



**DIOECESIS  
LIBMANANA**

243 Station Church Site  
Libmanan, Camarines Sur  
Philippines 4407

**CREATION OF A DIOCESAN COMPLAINT DESK  
FOR THE RECEPTION OF COMPLAINTS/REPORTS ON CLERICAL SEXUAL ABUSE**

**Rationale**

The creation of the *Diocesan Complaint Desk* is mandated by the *motu proprio, Vos estis lux mundi* (Art. 2, §1), of Pope Francis, as follows:

**Art. 2 – Reception of reports and data protection**

§1. *Taking into account the provisions that may be adopted by the respective Episcopal Conferences, by the Synods of the Bishops of the Patriarchal Churches and the Major Archiepiscopal Churches, or by the Councils of Hierarchs of the Metropolitan Churches sui iuris, the Dioceses or the Eparchies, individually or together, must establish within a year from the entry into force of these norms, one or more public, stable and easily accessible systems for submission of reports, even through the institution of a specific ecclesiastical office. The Dioceses and the Eparchies shall inform the Pontifical Representative of the establishment of the systems referred to in this paragraph.*

As envisioned by the aforementioned provision of the *motu proprio*, the *Diocesan Complaint Desk* is a *permanent* structure in the diocese which gives *easy access* to the faithful – and therefore open to the *public* – for the filing of complaint or for forwarding a report on clerical sexual abuse of children, the youth, and vulnerable adults.

The CBCP 2016 Guidelines for dealing with cases of sexual abuse of minors perpetrated by members of the clergy also expresses the same mandate (II, B, 1: *Step One, Lodging of Complaint*):

*“In every diocese or religious institute, the diocesan bishop or major superior shall appoint a priest (Vicar General, Judicial Vicar, Chancellor or head of the Commission on the Clergy) whose task is to receive complaints regarding sexual abuse of minors perpetrated by the members of the Clergy.”*

The creation of the *Diocesan Complaint Desk* is meant to rectify the situation in the past, when the Catholic faithful, the victims of sexual abuse in particular, had no clear avenue and the proper forum to direct their grievances regarding clerical misconduct. With the creation of the *Diocesan Complaint Desk*, the faithful are provided the initial *institutional assistance* in their pursuit of justice following instances of clerical sexual misconduct.

**The Broader Context**

The establishment of the *Diocesan Complaint Desk* must be seen within the broader context of the diocese's wholistic program intended to ensure a safe environment for children, the youth and vulnerable adults, especially within church premises and workplace. Negatively, the program is meant to *prevent*, both in a *proactive* and *reactive* way, the occurrence of sexual abuse perpetrated by both clerics and church personnel. For this purpose, the *Commission on Healthy and Safe Church Environment* (for children, the youth and vulnerable adults) has also been established in the diocese, the *Diocesan Complaint Desk* being one of its organic and constituent components. Within the organizational set up, the place of the *Diocesan Complaint Desk* may be seen within the following structure:

**COMMISSION ON HEALTHY AND SAFE CHURCH ENVIRONMENT**  
*for children, the youth and vulnerable adults*

*Constituent Agencies:*

*Professional Standards Board*

- oversees the development of policy, principles and procedures in responding to complaints of sexual abuse
- provides advise in matters concerning professional standards.

*Diocesan Complaint Desk*

**(Office for the Reception of Reports Pertaining to Sexual Abuse by Clerics and Religious)**

- receives complaints of victims or their legal representatives
- gives support to complainants (maintains confidentiality as required)
- facilitates communication between complainants and church authorities
- reports complaints to church authorities, and/or to civil authorities at the behest of church authority when required by civil law
- provides fraternal correction to the accused in the early stages of the case

*Fact-Finding Committee*

- takes charge of the preliminary investigation
- assesses the existence of probable cause

*Diocesan Review Board*

- reviews the information provided by the fact-finding committee
- reviews the process to ensure due process
- makes recommendations to the bishop based on the facts of the case

*Judicial Council*

- provides assistance to the bishop in the conduct of administrative and judicial processes
- provides assistance to both accused and victim in the procurement of advocates
- helps ensure that the rights of both victims and accused are protected
- acts as consultative body to the bishop
- collectively provides the bishop the expertise, experience and impartiality required in the resolution of a case

*Counselling Resource Group*

- takes care of pastoral care for victims
- crisis intervention for erring clergy

- provides counselling services
- makes referral of cases to therapists

*Committee on Continuing Formation of Clergy*

- makes sure the clergy undergo continuing formation
- coordinates activities for clergy continuing formation
- conducts continuing formation sessions for the clergy

## **The Role and Functions of the Diocesan Complaint Desk**

*Composition.* The Diocesan Complaint Desk shall be composed (initially) of three members, i.e., the *Vicar General* of the Diocese who heads the office, an *Alternate*, and the *Chancellor* of the Diocese, who acts as the Secretary. As head of the office, the Vicar General is the primary point person – the contact person – in the filing of a report or complaint. When he is unable, or if there are a number of complaints being filed, he may be assisted by the Alternate. The Chancellor takes charge of the necessary documentation and in helping the complainant put into writing his/her complaint (i.e., the Bill of Complaint). Before a report is submitted to the Bishop, all three members meet to discuss and evaluate all details relative to the complaint and agree on what to state in the report.

Present composition: *Fr. Alejandro Besinio*, Vicar General; *Fr. Lucien Banaag*, Alternate; and *Fr. Ruel Verdan*, Chancellor.

*Tenure.* All three members shall hold office for a term of five (5) years – from date of appointment – which may be renewed for another term at the discretion of the Bishop.

*Office.* The Diocesan Complaint Desk shall hold a permanent office at the *Diocesan Chancery* at 243 Station Church Site, Libmanan (Camarines Sur). To ensure confidentiality, however, subsequent interviews after the initial encounter, may be held in another suitable place, as determined by both the complainant and the receiver of the complaint or the contact person.

*Purpose.* The primary purpose of the Diocesan Complaint Desk is to receive/entertain complaints, news, and reports on clerical sexual abuse of minors and vulnerable adults, in other words, cases of delicta graviora reserved to the Holy See. These include offenses enumerated in the *motu proprio* « Art. 1, § 1, *a* and *b* » such as *a*) sexual abuse with violence or threat, *b*) abuse of minors, *c*) child pornography, and *d*) cover-ups. Secondly, it may also receive complaints of any form of sexual misconduct not reserved to the Holy See.

*Specific Functions.* In accordance with the CBCP Protocol, and in carrying out the first three steps of this protocol during the Preliminary Phase, the Diocesan Complaint Desk assumes the following specific functions:

*Step One:*

- a) The Diocesan Complaint Desk, through the contact person, is to receive complaints of abuse as described above. The complaint may be filed by the victim himself/herself, or by support persons representing the victim.

- b) After the initial complaint has been received, the contact person acts as a support person for the complainant and where necessary, facilitate communication between complainant and Church authority. The contact person shall listen fully, honestly and compassionately to the complainant, both concerning the facts of the situation and its emotional, psychological and spiritual effects. Though providing such support, the contact person should always bear in mind that he does not act as the complainant's counsellor, neither his/her therapist – which is beyond his competence.
- c) The contact person is to act on the complaint seriously and promptly: *“No complaint shall be dismissed without at least a minimum of prompt and serious attention”* (CBCP Guidelines, II, B, no. 2).
- d) Anonymous complaints are to be treated prudently. The accused should always be presumed innocent until proven guilty.

*Step Two:*

- e) Upon receipt of the complaint, the receiver of the complaint is to inform the Bishop immediately. After a group deliberation on the complaint, the *Diocesan Complaint Desk* submits its official report (including the Bill of Complaint) to the Bishop. If required by law, the same report is to be submitted to civil authorities.
- f) At this stage, the *Diocesan Complaint Desk* may never offer to settle cases of clerical misconduct nor any form of cover-up. On the contrary, it may even encourage the filing of a formal complaint when it sees fit, i.e., when it sees the complaint/accusation to be credible, even if the complainant might hesitate to do so.

*Step Three:*

- g) The Diocesan Complaint Desk assists the complainant file the Bill of Complaint, or to put the complaint into writing, and to make sure that the complaint is duly signed by the complainant to make it a legally credible document.
- h) At this initial stage, confidentiality as regards the identity of the complainant may be observed – especially if requested by the complainant himself/herself. The identity of the accused is not to be covered by confidentiality if the accusation is deemed credible.
- i) In the preparation of the Bill of Complaint, the Diocesan Complaint Desk must make sure that it *“include(s) as many particulars as possible, such as indications of time and place of the facts, of the persons involved or informed, as well as any other circumstance that may be useful in order to ensure an accurate assessment of the facts.”* (*Motu proprio* Art. 3, § 4) The complaint should include the following elements:
  - it is addressed to the Bishop
  - it describes the identity of the accused
  - it describes the nature of the offense, the time and place of the acts.
  - it describes the special circumstances surrounding the acts (e.g., use of drugs.alcohol, with force/threats, gifts/promises)
  - it is signed and dated by the complainant
  - it is notarized by the Chancellor
- j) The Diocesan Complaint Desk is to explain to the complainant the next steps (procedure), if the case is to move forward. The complainant is to be made to understand that the process will eventually entail revealing his/her identity. Thus, the Diocesan Complaint Desk, through the contact person, should make sure the complainant gives his or her consent to proceeding on the basis laid down in the Bill of Complaint.

- k) The Diocesan Complaint Desk (i.e., the contact person) is to inform the accused of the existence of a complaint against him, and when possible and appropriate, offer initial fraternal correction to the accused. This option is taken, most especially when it is determined that the complaint does not concern conduct which is reserved to the Holy See, or the behavior in question does not represent a serious breach of pastoral ethics and one that could be dealt with by correction and apology. In this case, the complainant is advised to take other means of addressing the issue.

As soon as all of the above are carried out, the case is to proceed following the usual course as outlined by the CBCP 2016 Guidelines (*see attachment*).

### **Transparency**

For the sake of transparency, the existence of the Diocesan Complaint Desk shall be circularized within the diocese. All parishes, Church institutions, Catholic Schools, etc., shall make postings regarding its existence and services. Notice shall also be posted in the diocese's Facebook page.

Once an accusation is deemed credible enough, there shall be no attempt to conceal the identity of the accused. Nonetheless, the identity of the complainant may be kept confidential during the initial stages of the proceedings.

As it is demanded by *moral responsibility*, all clerics and Church personnel are required to report any form of clerical sexual abuse, once knowledge is personally obtained regarding its occurrence. Anyone who does not comply with this requirement may also be charged with cover-up.

Diocese of Libmanan  
9 December 2019