

**CATHOLIC BISHOPS' CONFERENCE OF THE PHILIPPINES
(CBCP)**

**GUIDELINES FOR DEALING WITH CASES OF SEXUAL ABUSE
OF MINORS PERPETRATED BY MEMBERS OF THE CLERGY**

October 12, 2016

INTRODUCTION

“When the fullness of time had come, God sent His Son born of a woman, born under the law, so that we might receive adoption. As proof that you are children, God sent the Spirit of His Son into our hearts,, crying out ‘Abba, Father!’” (Galatians 4:4-6). The eternal Son of God became human, born as Mary’s child. In the mystery of Incarnation, Jesus has united himself with every child, indeed with all human beings. He who is Child from all eternity and in time embraced and blessed the children who were being prevented from coming to Him (Mark 10:13-16). He has so united Himself with children the whoever receives one child in his name receives Him. (Matthew 18:5). Neglect and abuse of children wounds Jesus.

The cases of sexual abuse of minors perpetrated by members of the clergy have inflicted wounds on the Body of Christ, the family of God’s adopted children in Jesus, and on its mission. Responding to the grave situation, Blessed John Paul II promulgated the *motu proprio Sacramentorum sanctitatis tutela* on April 30, 2001 in which the sexual abuse of a minor under 18 years of age by cleric was included among the more grave crimes reserved to the Congregation for the Doctrine of the faith. On May 21, 2010 Pope Benedict XVI promulgated a revised version of the said *motu proprio*. William Cardinal Levada a Circular Letter to all Episcopal Conference on May 3, 2011 regarding the Guidelines that the Episcopal Conference on May to formulate to assist the Bishops in dealing with cases of abuse. The present Guidelines prepared by the Catholic Bishops’ Conference of the Philippines rest on two fundamental principles: the protection of children and the preservation of the integrity of the priestly ministry. Through these Guidelines, the Bishops commit themselves to transparency, accountability, and cooperation with civil authorities when handling cases of sexual abuse minors committed by members of the clergy.

The Guidelines consist of two parts. The First Part deals with General Consideration in pastoral response to instances of abuse. The second Part delineates the Canonical Processes for handling allegations of clerical sexual abuse of minors.

I

GENERAL CONSIDERATIONS

A. The Pastoral Care of the Victims of Sexual Abuse

1. Sexual abuse inflicts physical, mental, emotional, psychological and moral harm on a minor. Feelings of guilt, an impaired self-image self-image, and the inability to relate or to trust are only some of the possible effects of a traumatic experience. The diocesan bishop or his delegates will promptly attend to an alleged victim and the victim’s family upon receiving a complaint. The alleged victim must

experience the compassion of the Church and should not be made to feel that he or she is under investigation during interview or meetings. The Diocesan Legal Office and the Diocesan Media Office will provide safeguards to protect the alleged victim's reputation.

2. The diocesan bishop may designate a competent person or a committee to handle the pastoral care of victims of sexual abuse when they were minors. The Diocese would facilitate the healing process of the alleged victims by offering psychological therapy, spiritual direction, counseling, and other forms of professional assistance.
3. The alleged victim will be provided the help of a canonist regarding the canonical process to be undertaken and will be informed that as the aggrieved party, he or she has the right to intervene in the canonical procedures.
4. The victim has the right to demand reparation for damages caused by the guilty cleric. The diocesan bishop determines the manner by which financial compensation would be extended to the victim as a help to the healing process.
5. The parish, school or community where a case of sexual abuse of a minor happened also needs pastoral attention.

B. The Protection of Minors

1. The Diocesan bishop will initiate programs to ensure that minors are cared for and protected in the Church, especially in parishes and schools. He may form a committee of experts from the clergy, religious and lay faithful to assist him. When diocesan resources are not sufficient to design the programs, the diocesan bishop could link up with Dioceses, Universities and Centers with existing schemes for the protection of minors. The Catholic Bishops' Conference of the Philippines, through its competent commissions, could also initiate such programs on the national level to help dioceses and parishes. Every caution should be taken so that educating minors on how to be shielded from sexual abuse does not inculcate distrust towards priests, religious and adults.
2. Programs for the protection of minors from sexual abuse aim to educate the clergy, catechists and other persons engaged in ministry in the Church to understand the dynamics of victimization of minors and the signs of abuse. They will also be taught what action to take when the threat of sexual abuse of a minor exists.

3. With the help of experts in the social sciences, the leaders of the Church could engage in a pastoral assessment of our culture so as to purify it of elements that might breed abusive behavior of adults towards minors.
4. The proper screening and proper formation of candidates to the priesthood and religious life and the permanent formation of the clergy are indispensable in preventing the sexual abuse of minors.

C. The Formation of Future Priests and Religious

1. The Catholic Bishops' Conference of The Philippines, through its competent commissions will help diocesan bishops and seminaries implement the Updated Philippine Program of Priestly Formation that adapts the directives of Pastores Dabo Vobis to the Philippine Setting.
2. Particular attention will be given to the recruitment and screening of candidates to the priesthood and religious life, the discernment of vocations, and a sound human and spiritual formation of the candidates in the house of formation. Given the gravity of the sexual abuse of minors, seminarians are to be guided in the formation of conscience and ministerial accountability.
3. Formation in chastity and celibacy is to be conducted in a holistic manner. The candidates are to be led to understand and appreciate the human, spiritual, pastoral and canonical aspects of celibacy.
4. When candidates to the priesthood or religious life transfer from one seminary to another, between religious institutes and diocese, the seminary personnel involved must share all information available to the receiving seminary, diocese or religious institute.

D. The Support of Priests

1. It is the responsibility of the diocesan bishop to care for the permanent formation of the clergy in all aspects of their life. Priests are to be encouraged to grow in their life of prayer, to seek spiritual direction regularly, to purify their motivations in ministry, to foster priestly brotherhood and support, to courageously correct erring brother priests, to maintain a simple lifestyle, to deepen their intellectual acumen and to participate in renewal programs. The diocesan bishop could send priests to enroll in the various programs offered

by the CBCP Galilee- St. John Vianney Center for Priestly Renewal and other centers administered by religious institutes.

2. The priests need to be well informed of their duties, responsibilities and obligations in the area of sexual abuse of minors in both canon and civil law.
3. Every accused cleric is presumed innocent until his guilt is established. When an accusation has been presented, the diocesan bishop will diligently follow both canon and civil law and respect an accused cleric's right to legal assistance. He will ensure that the rights of both accuser and accused are respected. The diocesan bishop, however, *can limit the cleric's exercise of ministry until the accusations are resolved*. In the course of the disciplinary or penal process, the accused cleric should always be afforded a just and fit sustenance.
4. A wrongly accused cleric deserves the rehabilitation of his good name.
5. The diocese will offer therapy and pastoral care to accused cleric. The transfer to another ministry of Diocese of a cleric found guilty of sexually abusing a minor who poses a threat to minors and the community is to be excluded.
6. The diocese should reach out to the family of an accused priest to provide emotional and spiritual support.

E. Cooperation with Civil Authority

1. A cleric who sexually abuses a minor commits not only a canonical delict but also a crime litigated by civil law. Clerics need to be educated about the prevailing civil laws that cover sexual misdemeanor.
2. The diocesan bishop should follow the prescription of civil law and cooperate with civil authority when the crime of sexual abuse of a minor by a cleric is reported to him, provided legal procedures are observed and the sacramental internal forum is not violated.

II
CANONICAL PROCESSES FOR THE RESOLUTION
OF COMPLAINTS OF CLERICAL SEXUAL ABUSE OF MINORS

A. Scope and Limitation of these Guidelines

In order to determine the limits of these Guidelines, it is important that some terms should first be understood.

1. What is meant by a “delict” in canon law? A delict is a canonical offense or crime. It is external violation of a law that is provable to which certain sanctions can be imposed if one is found guilty of the canonical crime. Although the *motu proprio Sacramentorum sanctitatis tutela* mentions is dealt with in these Guidelines.
2. What is meant by the term “minor”? Since the delict committed by a cleric against the sixth commandment must be against a minor, the law defines what constitutes a minor. In the 1983 Code of Canon Law, a minor with regards to sexual abuse was considered as one who had not yet completed the sixteenth year of age (Can. 195 § 2). However with the promulgation of the *motu proprio Sacramentorum sanctitatis tutela* (SST) in April 30, 2001, minors now are those who have not completed their eighteenth year of age. A person over 18 years of age who habitually lacks the use of reason is to be considered equivalent to a minor.
3. What is meant by “canonical prescription”? In civil law, this concept is know as the statute of limitations. Like all criminal actions, it is the time after which the criminal act is extinguished; that is, it cannot be prosecuted. With regards to sexual abuse of minors, the following is a summary of prescription:
 - a.) For alleged offenses committed before April 30, 2001, the criminal act is extinguished five (5) years from the date of the offense. Hence cases which happened before the promulgation of the SST can no longer be prosecuted once these Guidelines take into effect as they have already prescribed. However, in individual cases, the Congregation for the Doctrine of the Faith is given the right to derogate from prescription as based on the revision made by Pope Benedict XVI on May 21, 2010. This means that cases which are so grave even though they may be barred already from being prosecuted be cause of prescription, the diocesan bishop may apply to the Congregation for the Doctrine of the faith for a dispensation from prescription.
 - b.) For offenses committed or denounced following the promulgation of SST on April 30, 2001, the prescription of twenty (20) years as amended by

Pope Benedict XVI on May 21, 2010 begins to run from the day on which a minor reaches the eighteenth year of age.

B. Step One : Lodging of Complaint

1. 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.
2. When an allegation of sexual abuse of a minor by a cleric is received by the designated person, the matter shall be treated promptly and seriously. The diocesan bishop or major superior shall be informed immediately of the allegation. No complaint shall be dismissed without at least a minimum of prompt and serious attention.
3. As a rule, the complaint should be made in writing. It should be signed by the complainant, dated, and then notarized by an ecclesiastical notary. The complaint should be detailed as possible with regard to the identity of the accused, the nature of the acts, the time and place of the acts, and special circumstances surrounding the acts (e.g., the use of drugs/alcohol, forces/threats, gifts/promises, etc.) A complaint may be lodged orally if circumstances so require. In these cases, the complaint should still be put down in writing by an ecclesiastical official and duly notarized. If possible, it should then be reviewed and signed by the complainant.
4. Anonymous complaints, or complaints by those who wish to remain anonymous, shall also be given due consideration. It should be kept in mind, however, that the identity of the accuser and/ or alleged victim will ultimately have to be revealed to the accused (except in cases involving the sacrament of penance). Still, the initial treatment of the complaint may proceed even though the identity of the complainant is not yet known or revealed.
5. Following the receipt of a complaint, the diocesan bishop must make a determination as to whether or not the complaint has the semblance of truth.
6. The diocesan bishop has the sole responsibility to determine the status of the complaint by considering, for example, the facts alleged in the complaint and the circumstances surrounding them (e.g., was the priest assigned to the parish at that time?), the credibility of the accuser, the internal consistency of the complaint itself (e.g., does the complaint lodge vague and unsubstantiated accusations? Does the complaint contradict itself in an irreconcilable way?)

7. If the diocesan bishop determine that the complaint does not have at least the semblance of truth, no action against the cleric is mandated (even though administrative actions may still be applied depending on circumstances), and no referral to the Congregation for the Doctrine of the Faith is required. The complaint and the accused cleric, if he had been made aware of the accusation, should be informed of the outcome.
8. Manifestly false or frivolous accusations do not result in canonical action against the cleric. When an accusation has proven to be unfounded, every step possible will be undertaken to restore the good name of the persons falsely accused.
9. If the allegation is determined to be manifestly false or frivolous, the diocesan Bishop is not expected to refer the case to the CDF (cf. SST 13; 22§ 1). The acts to be placed into the diocesan secret archives (sf. CIC, can. 1719).
10. Indeed, if at any stage and grade of a judicial penal process it is evidently established that the accused did not commit the delict, the judge must declare this in a sentences and absolve the accused (CIC, can. 1726)
11. If the diocesan bishop determines that the allegation does have at least semblance of truth, he is to issue a decree opening a "Preliminary Investigation."
12. The determination made at this point concerns the nature of the allegation, not the guilt or innocence of the accused. However, at any point in the process, if the diocesan bishop determines it necessary in order to prevent scandals, protect the freedom of witnesses, or to safeguard the course of justice, he shall impose temporary, non-punitive and precautionary measures prohibiting the accused cleric from the exercise of sacred ministry or of some ecclesiastical office, imposing or forbidding residence in a certain area, or even prohibiting public participation in the celebration of the Eucharist. These measures shall be imposed on the accused cleric by means of a precept, and such as precept may be imposed from the time the Preliminary Investigation is opened.
13. If the allegation at least seems true, the process moves forward to a preliminary investigation will result in little further information to substantiate the allegation.

C. Step Two: Preliminary Investigation

1. The purpose of the Preliminary Investigation is indicated in the Code of Canon Law, CIC, can. 1717 § 1: "[the ordinary] is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous." Hence, the Preliminary

Investigation is meant to give the diocesan bishop a sense of probability that a delict did or did not occur. He makes this judgment after the Preliminary Investigation offers sufficient elements leading to that judgment (cf. CIC, can. 1718 § 1).

2. The Preliminary Investigation is not a trial (or even a pre-trial hearing); then matter is not yet before the tribunal and the issue is not yet *in contradictorio*. The Preliminary Investigation is and “administrative” action.
3. The focus of the Preliminary Investigation is on facts, circumstances, and imputability. Imputability is presumed “unless it is otherwise apparent” (CIC, can. 1321 §1). Imputability is rthe legal term referring to the responsibility a person has before the law for an action.
4. The Preliminary Investigation may be completed in a very brief period of time. On the other hand, if it proves impossible to conduct an investigation immediately upon receipts of a credible allegation, the diocesan bishop may prudently delay the investigation until it is suitable to proceed.
5. If the diocesan bishop judges that the initial allegation at least has the semblance of truth, he issues the decree opening a “Preliminary Investigation.” Care must be taken that the good name of anyone is not endangered from this Preliminary Investigation (CIC, canons 1717§ 2 and 220).
6. The Preliminary Investigation is conducted either by the diocesan bishop personally or by another suitable person (Vicar General, Judicial Vicar, or head of the Commission on the Clergy), who must be different from the one who received the complaint and who “has the same powers and obligations as an auditor in process [and] cannot act as a judge in the matter if judicial process is initiated later” (CIC, can. 1717§ 3). The person chosen by the diocesan bishop to conduct the Preliminary Investigation should be appointed to the task by decree unless the appointment is contained within the decree opening the Preliminary Investigation.
7. Unless there are serious contrary indications, even in the course of the Preliminary Investigation, the accused cleric should be informed of the accusation, and given the opportunity to respond to it. The prudence of the bishop will determine what information will be communicated to the accused in the course of the Preliminary Investigation.
8. Once the cleric knows of the allegation and the process against him, he should be encouraged to retain the assistance of civil and canonical counsel. There is no requirement in law that the cleric avail himself of counsel during Preliminary

Investigation, or that the diocese pay for the expenses of either canonical or civil counsel. Investigation, however, it is strongly urged that he be provided the assistance of canonical counsel.

9. To be a canonical advocate, the person must be approved for that role by the diocesan bishop (CIC, can. 1483). Before episcopal approval, the canonist is a “canonical advisor” or a “canonical consultant,” but not strictly a “canonical advocate.” Only a canonical advocate can take part in a penal process. Further, SST expects the canonical advocate to be a priest (SST 12), but the CDF can dispense from this requirement (Papal Derogation, February 14, 2003)
10. The Preliminary Investigation concludes when the diocesan bishop determines sufficient elements have been collected to reach a determination with regard to the question of the investigation; whether or not it is probable that a delict has been committed as alleged (CIC, can. 1717 § 1).
11. At that point, the diocesan bishop is to issue a decree closing the Preliminary Investigation (CIC, can. 1719). Unless the accusation is manifestly false or frivolous, the decree should also indicate that the acts are to be forwarded to the CDF together with his own *votum*.
12. The Investigator tasked by the diocesan bishop to investigate the allegation should submit a report to the diocesan bishop. The report should indicate the investigator’s own conclusion about the probability of the delict having occurred, and should also rate how the investigator came to that conclusion; i.e., it should explain on what elements gained during the investigation the report’s conclusion is based.
13. Upon receiving the report of the investigator, the diocesan bishop is to consider carefully all the acts of the investigation, the Diocesan Review Board. The diocesan bishop is to formulate his own opinion- or *votum* – on whether or not it seems probable that a delict has been committed.
14. The *votum* of the diocesan bishop will play a significant role in the CDF’s determination of whether or not further canonical action is warranted and, if so, what that action might be.

D. Step Three: Referral to the Congregation for the Doctrine of the Faith

1. Upon concluding the Preliminary Investigation, the diocesan bishop is to notify the Congregation for the Doctrine of the Faith of the results of the investigation

(SST 13). This is always done unless the accusation is determined to be manifestly false or frivolous during the Preliminary Investigation.

2. It is always the CDF that makes the determination of how to proceed with the matter, even though the *votum* of the diocesan bishop will every important in the considerations leading to the CDF's decision. Once the case is studied, the CDF will indicate the further steps to be taken. At the same time, the CDF will offer direction to assure that appropriate measures are taken which both guarantee a just process for the accused priest, respecting his fundamental right of defense, and care for the good of the Church, including the good of victims.
3. At all times, the bishop may exercise his executive power of governance to take one or more of the following administrative actions relating to a priest or deacon (CIC, cans. 381, 129ff.):
 - a.) He may request that the offender freely resign from any currently held ecclesiastical office (CIC, cc. 187-189).
 - b.) If the offender declines to resign and if the bishop judges the offender to be truly not suitable (CIC can. 149 § 1) at this time for holding an office previously freely conferred (can.157), then he may remove that person from office observing the required canonical procedures (cans. 192-195;1740-1747).
 - c.) For a cleric who holds no office in the Diocese, any previously delegated faculties may be administratively removed (CIC cans. 391 § 1 and 142 § 1), while any *de lege* faculties may be removed or restricted by the competent authority as provided in law (e.g., can. 764).
 - d.) The bishop may also judge that circumstances surrounding a particular case constitute the just and reasonable cause for a priest to be allowed to celebrate the Eucharist with no member of the faithful present (CIC can. 906); for the good of the Church and for the priest's own good, the bishop may urge the priest to celebrate the Eucharist only under such circumstances and not to administer the sacraments.
 - e.) Depending on the gravity of the case, the bishop may dispense the cleric from the obligation of wearing clerical attire and may prohibit him from doing so (CIC can. 85-88, 284).
4. Any of these administrative actions will be taken in writing and by means of decrees (CIC cans. 47-58) so that the cleric affected is afforded the opportunity of recourse against them in accord with Canon Law (cans. 1734 ff.).
5. As an injured party, the victim has the right to intervene at any stage of the canonical procedures.

6. The priest or deacon may at any time, request a dispensation from the obligation of the clerical state. In exceptional cases, the bishop may request of the Holy Father the dismissal of the priest or deacon from the clerical state *ex officio*, even without the consent of the priest or deacon.

E. DIOCESAN REVIEW BOARD

1. Every Diocese shall have a Review Board composed of three to five persons, appointed by the diocesan bishop which will function as a confidential consultative body to assist him in discharging his responsibilities. This Review Board may offer the diocesan bishop its advice about the Preliminary Investigation before hand and about its conclusion afterwards, but the Preliminary Investigation itself is not done by the Review Board. The board may have a lay member who has expertise in the area of sexual abuse of minors.
2. The function of the Review Board may include:
 - a.) Advising the diocesan bishop in his assessment of allegation of sexual abuse of minors and in his determinations of suitability for ministry;
 - b.) Reviewing diocesan policies for dealing with sexual abuse of minors;
 - c.) Offering advice on all aspects of these cases, whether retrospectively or prospectively.
3. It is ultimately the decision of the diocesan bishop to what extent and at what point in time he wishes to involve the Review Board in the Preliminary Investigation.

These Guidelines were unanimously approved by the Philippine Bishops during the Plenary Assembly of the CBCP last July 6, 2016 and confirmed by the Congregation for the Doctrine of the Faith on October 4, 2013, Prot. N. 191/10-44293