON v. WILSON, 3 Day CONN 37, 3 AM Dec. 255.

# The Sources of Revelation\*

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## POPE DECIDES CONTROVERSIAL QUESTION

Arguments for and against the constitution on the Sources of Revelation were presented at the five general meetings of the Council between 14 and 20 November. At the twenty-fourth general session, on 21 November, the Pope's decision was announced.

The Council Fathers, it was reported in a Council Press bulletin, voiced three opinions regarding the project on the Sources of Revelation:

1. — The objectors demanded that it be rewritten in its entirety;
2. — The defenders said that it was basically sound and should be debated in its particular provisions, being amended only where necessary;
3. — Others wanted the whole project put on the shelf.

The very title of the project, "The Sources of Revelation", has been subject to debate among theologians. The Council of Trent (1545-1563) spoke of a "unique fount" of Revelation, and the term "two sources of Revelation" came into use among Catholic theologians in the period after Trent when they were defending Tradition against the attacks of Protestants, who put all their faith in the Bible alone.

**SUGGESTED AMENDMENTS.** — Those wanting to reject the project argued that, as proposed, it savoured too much of the classroom, that its terms were excessively abstruse and were in danger "of making the truth incomprehensible to the separated brothers," that some of its statements were too rigid, that it did not take enough account of the growth of dogma and was therefore not mature enough

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from a theological point of view, and that it overlooked problems of salvation "prior to Revelation" (as the Council communique put it) and gave little encouragement to scientific research in theology and Scriptural studies.

Suggestions for amendment centered on the project's alleged repetitiousness, its length, its alleged emphasis on the legislative at the expense of the pastoral, and "the failure to suggest remedies for atheism."

The communique said that the defenders of the project made the point that "the foundation of pastoral action is very clear in its exposition of teaching and the truth does not give offense to the separated brothers who also are in search of it."

The proponents were reported to have added: "The duty of the Council is to illustrate and safeguard Catholic doctrine intact. The project as it is presented has been prepared by learned Bishops and priests and, moreover, has been approved by the Central Commission, made up in large part by Cardinals."

The defenders also said that seminaries are awaiting precise directions from the Council on doctrinal and exegetical problems "which are discussed today in journals and books without clarity of ideas and depth of study."

Speeches on the Revelation project at the *twenty-first* session (17 November) were much the same as those on the previous day, with some calling for examination of the project in the Council hall while others asked for a complete revision of the project and still others pressed for the drafting of a completely new version.

Some Fathers questioned the advisability of clarifying in the Council hall in a solemn form the doctrine regarding the sources of Revelation, since they maintained, on this point many theologians feel that study has not sufficiently matured.

Others wanted clarification on the question of whether Scripture and Tradition are to be considered two distinct sources or a single source considered in two different manifestations.

**DIVINE REVELATION.** — The Council Fathers' debate at their *twenty-second* general session (19 November) again centred on expressions used in the draft text on divine revelation. The Council communique summed up the defence of the draft:

"There was emphasis on the need for clearly exposing Catholic truth at a time when it is threatened by so many errors. The fruits of the Council, it was said, must be the fruits of sanctity for clergy

and laity, the fruits of truth for all who honour the name of Christian; but the fruits will mature only on the tree of truth."

Other speakers maintained that, as it stood, the text would unnecessarily offend non-Catholic sensibilities.

One Council Father, speaking on behalf of the Secretariat for Promoting Christian Unity, drew attention to the problems which an inflexible and highly scholastic formulation of Catholic teaching on revelation might create for the unity movement.

"It was underlined that the Council must mark progress and not regression in the ecumenical movement, that it must be a help done with charity, clarity, simplicity and gentleness."

Summing up the criticism offered by opponents of the draft, it said:

"On the other hand, it was said, special emphasis should be given to the purpose of the Council in respect to the separated brothers with the intention of also finding for the project under examination an explanation of the truth and not an impediment," said the Council communique.

The bulletin said that the ecumenical movement "in recent years has placed the dialogue with the separated brothers, Orthodox as well as Protestant, on a new basis." It continued:

"In order to achieve relations which may be better than in the past and which could indicate a way towards union, the point was made that each must make a clear exposition of his own doctrine in a calm, objective and clear manner, while taking care to respect the positions of others and to seek a manner of expression which does not divide, but unites.

"This manner of expression would be the authentic ecumenical style, which the Secretariat for Promoting Christian Unity also has clearly demonstrated as being its chosen usage."

**TIMING.** — The debate dealt not so much with the content of the project as with its formulation, the Council bulletin said. It added that "all the Fathers agreed on the fundamental truths contained in the project, but some expressed reservations on the timeliness of examining in the Council questions which are still being debated among the different theological schools."

(A Biblical scholar in Rome for the Council said that such a debated question might be the mode by which inspiration works in the inspired author.)

Some Council Fathers proposed that since the various Fathers' positions on the project had been made clear, the examination of the project might be postponed until the second session of the Council. It was also proposed that an entirely new text of the project be written, taking into account points on which all the Fathers agreed.

At the conclusion of the general meeting the Council Presidents remained in the Council chamber for a meeting of their own. They decided to ask for a vote at the next meeting to discontinue the discussion.

The vote was taken at the *twenty-third general meeting* of the Council (20 November).

The Press communique reported that it was again proposed to refer the treatise back to a specialized commission for redrafting. "Some of the Fathers," said the communique, "stressed the need to formulate clearly in Council the Catholic teaching on interpretation of Sacred Scriptures, for the purpose of avoiding confusion and for indicating and preventing errors. It was further urged to maintain a closer contact with the great Biblical tradition of the East."

**VOTE PROPOSED.** — It was also proposed that the present treatise be replaced by a more solemn declaration on the Sacred Scripture. The bulletin reported that "against this proposal it was observed that a substitution would give a rise to different juridical questions which are not provided for in the regulations which govern the Council and that such a proposal would have to be submitted for examination to the Secretariat for Extraordinary Questions."

At this point the Secretary General of the Council, Archbishop Pericle Felici, announced that it had been proposed to vote on whether or not to end the discussion of the general outline of the text. He said, however, that since a number of the Council Fathers had declared themselves against the thesis as it stood, the presiding Cardinals considered it fitting to ask for a vote of the Fathers to determine whether they should continue discussions of the individual chapters of the treatise or drop it altogether.

The Council Fathers were instructed to vote "placet" (yes) if they wanted the discussion of the treatise to stop and to vote "non placet" if they wanted it continued.

The bulletin then said: "The results of the ballots, which were made known shortly before the conclusion of the assembly, indicated that discussion of the single chapters of the projects will continue in the following days."

The Council Press communique did not release any of the voting statistics. At the American Press panel later it was explained that the vote was on whether to conclude discussion of the treatise once and for all, and that the proposal to discontinue discussion barely fell short of the necessary two-thirds vote.

It was stated by the American panel that, if discussion of the thesis had been discontinued, the next matter up for discussion at the Council would have been the draft statement concerning the Press and other communications media.

**SPECIAL COMMITTEE.** — Actually, the Council Press Office said that the majority of the day's speeches "were in defence of the project [on Revelation], once more underlining positive reasons which had been advanced in the preceding days."

The bulletin said that, "among other things, the opinion was expressed that to reject the project in its entirety would signify that it contains errors, which no one admits."

Despite the vote to continue the deliberations on the thesis, the discussion of its general outlines did come to a close the same day. As soon as it ended the first chapter of the treatise was brought up for discussion.

It was announced, however, at the next day's meeting, the *twenty-fourth*, that Pope John XXIII had decided that the discussion should be terminated and that, "by the express wish of the Pope," a special committee would be formed to re-study the draft.

Members of the committee have been clearly named. There are two heads: Cardinal Ottaviani (President of the Council's Doctrinal Commission for Faith and Morals, which formulated the original draft) and Cardinal Bea, S.J. (the President of the Secretariat for Christian Unity). There will be six Cardinals in the group as members of both the Doctrinal Commission and the Unity Secretariat. All the main view-points expressed in the Council's debate are presented, it is said.

## PASTORAL SECTION

### HOMILETICS

#### DOMINICA IN ALBIS (April 21)

##### *VICTORY OVER DEATH:*

In the Gospel story of today, we are informed of two apparitions of Jesus Christ to His Apostles: the first took place towards the close of Easter Sunday in the presence of all the Apostles with the exception of St. Thomas; the second happened eight days later, also on a Sunday, but this time with the unbelieving Thomas.

In one and the other apparition story there is a special note that pervades throughout, that of peace, born of a tranquil possession of good and happiness.

Victorious over death, suffering and pain, our risen Lord enjoys unlimited peace. And He likes that His Apostles share also in His blissful peace. But more still, He shall send forth these Apostles to spread far and wide the peace He had painstakingly won for all men of goodwill.

##### *PEACE, THE FRUIT OF EASTER:*

The message of peace was what the Apostles were in greatest need of receiving at that time. They were broken men, having witnessed with their own eyes the humiliating defeat of their adored Master on that fateful Good Friday. On Easter Sunday they were huddled together behind closed doors, seized by the conflicting sentiments of joy and fear: of joyful hope on account of the good news from their women who said they had seen the risen Lord, and of cautious fear because of the revengeful Jews who may resort to desperate measures should they discover they have lost their buried victim.

The behavior of Thomas was even more pitiful. So complete was his disappointment, so acutely he felt chagrin that he refused to believe his co-Apostles even when they told him they had seen the Lord. The

stubborn Apostle said that seeing was not enough; he must put his fingers into the place of the nails, and his hand into the side of the Savior, and only then shall he believe that Jesus had really risen from the dead.

To the former and to the latter, to the closeted Apostles who feared the Jews, and to doubting Thomas who listed down his own conditions for believing, Jesus had a message only of love and of peace to convey. To the Apostles He sweetly said: "Peace be to you." And He, whose simple command made the troubled sea of Galilee to become quiet, with this simple greeting brought peace to their troubled hearts. To Thomas He softly said, not however without a challenging smile: "Bring here thy finger, and see my hands; and bring here thy hand, and put it into my side."

### *FAITH, THE CONDITION OF HAPPINESS:*

Such meekness, such gentleness was enough to melt the stubbornness of Thomas. And falling to his knees, the quondam unbeliever burst forth into one of the most explicit and formal affirmations of the divinity of Jesus that ever recorded in the Gospel of St. John: "My Lord and My God!" Just five words, but with them Thomas poured out all the weight of his conviction, all the love of his will, all the impetuosity of his affection. And after that acknowledgement, peace began to overflow in his soul.

While Jesus treated thus His Apostles to a sumptuous banquet of happiness and unmeasured peace, His glance looked into the future, and He saw that many more will be favored with the blessing of peace. But that peace will be the result of having believed in the Son of God, just as the peace the Apostles enjoyed was also the fruit of their belief in the Son of God. But ours will be a more blessed peace, according to Christ's own words, because while Thomas believed after seeing Jesus, we who have not seen Jesus, have nonetheless believed and hoped in Him.

### SECOND SUNDAY AFTER EASTER (April 28)

#### *THE GOOD SHEPHERD:*

"I know Mine and Mine know Me." The Good Shepherd knows His sheep and the good sheep know their Shepherd. Jesus knows His followers and His followers know Jesus. "I know Mine and Mine know Me." Words truly divine, profoundly simple and heaven-sent! They



refer to the intimate knowledge that exist between Jesus and His followers, between the Lover and the Beloved, between the Shepherd and the Sheep.

But it is a knowledge of a different kind from all other knowledge. For example, I know that today is Sunday, that two plus two are four; I know the addresses and phone numbers of my friends; I know all the news from today's papers; I know many other things, but I remain the same as before: a selfish creature; cold, harsh, antagonistic to my fellow-men; sinful, inclined to evil; pessimistic, gloomy, unbearable to others and to myself.

But Jesus knows His own in a different way and His own know Him in that same different way. Jesus compares this mutual knowledge to that which takes place between Him and His heavenly Father. "I know Mine and Mine know Me even as the Father nows Me and I know the Father."

#### *FAITH, OUR SUBSTANTIAL POSSESSION:*

That knowledge is a knowledge accompanied by love, founded on love, and leading to love. That's why the Good Shepherd who possessed this knowledge could say that He laid down His life for His sheep. And that's why also His sheep who possessed this knowledge laid down their lives for Him or were ready to do so.

It is about this knowledge that we will do well by spending a few moments of consideration, more specifically about the knowledge that we owe to Jesus, the Christian virtue of faith. This is about the only substantial and lasting possession that we have. Every other thing we can lose or afford to lose while retaining faith, but in losing our faith we ourselves are lost.

#### *OUR FOURFOLD DUTIES TO FAITH:*

We must **ESTEEM** our faith. It not only opens to us an entirely new world of supernatural experiences, ideas, aspirations, but faith is also a comfort in sorrows, an inexhaustible fountain of energy and courage. It was St John who wrote: "This is the victory which overcometh the world, our faith!"

We must **CULTIVATE** our faith. It is like a plant that needs care in order not to languish and dry up. This is done firstly by prayer and reception of the sacraments, through which grace, the sunlight, the water, the life-giving substance of faith, is obtained and increased. Secondly by the study of religion, which is begun with the catechism but must be perfected and developed in proportion to our intellectual growth and capacity. This is an important duty which unfortunately is very much neg-

lected by many of us. The religious knowledge of quite a number of us is reduced to the level of the catechism; our knowledge of God has not advanced from its infant stage. Sometimes our own children know more about religion than we do. Do all of us adults know by heart the Apostles' Creed? Can we repeat all the Commandments of God and of the Church in their perfect order? Do we know how to pray well the Act of Contrition, the Hail Holy Queen, the Mysteries of the Rosary? Do we know how many are the Sacraments, and what they are for?

We must LIVE our faith. We must not only think according to faith viewing all the events, happenings, tragedies, successes, joys under that light, but also act according to that faith.

Finally, we must PROPAGATE that faith, our faith. The conviction that our religion is the true religion and the only religion that will save man, should induce us to propagate it not only through prayer and good example, but even by word and action for the glory of God and the good of souls, especially of those souls who once enjoying the warmth of that faith, have strayed away from it. As Jesus said: "Other sheep I have that are not of this fold. Them also I must bring, and they shall hear My voice, and there shall be one fold and one Shepherd."

### THIRD SUNDAY AFTER EASTER (May 5)

#### *SUNSET AND SUNRISE:*

After listening to the reading of the Gospel of today's Mass, may we not make ours also the questioning remarks of the disciples of Christ: "What is this He says to us. 'A little while and you shall not see Me, and again a little while and you shall see me'? What is this LITTLE WHILE of which He speaks? We do not know what He is saying." Indeed, to what is Jesus referring in His, shall we say, rather mysterious speech?

The language of Jesus will unravel some of its mysteriousness if we awaken to the fact that this Gospel text is being proposed to our consideration on a day that isn't yet too far from Easter. Jesus was simply referring to His Passion and Resurrection. In submitting to the horrors of the Passion and subsequently of Death, Jesus would be withdrawn temporarily from the sight and company of His disciples, who naturally would be plunged into deep sorrow. But three days after that, Jesus in resurrecting from the dead, would appear again to His disciples more glorious than the noon-day sun of Easter, and that would turn their sorrow into complete joy. For this reason, Jesus told them that

"a little while and you shall not see me, and again a little while and you shall see me."

### *JOYFUL REUNION:*

Having known now exactly what Jesus was refering to in His conversation with His disciples, a second question knocks at the door of our minds: "Why will the reappearance of Jesus to His disciples turn their sorrow into joy?" The question sounds silly to make. Who will not rejoice at the return of a friend, of a beloved? However the question still seems to stand in order. There are reunions and reappearances, which, instead of ending sorrows, increase and make them more poignant. Jesus reappeared to His disciples after His confinement to the prison of the Great Sanhedrin and then of the Roman Governor, and instead of giving joy to them, His aspect produced great sorrow and affliction. Jesus was returned to His Blessed Mother after He was taken down from the cross, and far from giving comfort to His bereaved Mother, it almost broke her heart.

But the reunion refered to by today's Gospel has none of the sorrows of those other reunions. It was accompanied by pure joy, comparable to the joy of a mother who has just brought forth a child into this world. It was a joyful reunion, for Jesus was returning with a GLO-RIFIED BODY.

### *QUALITIES OF A GLORIFIED BODY:*

The glorified body of Jesus possessed the following qualities: it was impassible which means it could not suffer or die anymore. It was endowed with clarity enhancing its beauty. It enjoyed subtlety which means it could penetrate anything as when Jesus entered the Cenacle with the doors being closed. It possessed agility, capable of transferring itself to any place with the speed of thought or of light. It has all these amazing qualities because on being glorified, it falls under the complete dominion of the soul. For this reason a glorified body is also called a spiritual body.

Thus when Jesus reappeared to His disciples after His resurrection, they could not but rejoice exceedingly at the spectacle of so much light, so much power of soul and body. In the glorious resurrection of Jesus, they also foresaw their own resurrection, when their souls and bodies will be invested with the same qualities as their beloved Master. As Saint Paul wrote in his Epistle to the Philijpians: "We look for the Savior, our Lord JESUS CHRIST, who will reform the body of our lowness, made like to the body of His glory." And when that really takes place, then our hearts shall rejoice, and our joy no one shall take from us!

## FOURTH SUNDAY AFTER EASTER (May 12)

*FATHOMLESS LOVE:*

Nothing can be compared to the tenderness and love that exude from the words of our Lord Jesus Christ when He speaks apart to His disciples especially now that the hour of His parting from this world is fast approaching. Indeed, what St. John wrote of the Lord is perfectly fulfilled on this occasion: "Jesus knowing that His hour was come, that He should pass out of this world to the Father: having loved His own who were in the world, He loved them unto the end." Jesus tendered to His Apostles a love whose sincerity and depth one shall never be able to fathom.

At that time, the Gospel so narrates, when the faithful friends were gathered in an intimate conversation, Jesus gently chided His disciples for not asking Him where He was going although He had told them about His approaching departure. Formerly when for the first time He informed them about it, they at once asked where He was going, thus revealing an anxiety that spoke well of friends having concern of one another. Yet now that He repeated the same news, there was none among them who asked where He was going.

*SORROWFUL BUT GAINFUL DEPARTURE:*

In truth, how could they ask such a question when their hearts were heavy with sorrow. To ask where He was going was, to their mind, of no consequence for they already knew where He was going; besides it would only open fresh wounds in their hearts for they will be confronted with the inevitable reality of His departure from their midst. Hence they thought it better to remain silent and to give no remark about His disclosure.

Because of their silence, it was Jesus who continued the conversation, and took pains to convince them that it was expedient for Him to leave and that His departure would be advantageous for them. If He will not depart, as they fervently hope, the Paraclete will not come on them; but if He departs He will send the Paraclete to them.

*THE CONSOLER OF CHRISTIANS:*

Who is this Paraclete, whose coming and permanence in us depend on our willingness to be deprived of the physical presence of Jesus and to be content with walking in the light of faith only? This Paraclete, this Consoler, is none other than the Third Person of the Blessed Trinity, the fruit of the mutual love between God the Father and God the Son.

He is the uncreated Gift, excelling all other gifts that God has bestowed upon His beloved creatures.

The Holy Spirit is called Paraclete or Consoler because He will console us over three things: 1) our salvation which is of uncertain issue and which therefore causes no slight anxiety to us; 2) the temptations, sufferings and sorrows which he will have to endure; 3) the duration of our exile on earth, for it is bitter to a true Christian to have to stay longer here on earth and not be united at once with God. In order that he may not be overwhelm with grief over his situation, he is given the Holy Spirit, the Consoler, the pledge of his title and right to be with God in the other life.

#### FIFTH SUNDAY AFTER EASTER (May 19)

##### *LIFTING UP THE MIND TO GOD:*

In these few verses is contained a sublime teaching concerning the nature, method and fruits of PRAYER. Those of us who would pay close attention to the words of Jesus Christ recorded in today's Gospel cannot fail to be attracted to prayer when they come to know how beautiful and sublime is its nature, how easily it could be done, and how wonderful are its effects.

Prayer is the LIFTING UP of the soul to God by which we ask Him the various means of salvation, whether temporal or spiritual, but particularly progress in charity. This prayer of petition should be accompanied by adoration, reparation, and thanksgiving. These are the sentiments that we should have when assisting at Mass, saying the Rosary, doing the Stations of the Cross, making Novenas, and many other devotions that we can easily find in excellent prayer-books.

##### *THE SILENT LANGUAGE OF THE SOUL:*

But at times we feel the need of a more intimate prayer, in which our soul, more profoundly recollected, comes into contact with the Blessed Trinity dwelling in us, and converses now with the Father, now with the Son, now with the Holy Ghost, or with the Three Persons together, not employing words found in prayer-books, but using the silent language of the heart. This intimate prayer is what the Saints, who were very familiar with it, call MENTAL PRAYER. St. Teresa of Avila, who sanctified herself by this intimate prayer, gave us a simple but profound definition of it when she said: "Mental prayer is nothing else but being on terms of friendship with God, frequently conversing in secret with Him Who, as we know, loves us."

*PRAYER, A FRIENDLY CONVERSATION:*

If such is the nature of mental prayer, then anyone who is in the state of grace and therefore a friend of God, can easily do it. St. John Vianney, the holy Cure of Ars, noticed a simple farmer in his parish regularly spending long hours before the Blessed Sacrament. The Saint asked the farmer what he was doing there, and the latter answered: "I look at our Lord who is in the tabernacle, and He looks at me." This is the communication of friendship, this the language of love. This is mental prayer, by which the soul converses alone with God by whom it believes itself loved.

Mental prayer therefore is a loving conversation with God. And being a conversation, the two parties concerned take active part in it. It is a dialogue between God and the soul: the soul speaks to God, and God speaks to the soul. And when God speaks to the soul, that is the hour when He will no longer speak in parables, but will speak plainly about Himself.

*JOY IN PRAYER:*

The kind of prayer gradually introduces the soul into intimacy with Christ, and that intimacy is the intimacy of love. And since love begets joy, intimacy with Christ begets the greatest and purest joy. As Jesus said: "Ask, and you shall receive, that your joy may be full.

May the Gospel lesson of today inspire all of us to love and practice mental prayer, for there is nothing that can better correct our defects, nothing that can give us a more lively desire to resemble Him who said to us: "Learn of me because I am meek and humble of heart: and you shall find rest to your souls."

FR. MARIO BALTAZAR, O.P.

## CASES AND QUERIES

### DE OBLIGATIONE OB ELEEMOSYNAM MISSARUM.

*Antes y durante la guerra, Catalina entregó la cantidad de mil pesos como limosnas para Misas Gregorianas, que se habían de celebrar cuando ocurriere su fallecimiento.*

*Como dicha cantidad no podía gastarse hasta que se celebraran las Misas después del fallecimiento de la donante, fué colocada una Cartilla de Ahorros del Monte de Piedad; con el resultado de que, al terminar la guerra, por varios accidentes, dicha cantidad había perdido todo su valor. Ahora se pregunta:*

*¿Continúa la obligación impuesta de celebrar dicha Misas Gregorianas, una vez fallecida la donante?*

### OBSERVACIONES PREVIAS

Las limosnas de Misas, unas son *manuales*, es decir, las que entregan los fieles a los Sacerdotes, *veluti ad manum*, para que estos celebren cierto número de Misas, ya las entreguen por propia devoción, ya por alguna obligación que, como herederos, hayan recibido del testador.

Otras limosnas se llaman *fundadas*, y son aquellas que provienen en forma de réditos del capital dado para fundaciones piadosas, en este caso, para fundaciones de Misas. También se llaman *Misas manuales* y *Misas fundadas* (Can. 826).

Por fundación se entiende una cantidad de bienes dejados a una institución o persona moral eclesiástica, con carga perpetua, o por largo término de tiempo, para que de sus réditos anuales (*en forma de limosna*) se celebre cierto número de Misas (Can. 1544, § 1).

Dichas fundaciones consisten en el capital entregado, por lo tanto, si se pierde el capital, sin culpa del que lo ha recibido, naturalmente se pierde la fundación; y en la imposibilidad de recibir réditos del capital perdido, debe cesar completamente la obligación de celebrar las Misas mandadas en la misma. No

falta algún Autor que dice lo contrario; añadiendo que en tal caso se debe pedir a la Santa Sede la reducción o declaración de la cesación de dicha obligación. No creemos que tenga fundamento dicha opinión. Hay que notar que el Código Canónico nada dice de la cesación de las fundaciones; pero su cesación está sujeta, como todas las cosas materiales a la destrucción.

Es cierto que ha habido algunos casos en que se ha acudido a la Santa Sede, y que ésta ha impuesto la celebración de UNA MISA, sin más obligaciones futuras; de donde se sigue que hay obligación de acudir, de otra manera la Santa Sede no respondería. Pero el que la Santa Sede haya respondido en dicha forma, puede haber sido muy racional para quitar toda clase de escrúpulos; y en cuanto a la imposición de una Misa, también puede ser el motivo el temor de que haya habido alguna culpa por parte de los que debían cuidar de la fundación.

Respecto del caso arriba propuesto, en realidad se debe colocar la limosna recibida entre las Misas manuales, en cuyo caso se virificaría lo establecido en el Can. 829, es decir que: Si han perecido los estipendios de Misas ya percibidos, aunque esto sea sin culpa de aquel sobre quien pesa la carga de celebrarlas, no por eso cesa la obligación. Pero en el caso presente ¿se puede decir que ha recibido los estipendios? Creemos que aquí está la dificultad del caso propuesto. Si de hecho no ha recibido verdaderamente los estipendios, y estos se han perdido sin culpa de nadie, sino por las circunstancias ocurridas, ciertamente no queda la obligación; y lo contrario habría que decir si verdaderamente los ha recibido. *Res perit domino.*

El que recibió los mil pesos para Misas Gregorianas cuando la donante muriera, no estando en disposición de celebrar dichas Misas en la actualidad, no se puede decir que las recibe como verdadera limosna, de la cual pueda disponer a su arbitrio; pues pudiera darse el caso que nunca pueda celebrarlas, por ejemplo en caso de morir antes de la donante. Más bien, la entrega de dicha limosna tiene aspecto de *depósito*, que se convertiría en verdadera entrega al morir la donante, cuando ya puede cumplir con la obligación de celebrar las Misas Gregorianas.

El depósito, es cierto, pertenece a los *contratos de buena fé*, es decir, en los cuales hay que poner el máximo cuidado, como lo haría un buen *paterfamilias*, por lo tanto, si se pierde por culpa del depositario, aunque sea leve, está obligado a reparar los daños; pero si no hubo culpa alguna, la pérdida corre por cuenta del verdadero dueño.



## RESOLUCIÓN

Teniendo en cuenta estos precedentes, nos parece que, *tuta conscientia*, en el caso propuesto, a la recepción de los mil pesos para Misas Gregorianas, que habría que celebrar al morir la donante, tiene todos los aspectos de verdadero depósito, de lo cual es indicio el que fuera colocado separadamente con una Cartilla propia en la Caja de Ahorros del Monte de Piedad, lo cual no se hubiera hecho si se hubiera considerado el receptor como dueño de dicha cantidad. Nadie podrá decir que dicha colocación era imprudente; al contrario, parece dicha colocación como una obligación para que no se pierda la cantidad recibida.

Creemos, pues, que no queda obligación ninguna de celebrar las tales Misas Gregorianas como de estricta justicia; aunque sería de aconsejar que, como agradecimiento a la donante y por caridad, se celebrara una Misa por su sufragio después de morir. *Sub correctione melius sentientis.*

FR. A. SANTAMARÍA, O.P.

## DE CONSECRATIONE HOSTIARUM OBLITARUM

*Sacerdos quidam, iam ad altare ut missam celebret accedens, videt pyxidem ad latus altaris positam in qua hostiae paratae sunt ut in prima missa ibi celebranda consecrentur, nam hostiae in sacrario repositae sufficientes non sunt pro magno illo concursu fidelium qui accessuri sunt ad sacram communionem. Sacerdos pyxidem videns et eius finalitatem praesumens, illam perficere proponit. Sed oblitus primam intentionem, missam peragit usque dum, ad communionem perveniens, agnoscit se oblitum esse hostias in pyxidie consecrandi.*

1. *An in casu proposito procedere possit celebrans ad sacram Eucharistiam administrandam, vel relinquenda sit pyxis ut ab alio sacerdote consecretur?*
2. *Numquid licitum est consecrare speciem panis tantum ut communioni magni concursus populi provideatur quando alius sacerdos non adest?*

\* \* \*

"Missa celebranda est super altare consecratum" (*can.* 822, § 1). Praesumptio est in favorem celebrantis, nempe, et quod cognoscat disciplinam ecclesiasticam de non consecrando nisi super altare consecratum, et quod intentionem habeat de consecrando tantummodo si adsint debitae conditiones iuxta disciplinam Ecclesiae. Unde cum pyxidem videt et hostias consecrandi intentionem facit, credendum est illum etiam intendere et pyxidem ponere in debito loco, nempe super aram, et in offertorio illas offerre simul cum hostia parata pro Missa celebranda. Tamen prima illa intentio sufficiens non videtur, cum talis intentio aliquo modo ligata sit praesentiae debitarum circumstantiarum, quibus absentibus, intentio non praesumitur. Pyxis ergo alio sacerdoti tradenda ut consecretur, etiam cum incommodo populi.

Si tamen dum pyxidem positam super aram credit, invenit post consecrationem eam per inadvertentiam adhuc extra aram remanere, ut consecrata censenda est cum et intentio actualis et proxima adfuisset, et, saltem aestimative, etiam aliae conditiones pro licita consecratione requisitae; credimus ergo quod in hoc casu ad sacram communionem administrandam procedere potest.

Quoad consecrationem unius speciei tantum, ad quam formula consecrationis de novo adhibenda sit, numquam licet, nisi in casu quo, post consecrationem, comperiatur materiam invalidam per inadvertentiam adhibitam esse, vel rationabile dubium oriatur de formula consecrationis deficienter prolata. Unde si pyxis afferatur ad altare post consecrationem, licite consecrari non potest, et relinquenda est etiamsi aliquod incommodum fidelibus inferatur. Oblivio ergo non potest licite corrigi per repetitionem formulae consecrationis. Tamen si pyxis ad altare afferatur ante consecrationem, sacerdos eam admittat, suppleat oblationem, et Missam prosequatur, maxime si adest magnus concursus populi.

C.M., O.P.

## EPISTLE AND GOSPEL IN SOLEMN HIGH MASS.

*What should be the position of the deacon and subdeacon while singing the Gospel?*

\* \* \*

The position of the deacon and subdeacon while singing the Gospel and Epistle at a Solemn High Mass seems to be

still controverted, in so far as some declare that singing "*versus populum*" is forbidden while others order the sacred ministers to do just that. Those who declare the singing "*versus populum*" unlawful not seldom cite the *Ritus servandus in celebratione Missae* V, 4, where it is said that the subdeacon "*vadit ad partem Epistolae contra altare et cantat Epistolam*". They obviously translate the "*contra*" with "*opposite of, toward, facing*" the altar. The question, however, is, whether this is the real meaning or not. But it seems this is not the meaning of this word. Because just a few lines later the same *Ritus servandus* VI, 5 declares that the deacon "*vadit cum subdiacono a sinistris ad locum Evangelii contra altare versus populum*". This text, which is found both in the old and in the new *Ritus servandus*, makes it obvious that the actual meaning of "*contra altare*" cannot be that the subdeacon has to face the altar when singing the Epistle.

One could still insist that this term "*contra altare*" was interpreted in the course of time as meaning "*facing the altar*", so that it has thus become a custom, which should not easily be abolished.

But this is futile reasoning. Because in 1961, the Sacred Congregation of Rites declared that it is completely lawful for both subdeacon and deacon to sing the Epistle and Gospel facing the people. When asked by a member of the Congregation of the Holy Ghost: "May the practice be followed whereby the sacred ministers while they are singing the Epistle and Gospel take a position facing the people, a practice which has already to some extent become a custom?"; its response was (July 24, 1961; No. 5): "The practice may be followed". *Worship*, 36 (1962), 406 f.

H. J. GRAF, S.V.D.

## RECENT DECISIONS

**STUDENTS' DEPOSITS:**—*The amounts paid by the students to an educational institution in order to answer for the value of materials broken are not deposits in the character of public funds which have been appropriated by law or ordinance within the provisions of Art. 200 of the Revised Penal Code.*

**PEOPLE OF THE PHILIPPINES vs. ZOSIMO MONTE-MAYOR and CIRIACO DUCUSIN,** G.R. No. L-17449, Aug. 30, 1962.

**COMMENTS:** The illegal use or misapplication involves the nature rather than the manner of using public funds. An irregular purchase which nevertheless puts funds to uses for which they were intended in the first place might constitute official misconduct. It might be a breach of administrative regulation and punishable accordingly. It might be evidence of malversation. It might even be another crime, but it is not one and of itself a criminal misapplication punishable as malversation. Thus to pay the salaries of municipal officials from funds appropriated for public works projects would constitute misapplication. So would using school funds to repair public roads and bridges unless such diversion is duly authorized.

\* \* \*

**CONSPIRACY:**—*Whenever a homicide has been committed as a consequence or on the occasion of a robbery, all those who took part as principals in the commission of the robbery will also be held guilty as principals of the complex crime of robbery with homicide, although they did not actually take part in the homicide, unless it clearly appeared that they endeavored to prevent the homicide.*

*To determine the existence of the crime robbery with homicide, the accessory character of the circumstances leading to the homicide is not of much importance, provided that the homicide be produced by reason or on the occasion of the robbery.*

PEOPLE OF THE PHILIPPINES vs. AUGUSTO ROGEL,  
et al., and ELISEO RAMOS, G.R. No. L-15318, March 31, 1962.

COMMENTS: It is a well-settled rule in this jurisdiction that in conspiracy, the conspirator is liable for all the consequences of the acts of his co-conspirators. It is not even necessary that he takes part in every act, nor that he knows the exact role of the others in the conspiracy. It is sufficient if they agreed on the plan to accomplish a purpose, by means and methods, which from time to time might be found expedient. The only exception, is when a conspirator timely desisted from taking part in purpose of the conspiracy or endeavored to prevent the crime not conspired with.

\* \* \*

*LABOR:—Daily wage workers in government-owned or controlled corporations are included within the purview of the Forty-Hour-Week-Law provided they work continuously for the whole week.*

COMMENTS: An unfair labor practice may be defined as an action taken by the employer or by the labor organization in violation of the provisions of the Industrial Peace Act 1 (Sec. 4-A) of said act which specifically deals with the case at bar provides; "It shall be unfair labor practice for an employer to discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization." After the Forty-Hour-Week-Law was passed by the legislature, the petitioner corporation undertook to adjust the wages of its employees. The wages of all employees and laborers were adjusted and to these were added the corresponding differential pays, except those of the members of the respondent workers union. This manifestly is such a discrimination as would merit the branding of the act as a clear instance of an unfair labor practice.

## NEWS

### FOREIGN

**Church Yearbook for 1963.**—The first copy of the 1963 official Vatican yearbook, *Annuario Pontificio*, has been presented to His Holiness the Pope by Archbishop Angelo Dell'Acqua, Substitute for Ordinary Affairs of the Papal Secretariat of State.

The 1,864-page yearbook gives statistics as of December 31, 1962. It has 38 more pages than the 1962 edition because of the increased number of bishops and the listings of the various commissions and other organizations connected with the Ecumenical Council.

Statistics in the new edition compared with those for 1962 and 1961 are the following.

Cardinals: 85, 80, 85.

Residential and titular patriarchates: 16, 16, 15.

Residential metropolitan Sees: 353, 345, 335.

Residential non-metropolitan archdioceses: 47, 46, 41.

Residential episcopal Sees: 1,482, 1,370, 1,368.

Occupied titular Sees: 1,002; 972; 882.

Independent prelatures and abbeys: 104, 98, 88.

Apostolic administrations: 10, 10, 10.

Oriental Rite prelates with personal or territorial jurisdiction. 17, 17, 18.

Apostolic vicariates: 127, 139, 158.

Apostolic prefectures: 94, 107, 123.

Independent missions and districts: 7, 6, 6.

During 1962, five cardinals and 66 archbishops and bishops died.

**L'Osservatore Denounces Immorality in Movies.**—The immorality of Italian movies has been denounced in an editorial by *L'Osservatore Romano*, written by the editor, Raimondo Manzini, as a comment on a series of stills from an as yet unreleased Italian film.

"How long," he asks, "will immoral conformity continue to sully a large part of motion picture productions, and particularly Italian productions?"

"No artistic excuses can reasonably be offered for projecting on the screen the photographic vision of the final and extreme amorous moments.

"Certain principles and limitations should be established by tacit agreement among producers themselves. This should be done only for

the sake and in the interest of the prestige of the industry and the dignity of artists, but also in the interest of art."

The editorial calls in question the efficiency of the Italian government's film review offices, since some clearly immoral movies have been suffered to appear in public movies houses.

"The bottom of the downhill slope has almost been reached, if there is a bottom to this void. It is sad to have to repeat it, but, more now than ever before, Italian movies seem to wish to get to the bottom first."

#### **Meeting of Interim Commission.—**

The coordinating commission set up by His Holiness the Pope to keep the Ecumenical Council's interim work running smoothly and productively held its first meeting on January 21.

At this meeting a start was made in the interim work of revising and compressing projects to be brought before the Council when it reconvenes on September 8.

A communique of the Council press office said with this meeting "the Counciliar work, which took a moment of rest for the national holidays, picks up its full rhythm again, although in a method and form different from the period of October-December, 1962."

Decisions taken by the meeting will be communicated to the 10 Council commissions and the Secretariat for Promoting Christian Unity which are carrying on their work during the nine-month interim.

**Church-State Conference Reported from Hungary.**—It has been reported from Budapest that Hungarian Vice Premier Gyula Kallai has discussed Church-State relations with a delegation of that nation's bishops.

Magyar-Tavirati Iroda, the Hungarian press service, says that the discussions took place in a cordial atmosphere, and that the leader of the delegation of bishops, said: "Relations between Church and State in this country are not, of course, without problems. They are good, however, and we can work towards their improvement by common effort."

#### **Roman Businessmen Share Council Costs of Needy Bishops.—**

A group of Roman businessmen and bankers have given His Holiness Pope John XXIII about 81,000,000 lire to help to defray the expenses of needy bishops coming to Rome for the Ecumenical Council.

The cheque was presented during an audience for members of the diocesan commission for spiritual preparation for the council. Representatives of financial, managerial, and working people were present along with Archbishop Ettore Cunial, vice-regent of the Rome vicariate, president of the commission, which has rallied the citizens of Rome to support the council both spiritually and financially.

Other gifts included a gold bell from the Chamber of Commerce, Industry and Agriculture, and from the workers of Rome a chalice and a gold pen and inkstand.

In expressing his thanks, the Pope said that the work the council has done thus far is barely "a sample" of what is to come: further generation will look back at the work being done by the council Fathers on "what is really fundamental in life."

**Changes in Braga Rite.**— Archbishop Antonio Martins Junior of Braga has announced that the decisions on the liturgy taken at the ecumenical council make it necessary to revise the liturgical books of the Braga Rite. He has appointed a committee to make the revision.

The Braga Rite, used only in this northern Portuguese archdiocese, is very similar to the Roman Rite, differing only in details. The chief differences are the double genuflections used during the Mass and the custom of the celebrant's standing at one side of the altar to exhibit the Host at the Consecration and the Priest's Communion. There are also differences in the Divine Office.

The Braga Rite may date back as far as 1100. Its use was confirmed in 1924 by Pope Pius XI.

**State of Church in Goa. Freedom but no Funds.**— The Catholic Church in Goa has complete religious freedom but it also has money problems, according to Mr. A. Soares, president of the Catholic Association of India, who returned recently from a trip to Goa.

"Religious liberty obtains all over the land," he said. There has been no interference with Church

activity, apart from some minor incidents. (Catholics make up a third of Goa's population of 650,000.)

The feast of St. Francis Xavier (December 3) has been declared a public holiday, and visitors continue to go to the saint's tomb. Last year's visitors included non-Christian national, and state government officials, he added.

The financial problem is serious.

The Portuguese government used to grant to the Church a subsidy worth about HK\$480,000 a year. Consequently, Goans had not the custom of supporting the priests, seminaries, and administration of the archdiocese. The Church in Goa no longer receives state subsidy.

Some funds come from farming cooperatives and community trust funds, Mr. Soares says, but they meet only a fraction of the Church's needs.

Parish priests now have to educate the people of Goa to take on the responsibility of supporting the Church. Mr. Soares holds that the freedom which the Church now enjoys in Goa is well worth the financial sacrifices involved.

**Polish Church 'Harassed and Opposed' in 1962.**— Auxiliary Bishop Zygmunt Choromanski of Warsaw, who serves as secretary to the Polish Hierarchy, said in a New Year Sermon in Warsaw that the Polish Communist regime was "harassing and oppressing" the Church even when the Polish Bishops were promoting the good of the nation at the Ecumenical Council.



The Communists had closed eight Catholic educational institutions during that year. "You can count on your fingers the poor remnants of Catholic schools. Hundreds of Catholic kindergartens have been closed. Sisters are being removed from hospitals."

In an apparent reference to the visit to Rome last autumn by Zenon Kliszko, a member of the Communist Party politburo, the Bishop said that "a high government official had talked about a concordat in Rome. As long as there is no freedom of religion there can be no talk about a concordat" between Poland and the Holy See.

The Communist regime, he went on, has been trying to convince people that "the Pope is for peace but the Bishops of Poland are not. This is just ridiculous."

He then traced the progressive restrictions imposed on the Church since 1956, the year of Cardinal Wyszynski's release from confinement and the new Church-State agreement. "First they said there would be religious instruction in schools but only for those who wrote to request it," he said. "Later they moved it to the churches, and now they even want the (state) school authorities to control it. This the Polish Bishops cannot allow."

Cardinal Wyszynski, Primate of Poland, presided at another services in suburban Warsaw on the same day and told his people that His Holiness Pope John XXIII has a deep "understanding of the situation of the Polish nation and of the Catholics of Poland." When im-

parting a special papal blessing, he said that the Pope is "deeply impressed by the devotion of Polish Catholics to the Faith." He asked the people to pray for the Pope.

**FAO Sponsors Freedom-from-Hunger Week in March.**—The United Nations Secretary General U Thant and the FAO Director General B. R. Sen issued a joint message on January 9 to stress that the World Freedom-from-Hunger Week in March can be successful only if "every person concerned with the world problems of poverty and hunger will commit himself, by some personal action, to the long-term objectives of the campaign."

Last FAO Council recommended that all United Nations member states should proclaim the week of March 21 as World-Freedom-from-Hunger Week in order to foster individual participation in the Freedom-from-Hunger Campaign. The Council urged concentration on "significant government action . . . then approaching fruition." Some 61 states, including the Vatican City, have accepted the Council's invitation to issue special stamps to mark the Week.

The joint message already quoted points out that the Week "comes at the midway point of the Freedom-from-Hunger Campaign, and is designed, through the participation of hundreds of millions of individuals, to give the campaign a world-wide impetus as it enters its second phase." The statement adds that all major community institutions in both advanced and developing na-

tions are planning to participate in the Week, which will "set the stage" for the World Food Congress in Washington in June, when leaders from over 100 countries will meet to concert action to overcome problems of world hunger and poverty.

**U.N. Efforts Against Religious Intolerance and Race Prejudice. —**

The United Nations General Assembly has adopted three solutions in intensifying work on racial prejudice and religious intolerance.

As a result of these resolutions, the U.N. Human Rights Commission will prepare a draft convention and a declaration on all forms of racial discrimination. It has also been requested to draft a separate convention and declaration dealing with "religious intolerance."

The subcommission on the Prevention of Discrimination, whose 1963 session begins on January 14, has been asked to express its view before the Human Rights Commission begins its work.

A third resolution adopted by the assembly calls on governments, specialized agencies, and non-governmental organisations, to continue their efforts to educate public opinion with a view to ending prejudice and manifestation of intolerance. Governments are also requested to repeal all discriminatory laws and to take the necessary legislative measures to combat prejudice and intolerance. A report on measures taken to comply with the resolution is to be submitted by the

U.N. Secretary General U Thant, to the next session of the General Assembly.

Consideration of this resolution began in subsidiary organs of the U.N. in 1960 in consequence of a rash of anti-Semitic incidents that occurred in late 1959. In the background also were reports of more recent incidents in several countries.

The Human Rights Commission already has before it a draft declaration of "principles" designed to ensure freedom in the matter of "religious rights and practices."

While the question of anti-Semitism was emphasized in the discussion, the matter of colour prejudice was the chief preoccupation of African delegates. The Communist bloc also stressed colour prejudice. In relation to "religious intolerance," they asserted the "rights of atheism."

**Dutch Census Shows Catholic Increase. —** The percentages of Catholics and non-churchgoers in the Netherlands have risen but the percentage of Protestants has dropped, according to the 1960 national census statistics.

Catholics numbered 4,634,470 in 1960, 40.4 per cent of the total population of 11,500,000. At the previous national census in 1947, 3,703,572 Catholics made up 38.5 per cent of the total population of 9,625,499. Catholics increased more than 25 per cent in the 13 years between the two censuses.

About half the population of Amsterdam does not belong to any Church, the new census showed.

The same goes for a third of the people in Rotterdam.

Members of the Dutch Reformed Church number 3,240,490, 28.1 per cent of the total (31 per cent in 1947). Other Protestant denominations have 1,484,770 members, 13.3 per cent of the total (12.9 in 1947).

**Financial Reports of Pontifical Mission Societies.** — Contributions in 1962 for the maintenance of the missions were greater than ever before, but they still fall short of the needs.

This was made clear by the financial report of the Pontifical Society for the Propagation of the Faith for 1962 recently published here.

The report shows that US-\$22,470,000 was received in dona-

tions to this mission aid organisation in 1962 and that this was US-\$2,130,000 over the amount given in 1961. But this amount sufficed to meet only one-third of the requests for assistance.

An increased in contributions was reported also by the Society of St. Peter and Apostle, which helps develop native vocations in mission territories, and by the Society of the Holy Childhood, which takes care of children in mission places.

The Society of St. Peter the Apostle allocated US-\$7,667,405 in 1962 to the maintenance and construction of seminaries for native vocations. The Society of the Holy Childhood in the same period distributed US-\$6,708,017 to about 1,000 mission organisations having the care of children.

## LOCAL

**Nuncio Speaks on Education.** — His Excellency Most Rev. Salvatore Siino, Papal Nuncio to the Philippines, officiated at the blessing and inauguration of the new modern high school building of Notre Dame of Jolo Colleges here recently.

Speaking on the value of education, the Papal Nuncio said in a speech before students, faculty members and their guests:

I do not have to try to convince you of the importance of educa-

tion. But I would like to remind you of it again, because sometimes, while we may be convinced of the great value of something, we may not be so convinced of it that we realize that sacrifices for its sake are necessary and worthwhile. So it can be with education. We all agree that education is highly desirable for all, but we do so with a hidden reservation — provided we can have it without too much trouble or expense. What is necessary is to be convinced that the value of education is beyond price,

it is inestimable; and consequently, that for its sake no sacrifice or effort is too great. Many parents give practical testimony to this truth by their willingness to make sacrifices to provide their children with a good education. Many students, realizing the benefits which education confers, are willing to work and to endure hardship for its sake. And in this connection it is encouraging to know that while some few students gain notoriety as delinquents, there are thousands of young men and women who cheerfully deny themselves pleasures and comforts, and sometimes suffer privations for the sake of receiving a good education. It is these unsung heroes who will build the nation of tomorrow. These teach us that the things of the spirit are of more worth than material ease or pleasure.

#### **Manila Campaign for Vocations.**

— The traditional observance of "My Parish Priest and Vocation Week" here underscored the acute shortage of priests throughout the Philippines.

The week, as celebrated in the Manila archdiocese, ran from January 27 to February 3.

Activities during the week included daily radio programs over DZPI at 9:00 p.m., public prayers and parish rallies and programs all tending to exhort the Catholic population of the archdiocese to honor their parish priests and to work for more vocations.

Statistics show that some 22,000,000 persons in this country are Ca-

tholics. There is one priest ministering, therefore, to some 6,104 Catholics.

Divided into the number of parishes in the Islands, statistics show that in 1,500 parishes, there is an average of some 15,400 Catholics to each parish.

The poverty of the country in vocations becomes more acute if the foreign-born priests serving were taken out of the statistics lists. There are some 1,600 foreign-born priests serving the nation.

If the Philippines were to depend on native-born Filipino priests, therefore, the above-mentioned number of Catholics per priest would be raised considerably.

**Catholics Start Radio Program.** — Catholics in San Fernando, Pampanga, have launched a campaign against juvenile delinquency with emphasis on religion.

Using Father Peyton's motto: "The Family that Prays Together Stays Together," the campaign, initiated by Catholic leaders, have taken to the airwaves with a weekly broadcast over a local radio station of the Rosary Hour.

The first broadcast featured Miss Susan Angeles, a youthful Catholic leader, as resource speaker. Miss Angeles called on her radio listeners to devote more time to their religious duties which, she said, are the foundation of closer family ties.

**Bilaan Mass Book Published.** — A combination Mass Book and Mass Guide in Bilaan is now in circula-

tion among the Bilaans of Southern Cotabato. Entitled "Limbloo di Dasal," it is designed to help the newly baptized Catholic natives.

Catechetical instruction in both Bilaan and Tagbili are also included in the pamphlets for the natives' use. Around Christmas time, some 250 natives were baptized.

Translation work was done by Fr. George Nolan, C.P., who has been working with the Bilaans since 1958. Fr. Nolan supervises three elementary school supported by the Passionist Fathers specially intended for the education of the natives. The schools are located in Bulol, Lusak and Lake Sebu.

**Zamboanga Backs Up Instruction Move.**—A powerful Catholic group in Zamboanga del Norte has voiced support of the Ledesma proposal to amend the Constitution on the religious instruction provision.

The Diocesan Catholic Action group of this Province recently met in Dipolog and passed a resolution supporting the proposal of Senator Oscar Ledesma to amend the Constitution so that public funds may be used for the teaching of religion, of whatever denominations, in public schools.

A similar resolution passed by the Diocesan group called on Congressman Alberto Q. Ubay, of Zamboanga del Norte. "to introduce an amendment to the present law on religious instruction so that religion be made a required subject in the school curriculum at the request of parents and guardians."

The Catholic Actionists stated in their resolutions that "the teaching of morality is impossible without religious instruction."

They further said that "the present state of religious instruction in schools, no matter how well we teach religion, its effect is neutralized by instruction in other subjects especially sciences, especially so when taught by irreligious teachers."

The Ledesma proposal had previously been supported by the national Catholic educational Association of the Philippines in its recent convention in Davao City.

Ledesma first made the proposal to amend the Constitution on religious instruction in a speech before Knights of Columbus in Cotabato City. He has subsequently reiterated his proposal in various other addresses.

## **BIBLIOGRAPHY**

### **NEW SEEDS OF CONTEMPLATION**

**by Thomas Merton, Burns & Oates, London, 1962**

Thomas Merton is one contemporary spiritual writer who needs no introduction, having already been known by several publications which have been accepted not only by Catholics but non-Catholics as well and without reservations.

Writing in his usual profound way, he has added another book to his credit. Adding the word "New" to the title of a volume well-known to millions for the past ten years or so, here comes a new book: "New Seeds of Contemplation" which retains all that he had written before, plus additions — new and better light on the old chapters including twelve new chapters.

Looking at the contents one sees a variety of topics, seemingly without a uniting link or theme random thoughts in contemplation, yet on closer examination one finds the theme and reason for unity: God, the Source and Cause of all things.

Whatever subject it may be: love, distractions, liberty, detachment, integrity, solitude, union and division, Thomas Merton shows that if one pursues the matter long enough, one would reach the Source that unites all.

For an open and humble mind, is given a truly inspired understanding of the basic truths of man's spiritual life. Here is food for the soul of any believer in God, who can have the time to read thoroughly and absorb the contents.

As the previous writings have been highly appreciated, this volume can be received with no less favor.

M. J. O.

\* \* \*

### **A BOOK OF PRIVATE PRAYERS**

**by Dom Hubert Van Zeller, Burns & Oates, London**

A beautiful, black, leather-bound, prayerbook-like handy volume, "A Book of Private Prayer" is as satisfying in contents as it looks.

The matter in the two hundred, or so, pages is divided into two parts. About two-thirds of the slim volume is devoted to the material that help make articulate the wish and the inclination to pray. Here the reader, looking for the right subject to fit into his mood for prayer, will find topics for consideration ranging over the different phases of man's life. The subjects presented are familiar, practical, down-to earth and put in solid doctrine.

The second part, which makes up one third of the book, gives the various forms or the ways with which we can couch what we want to say to God. Those who find it impossible to lift their hearts and minds to God for want of expression, will find this part very helpful. How to pray for a Pure Intention, for Zeal, for Christian Art, Literature, Drama; to a Patron Saint, to St. Joseph; in Thanksgiving, when Unable to Sleep, when Lonely, when Unable to Pray, Request for Prayers, etc... are examples of some patterns.

Each prayer is short, precise and is just what is needed.

With the help of quotations taken from the works of well known and well-liked spiritual writers, Dom Hubert Van Zeller seems to have made this a very handy volume.

The style, typical of the author's many other works, is clear, simple and precise, making this a contribution to the enhancement of his latest book as a book of prayer, almost everyone can use. This proves its popularity having been the one book, of the author's many, to reach the widest public in America, to date.

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