

Pagella of Faculties for Priests Working in the Diocese of Stockton

In addition to the rights and privileges granted to priests and deacons by reason of the universal law of the Church, the following faculties are granted to the priests serving in the Diocese of Stockton, and where applicable, to the deacons. There are two praenotandae:

- 1) Parochial vicars are associate pastors;
- 2) Priests holding these faculties are equivalent to parochial vicars

1. The faculty is granted to pastors and parochial vicars to baptize one who has completed the fourteenth year, without previously referring the matter to the diocesan bishop.

Canon 863 requires that the baptism of persons fourteen years of age and older be referred to the diocesan bishop, so he himself may confer baptism if he so decides. This faculty allows pastors and parochial vicars to baptize such a person without previous recourse to the diocesan bishop.

2. The faculty is granted to parochial vicars to administer the sacrament of confirmation to those persons who have attained the use of reason and whom they baptize. Pastors and parochial vicars are also given the faculty to confirm those persons who have attained the use of reason and are already baptized in another church or ecclesial communion, when they are received by them into full communion with the Church.

Canon 883, 2° gives by law the faculty to confirm to the priest who by virtue of office or Episcopal mandate baptizes an adult or admits a baptized adult into full communion with the Church. Canon 530, 1° says pastors have by office the right to baptize. Canon 866 says that when an adult is baptized, unless a grave reason prevents it, the person should be immediately confirmed. Thus, pastors have the right to confirm those adults whom they baptize. The above faculty gives pastors, in addition, the mandate to confirm those baptized persons with the use of reason whom they receive into full communion.

3. The faculty is granted to priests, for a good reason, to celebrate the Eucharist twice on weekdays and, if a pastoral necessity requires it, three times on Sundays and holydays of obligation.

Canon 905, §1 states that a priest may not celebrate the Eucharist more than once a day, except on those occasions when the law permits him to celebrate or concelebrate a number of times on the same day. Canon 905, §2 adds, moreover, that if there is a shortage of priests the local ordinary may permit a priest for a just cause to celebrate two times on weekdays and, if pastoral need requires it, three times on Sundays and holydays of obligation. The above faculty grants this permission.

Canon 1248, §1 says the faithful fulfill their obligation of assisting at Mass on a day of precept by attending Mass either on the day itself or on the evening of the preceding day. Since the obligation is fulfilled on the evening preceding the day of precept, and since canon 905, §2 is a disciplinary law of the Church, it would appear in view of canon 87, §1 that the diocesan bishop may permit priests to celebrate Mass three times on the day preceding a day of precept, provided the third Mass that day was for the day of precept and provided the provisions of canon 87, §1 were fulfilled.

4. The habitual faculty to hear confession is granted to priests.

Canon 968, §1 says that by virtue of his office and within the confines of his territory, the faculty to hear confessions is granted by the law to the local ordinary, the canon penitentiary (cf. c. 508, §2), the pastor and those who take the place of the pastor. Canon 969, §1 says all other priests must receive the faculty to hear confessions from the local ordinary (and religious priests are to use this faculty only with the permission, at least presumed, of their superior).

The faculty to hear confessions may be granted by the local ordinary either temporarily or habitually. In the latter case, the grant must be made in writing (c. 973), as is done by means of the diocesan pagella.

Canon 967, §2 states that those who have the habitual faculty to hear confessions from the local ordinary either of the place of incardination or of the place of domicile may exercise that faculty anywhere in the world, unless in a particular case the local ordinary has refused, without prejudice to the provisions of canon 974, §§2 and 3.

The above faculty gives to priests within the diocese the habitual faculty to hear confessions within the confines of the diocese. If the diocese is that of the priest's incardination or domicile, he then may hear confessions throughout the world, in accord with canon 967, §2.

5. The faculty is granted to confessors to dispense from irregularities for the exercise of orders already received, provided their dispensation is not reserved to the Apostolic See. This faculty can be exercised in the internal or external forum, within the confines of the diocese, and on behalf of any cleric regardless of his residence or the place where the irregularity was incurred.

Canon 1047, §4 gives to the ordinary the power to dispense from irregularities and impediments not reserved to the Apostolic See. Canon 1047, §1 says that if the fact on which they are based has been brought into the judicial forum, the dispensation from all irregularities is reserved to the Apostolic See. In addition, canon 1047, §3 lists those irregularities whose dispensation is reserved to the Apostolic See. In view of that canon, the following irregularities may be dispensed by the ordinary (cf. c. 1044, §1):

1. the irregularity incurred by one who, while bound to an irregularity for the reception of orders, unlawfully received orders;

2. the irregularity incurred by one who publicly committed the offense of apostasy, heresy or schism;
3. the irregularity incurred by one who has attempted an occult marriage, even civil, either while himself prevented from marrying because of an existing marriage bond, or a sacred order, or a public and perpetual vow of chastity, or with a woman prevented from marrying because of an existing marriage bond or a sacred order, or a public and perpetual vow of chastity, or with a woman prevented from marrying because of an existing marriage bond or a public and perpetual vow of chastity;
4. the irregularity incurred by one who has gravely and maliciously mutilated himself or another, or who has attempted to kill himself;
5. the irregularity incurred by one who has carried out an act or an order reserved to those in the presbyterate or episcopate, either while himself not being in that order or while being prevented from its exercise by a declared or imposed penalty.

This faculty gives to the confessor the power to dispense from these irregularities. It may be exercised in the internal or external forum, within the confines of the diocese, and on behalf of any cleric regardless of his residence or the place where the irregularity was incurred.

6. The faculty is granted to confessors to remit in the internal or external forum a *latae sententiae* penalty established by the law but not yet declared, provided the remission is not reserved to the Apostolic See. This faculty may be exercised only within the confines of the diocese, and on behalf of any person regardless of the person's residence or the place where the penalty was incurred.

Canon 1355, §2 states: "If it has not been reserved to the Apostolic See a *latae sententiae* penalty established by the law but not yet declared can be remitted by the ordinary on behalf of his own subjects, of those who are actually within his territory, and of those who committed the crime in his territory. Any bishop has this power within the act of sacramental confession." By reason of canon 1357, §1 confessors can remit in the internal sacramental forum a non-declared excommunication or interdict, provided it is difficult for the person to remain in a state of grave sin for the time necessary for the proper superior to provide. Canon 1357, §2, however, requires that the confessor impose upon the person the obligation to have recourse within a month to the competent superior, under the pain of incurring the censure once again; such recourse can be made, of course, through the confessor.

The above faculty gives to confessors the ability to remit *latae sententiae* penalties established by the law but not yet declared, provided these are not reserved to the Apostolic See. The faculty may be exercised anywhere within the confines of the diocese, and may benefit anyone regardless of the person's residence or the place where the penalty was incurred. By reason of this faculty, no recourse to a competent superior is required, before or after the remission of the penalty: hence, the contrast with the norm of canon 1357, §§1 and 2.

Special consideration must be given to the *latae sententiae* excommunication, not reserved to the Apostolic See, stemming from apostasy, heresy or schism (canon 1364, §1). Should a person by a formal act leave the Catholic Church (and thereby enter a state of apostasy, heresy or schism), he or she is not bound by the canonical form for a subsequent marriage (canon 1117). Should this same person then seek to be reconciled with the Church (by reason of the remission of the *latae sententiae* excommunication), he or she would again be bound to canonical form for marriage. In view of this, the remission of the *latae sententiae* excommunication from apostasy, heresy or schism must be made in the original baptismal register of the person reconciled.

7. The faculty is granted to parochial vicars to assist at marriages within the boundaries of the parish to which they are assigned.

Canon 1111, §1 says that the local ordinary and the pastor, as long as they validly hold office, can delegate priests and deacons within the confines of their territory. Canon 1111, §2 requires that general delegation be in writing. This faculty gives such written general delegation to parochial vicars and deacons; the faculty is valid within the confines of the parish to which they are assigned. In light of canon 137, §3 the delegated parochial vicar can subdelegate this faculty in individual instances.

8. The faculty is granted to those able to assist at marriages to dispense from the canonical form for marriage and from all the impediments to marriage which may be dispensed by the local ordinary, when everything has been prepared for the marriage and when the marriage cannot be delayed without the probable danger of grave harm until the dispensation can be obtained from the competent authority. After the use of this faculty, a notification is to be made to the Tribunal of the diocese.

Canon 1080, §1 says that whenever an impediment is discovered after everything is prepared for the wedding and the marriage cannot be delayed without the probable danger of grave harm until a dispensation is obtained from the competent authority, the local ordinary may dispense from all impediments of ecclesiastical origin except from a public perpetual vow of chastity in a religious institute of pontifical right. Moreover, in occult cases, these same ecclesiastical impediments may be dispensed by a minister as defined in canon 1079, §§2 and 3.

This faculty gives to those able to assist at marriages the ability to dispense from the canonical form of marriage and from all ecclesiastical impediments which may be dispensed by the local ordinary, when everything is prepared for the wedding and when the marriage cannot be delayed without probable danger of grave harm until the dispensation can be obtained from the competent authority. It is an extension of the instances mentioned in canon 1080, §1 inasmuch as it permits a dispensation from canonical form and a dispensation from non-occult ecclesiastical law impediments from which the local ordinary can dispense.

9. The faculty is granted to pastors to permit the marriage between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism and who has not departed from the Church by a formal act, and the other

of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. This permission is not to be given unless the conditions mentioned in canon 1125 are fulfilled.

Canon 1124 says that without the express permission of the competent authority, marriage is prohibited between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism and who has not departed from the Church by a formal act, and the other of whom belongs to a church or ecclesial community not in full communion with the Catholic Church. The above faculty gives the ability to permit such a “mixed marriage” to pastors. Before the permission is given, however, the conditions mentioned in canon 1125 must be fulfilled. Canon 1125 states the following:

“The local ordinary can grant this permission if there is a just and reasonable cause; he is not to grant it unless the following conditions have been fulfilled:

- 1° the Catholic party declares that he or she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his or her power to have all the children baptized and brought up in the Catholic Church;
- 2° the other party is to be informed at an appropriate time of these promises which the Catholic party has to make, so that it is clear that the other party is truly aware of the promise and obligation of the Catholic party;
- 3° both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either party.”

The pastor is to report to the Chancery annually the number of such dispensations granted. The grant of the dispensation is to be kept with the marriage documents in the parish file.

10. The faculty is granted to pastors to permit the marriages mentioned in canon 1071, i.e.,

- 1° the marriage of transients (*vagi*)**
- 2° a marriage which cannot be recognized or celebrated in accord with the norm of civil law.**

In regards to 2°, please consult the chancery regarding the procedure to be followed. The other cases as mentioned in canon 1071 require recourse to the chancery for the proper permission.

11. The faculty is granted to pastors to dispense from the impediment of disparity of cult, provided the conditions of canon 1125 have been fulfilled.

By reason of canon 1078, §1 the local ordinary can dispense from the impediment of disparity of cult (canon 1086). This faculty gives to pastors, the ability to grant the same dispensation. The

conditions of canon 1125, however, must be met, as in faculty 9. The chancery office must be notified after each grant by sending in the completed dispensation form to the chancery.

- 12. The faculty is granted to pastors and parochial vicars assigned to a parish, to allow church funeral rites for an unbaptized child, if the parents had intended to have the child baptized.**

Canon 1183, §2 states that the local ordinary may allow church funeral rites to be celebrated for children whose parents had intended to have them baptized but who died before baptism. This faculty gives the ability to permit such funerals to the pastor and the parochial vicar assigned to a parish.

- 13. The faculty is granted to pastors and parochial vicars assigned to a parish to allow church funeral rites for a baptized person belonging to a non-Catholic church or ecclesial community, provided this is not clearly contrary to the wishes of the deceased and provided a minister of the faith of the deceased is not available.**

Canon 1183, §3 says that, in accordance with the prudent judgment of the local ordinary and provided the deceased's own minister is unavailable, a baptized person belonging to a non-Catholic church or ecclesial community may be given church funeral rites, unless it is clear that such is against his or her wishes. This faculty gives the ability to allow such funerals to pastors and parochial vicars assigned to a parish, who must first make a prudent judgment concerning the matter.

- 14. The faculty is given to priests to dispense, in individual cases and for a just reason, from the Eucharistic fast.**

Canon 919, §1 requires that anyone receiving the Eucharist fast for at least one hour before Holy Communion from all food and drink, except water and medicine. This faculty allows priests to dispense from this Eucharistic fast, in individual cases and for a just reason.

- 15. The faculty is granted to parochial vicars assigned to a parish to dispense from private vows made by a person belonging to the parish to which they are assigned and also by a visitor within the territory of the parish. This dispensation may be granted only if no injury is done to the acquired rights of others.**

Canon 1196, 1° gives to the local ordinary and the pastor the ability to dispense their own subjects and visitors from private vows, provided no injury is done to the acquired rights of others. Canon 1196, 3° indicates that the Apostolic See and the local ordinary may delegate the faculty of dispensing to others. This faculty grants this delegation.

- 16. The faculty is granted to parochial vicars assigned to a parish to commute to a lesser good what has been promised by a private vow made by a person belonging to the parish to which they are assigned and also by a visitor within the territory of the parish.**

Canon 1197 says that what has been promised by a private vow can be commuted into something better or equally good by the person who made the vow. It can be commuted into something less good by the one who has the authority to dispense in virtue of Canon 1196. This faculty is the logical sequel to the preceding one, which gives parochial vicars assigned to a parish the ability to dispense from private vows.

17. The faculty is granted to parochial vicars assigned to a parish to suspend, dispense or commute a promissory oath. This faculty may not be exercised if the dispensation from the oath would tend to prejudice those who refuse to remit its obligation.

Canon 1203 provides that those who can suspend, dispense or commute a vow have, in the same manner, the same power over a promissory oath. However, if the dispensation from the oath would tend to prejudice others who refuse to remit the obligation of the oath, only the apostolic See can dispense the oath. According to canons 1196 and 1197, the local ordinary and the pastor have the ability to dispense from private vows and to commute what has been promised by a private vow to a lesser good. In view of Canon 1203, the local ordinary and the pastor can also dispense from promissory oaths.

The two preceding faculties give to parochial vicars the ability to dispense from a private vow and to commute what has been promised by a private vow to a lesser good; this faculty grants to parochial vicars and deacons the ability to suspend, dispense or commute a promissory oath.

18. The faculty is granted to pastors and parochial vicars to absolve the automatic censure of excommunication incurred by those who successfully procure abortion. When absolving the censure, a salutary penance should be imposed.

As noted above, this refers to the censure attached to the sin committed. The sin itself is not reserved, only the *latae sententiae* (automatic) censure of excommunication.

The confessor, on using this faculty, is to apply a suitable penance. The general principle is that, if the penance is not fulfilled, the person falls back under the censure.

Five Our Fathers and five Hail Mary's, even five rosaries, are not considered suitable penance. A list of suggestions follows:

One week (40 hours) of volunteer work in a pro-life agency. Two weeks volunteer work in a children's home. Volunteer work with abused children, (a week or two or more).

Care should be taken that the penance imposed does not disclose the sin confessed.