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PASTORAL GUIDELINES ON SEXUAL ABUSES AND MISCONDUCT BY THE CLERGY

INTRODUCTION

I. A Call to Repentance, Conversion, and Renewal

Par.1. Reports of sexual abuse and misconduct committed by some members of the clergy and the religious have shaken the Catholic Church worldwide. Because of their role in the Church and society, any accusation of sexual misconduct causes deep scandal and pain. In the face of such scenario Pope John Paul II declared:

As priests, we are personally and profoundly afflicted by the sins of some of our brothers who have betrayed the grace of Ordination in succumbing even to the most grievous forms of the *mysterium iniquitatis* at work in the world. Grave scandal is caused, with the result that a dark shadow of suspicion is cast over all the other fine priests who perform their ministry with honesty and integrity often with heroic self-sacrifice. As the Church shows her concern for the victims and strives to respond in truth and justice to each of these painful situations, all of us conscious of our human weakness, but trusting in the healing power of divine grace are called to embrace the '*mysterium Crucis*' and to commit

ourselves more fully to the search for holiness. We must beg God in His Providence to prompt a whole-hearted reawakening of those ideals of self-giving to Christ which are the very foundation of the priestly ministry. (*Letter to Priests for Holy Thursday*, 2002, no. 11)

Par.2. It makes us wonder where the clergy might have gone wrong after years of seminary training and ongoing formation. For a number of years now the Commission on the Clergy of the CBCP has been offering some programs to priests. The one designed for those involved in sexual abuse offers intensive renewal that includes treatment and spiritual guidance. This same commission has helped prepare the present document similar to those developed by bishops' conferences of other countries, in order to provide pastoral guidelines for dealing with allegations and actual cases of sexual abuse and misconduct by the clergy in the Church in the Philippines.

Par.3. The problem of sexual abuse and misconduct by some members of the clergy is not new. In the past, confidentiality and therefore, secrecy have created the impression of cover-up, toleration of abuse and lack of concern for victims. Such procedure could have enabled abusive behavior to be repeated. We acknowledge the shortcomings and mistakes in the way some cases have been handled. For the pain and sorrow such failures have caused, we apologize from the depths of our hearts. Through these pastoral guidelines, we desire to manifest our responsibility of shepherding Christ's flock, of caring for victims and of addressing the problems of the clergy.

Par.4. We humbly but courageously acknowledge the need to address openly the problem of sexual abuse and misconduct by the clergy. The entire Church, especially the bishops and leaders of religious institutes, needs to foster an atmosphere where education, honesty, justice, mutual trust and Christian love overcome silence, ignorance and minimization. We hope that these guidelines may be a step towards that direction for the Church in the Philippines. In faith we know that this moment is a call to repentance, conversion and renewal. We therefore fare this crisis bearing in mind the words of Pope John Paul II to the American Cardinals on April 23, 2002:

We must be confident that this time of trial will bring purification on the entire Catholic community, a purification that is urgently needed if the Church is to preach more effectively the Gospel of Jesus Christ in all its liberating force. Now you must ensure that where sin increased, grace will all the more abound. So much pain, so much sorrow

must lead to a holier priesthood, a holier episcopate and a holier Church.

Par.5. A holier clergy will come about if, in the midst of this crisis, we remember what we have been called and ordained for. Pastors were raised in the early Church “to care for the Church of God which he obtained with the blood of His own Son” (*Acts 20:28*). They were to be alert lest fierce wolves snatch away the flock (*Acts 20:29-30*). Exhorting his fellow elders or presbyters, Peter said, “Tend the flock of God that is your charge not by constraint but willingly, not for shameful gain but eagerly, not as domineering over those in your charge but being examples to the flock” (*1 Peter 5:3*). Bishops as “stewards of God” must be able to master and control themselves (*Titus 1:7-9*). Caring for and tending the flock of Christ as stewards - this is the heart of the ministry and life of the pastors of the early Church. It cannot be otherwise today. Like Peter, they are entrusted by the Risen Lord to feed, to nourish and to tend His sheep (*John 21:15-19*). Remembering this, we realize that abuse has no place in someone called to be a ‘caretaker’ of the flock. We cannot fuse care and abuse. May the present crisis brought about by abusive actions of deacons, priests, bishops and religious purify us to become the true “care-givers” we are meant to be. Through conversion and renewal, may the clergy be more worthy of the trust of the faithful and of the Chief Shepherd. To fulfill this vision, our dioceses and religious institutes will adopt and implement the guidelines contained in herein.

II. Clarifying Concepts

Par.6. Some concepts need to be explained to aid in the understanding and implementation of these pastoral guidelines. ¹ There are no rigid definitions and uniform understandings of these concepts. We can only present descriptions that are generally accepted. They are discussed below.

Par.7. In the terminology of the Church, *clergy or cleric* refers to those who, having received Holy Orders, have been mandated to perform public and official ministry within and in the name of the Church. They are the deacons, priests and bishops. *Religious* are members of religious institutes who have pronounced public vows and live in common with brothers and sisters. These pastoral guidelines cover the ordained, both diocesan and religious, and refer to them together as clergy or clerics. These pastoral guidelines cannot cover all possible situations of sexual misconduct within the Church. The procedures

offered herein may be applied with appropriate adaptations to deacons who are bound by some prescriptions proper to the clerical state, and to other religious men and women. The prescriptions of the Code of Canon Law applicable to priests, particularly concerning penal trials, are not operable in cases involving laypersons employed by dioceses. Such employees would be subject more to secular legislation than to canon law. Nevertheless, the employer should have some procedures for handling accusations against lay employees, should such cases arise.

Par.8. Three fora are to be distinguished, although they are interconnected. The **civilforum** consists primarily in the criminal justice system, prosecution and courts of a state. Just like all other citizens, clerics and religious are subject to the civil and penal laws of the state. The **canonical forum** refers to administrative and judicial institutions and procedures observed by Church law. This forum governs ecclesiastical offenses and sanctions. The **internal forum** is the realm of conscience and spiritual life. The question of sin and morality properly belongs to this forum.

Par.9. **Pastoral or Ministerial Relationship.** The pastoral or ministerial relationship is one of trust that is primarily the responsibility of those in positions of leadership and authority to maintain. Whenever a person, in his capacity as a Church official or leader, begins a relationship with any person, a ministerial relationship is fostered. The clergy, due to their pastoral leadership, are in positions of power vis-à-vis the faithful who trustingly seek their counsel, support, or service. Such power is to be exercised only in loving service of others who entrust themselves to the care of pastors. Non-ordained members of religious communities of men and women can also enter into a ministerial relationship. A pastoral or ministerial relationship, by its very nature, excludes sexual contact in that relationship.

Par.10. **Immorality of Sexual Acts Outside Marriage.** Sexual acts outside marriage are *immoral*. Included among them are lust, masturbation, fornication, pornography, prostitution, rape, homosexual activity, adultery, sexual harassment, bigamy, polygamy, incest, and concubinage (See *Catechism of the Catholic Church* 2351-2391). Consensual sexual relations between adults, provided unattended by any of the circumstances enumerated by R.A 8353 are not crimes. But they may be canonical offenses and questions of morality, in which case the canonical and internal fora are more relevant. Even a civilly non-criminal act may be a canonical and moral offense.

Par.11. **When Sexual Acts Become Criminal.** Criminal sexual acts violate laws stated in the Revised Penal Code and the Civil Code of the Philippines. These include, among others, rape, incest, sexual harassment, adultery, prostitution, child abuse and molestation. Each case has a corresponding criminal liability. (See *Appendix I*.) In cases of rape, acts of lasciviousness or sexual harassment where the offense has prescribed, there can be no prosecution in the civil forum. The matter, however when involving clerics fall within the canonical and internal forums. A case filed in the civil forum resulting in the acquittal of an accused cleric does not automatically exonerate him in the canonical and internal fora where the case can be pursued.

Par.12. **Child Abuse:**

A. **Republic Act no. 7610**, Article 1, sec. 3, a, refers to *children* as persons below 18 years of age or those above 18 but are unable to care for themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of their physical or mental disability. Sec. 3, b, further adds that *child abuse* refers to mistreatment of the child, whether habitual or not. This includes psychological and physical abuse, neglect, cruelty, sexual abuse, emotional maltreatment, demeaning words and actions, unreasonable deprivation of needs, and failure to give medical treatment.

B. Persons below 18 years of age are legally categorized as children, Sexual abuse of children are further classified into two:

Pedophilia is sexual abuse of pre-pubescent children aged 13 years old and below. (See *Appendix 2*.)

Ephedophilia is sexual abuse of pubescent males or females between 13 and 18 years of age.

C. Pope John Paul II granted an indult to the whole Church extending to 18 years old the age for which Canon 1395 § 2 applies. He also extended ten years the period for the statute of limitation (Canon 1362). [2](#)

Par. 13. **Sexual Misconduct arising in a Ministerial Relationship**

Any time the clergy use the authority and influence of their ministerial office to engage in sexual activity with persons entrusted to their care, they are engaging in irresponsible and unethical acts. **Sexual Misconduct** is a general term that includes sexual harassment, sexual

exploitation and sexual abuse. In our Catholic faith, sexualized behavior is never acceptable in a cleric's relationship with a parishioner, employee, student, client in spiritual direction or counseling, or anyone who has sought the Church's ministry.

A. Sexual Harassment generally refers to unwanted sexualized conduct or language between *co-workers* in the church setting. Although difficult to define precisely, sexual harassment may include but is not limited to the following:

- Making unsolicited sexual advances and propositions,
- Using sexually degrading words to describe an individual or his/her body,
- Telling inappropriate or sexually related jokes,
- Retaliating against a co-worker who refuses sexual advances,
- Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorably assigned duties or shifts, recommendations, etc. in exchange for sexual favors.

B. Sexual Exploitation usually refers to sexual contact between a cleric and someone receiving pastoral care from the church leader and may include sexually suggestive verbal behavior. **Sexual abuse** generally refers to sexual contact between a cleric and a minor or "vulnerable adult" as defined by law, as well as suggestive verbal behavior.

Either sexual exploitation or sexual abuse can include **physical contact** from the Church leader such as:

- Sexual touch or other intrusive touching (i.e. tickling, wrestling or other physical contact) that causes uneasiness or discomfort in the one touched,
- An inappropriate gift (such as lingerie),
- A prolonged hug when a brief hug is customary behavior,
- Kissing on the lips when a kiss on the cheeks would be appropriate,
- Showing sexually suggestive objects of pornography,
- Sexual intercourse, anal or oral sex.

Sexual exploitation or sexual abuse can also include **verbal behavior** such as,

- Innuendo or sexual talk and text messaging,
- Suggestive comments,
- Tales of sexual exploits, experiences or conflicts,

- Making sexual propositions.

Par. 14. Some Offenses of a Sexual Nature identified by the Code of Canon Law

The general term sexual misconduct covers offenses of a sexual nature identified in the Code of Canon Law with corresponding penalties.

1. Attempted marriage (Canon 1394 § 1) incurs automatic suspension. “Progressive penalty” eventually leading to dismissal from the clerical state is provided for.
2. Living with a concubine (Canon 1395 § 1) incurs suspension, with the possibility of “progressive penalty” leading to dismissal from the clerical state.
3. External sins against the sixth commandment that produce scandal (Canon 1395 § 1) carry suspension, with the possibility of “progressive penalty” being applied.
4. An offense against the sixth commandment involving the use of force or threat or a minor (Canon 1395 §2) deserves just penalties, with the possibility of “progressive penalty.”
5. Fathering a child is one of the external sins against the sixth commandment that causes scandal (Canons 277 § I and 1395) and deserves just penalties, including an eventual dismissal from the clerical state.
6. The absolution in sacramental confession of an accomplice in a sin against the sixth commandment (Canon 1378 § 1) incurs automatic excommunication.
7. The procurement of an effective abortion or positively cooperating in it (Canon 1041 § 1, °3 and 4) renders the exercise of Orders irregular.
8. In sacramental confession, solicitation to sin against the sixth commandment (Canon 1387) incurs suspension, prohibition, deprivations and possible dismissal from the clerical state.

Par. 15. That some clients in ministry feel attracted to those in church leadership position is not uncommon. This never excuses, however, any form of sexual misconduct. Clergy who engage in any form of sexual misconduct are violating their vows and the ministerial relationship. They are misusing their authority and power and are taking advantage of the vulnerability of those who are seeking spiritual guidance.

Par. 16. The respect and reverence with which people approach the Church's ministers necessarily denotes an imbalance of power and, hence, for clients a vulnerability inherent in the ministerial

relationship. This is true to some degree even of sexual relationship with a consenting adult partner, already sinful in itself. This imbalance of power makes sexual behavior in a ministerial relationship unacceptable and unjust. It is the primary responsibility of the clergy to maintain appropriate emotional and sexual boundaries with those whom they work with or serve.

Par.17. The case of a cleric fathering a child is not just an ordinary instance of sexual misconduct. Although civilly it may not be a crime if the partner is a consenting adult, it is still a serious violation of Church law and religious sensibilities and creates the moral and legal responsibility to support a child. The way of handling it has peculiar characteristics. This has been discussed in an earlier position paper of the Commission on the Clergy presented to the CBCP (See *Appendix 3*) and will also be dealt with in these pastoral guidelines.

CHAPTER ONE: SEXUAL ABUSE BY THE CLERGY AND RELIGIOUS

Par.18. This pastoral guide is not a theological treatise on the priesthood and religious life. Nor is it a directory on the ministry and life of the clergy. It is an aid to healing and reconciliation and to the formulation of a just, effective and Christian response to sexual abuse and misconduct by the clergy and the religious. We recognize that religious orders can and should formulate guidelines in harmony, with the demands of consecrated life, their respective rules of life and the guidelines contained in these guidelines. The first chapter of these guidelines will deal mainly with *sexual abuse*, namely, sexual contact between a cleric in a position of ministerial authority and a minor or anyone vulnerable as defined by law. Sexual abuse is a crime in the civil forum. The second chapter will deal *with heterosexual and homosexual misconduct* that may not be offenses in the civil forum but may be grave offenses in the canonical and internal fora.

I. Sexual Abuse and Philippine Culture

Par.19. In addition to an individual's upbringing, personality disorders and social maladjustment, some elements of our Filipino culture might contribute to situations of sexual abuse, especially by the clergy and

religious. Here we identify a few positive cultural elements that could be misused.

A. It is acceptable in our culture for persons to *touch* one another. Touching can manifest caring and nurturing. But when boundaries are not clear, touch can lead to malice. Children and other vulnerable persons cannot always read the "signals" that might indicate that touch has already become malicious. It is a phenomenon among abusers to send "mixed signals" that camouflage abusive touch.

B. Filipino culture, as a general rule, confers much *power on adults and persons in authority*. Minors and subordinates are often seen as “possessions” of adults who could do pretty much what they please with them in the name of discipline and of promoting their good. Before adults with authority, children and subordinates are often vulnerable, open and trusting. When placed in the wrong hands, this power can be a tool of abuse. Furthermore, there is a noticeable lack of consciousness of children’s rights in Filipino culture and in the Church. The perspective of the child is very rarely considered. This lacuna can render many adults insensitive to children's emotions, shame, pain and needs.

C. *Family* is defined loosely and broadly in our culture to include many people other than biological relations. A cleric is usually a welcome member of the Filipino family. People tend to let all their defenses down before him. Abuse becomes more harmful to the victims when the offenders belong to the “family.” Victims often experience sexual abuse by the clergy as exploitation by a family member, not a stranger, thereby making it more painful. Families therefore feel victimized as well.

D. Our culture sees the clergy as more than ordinary humans, *possessing extraordinary powers* and so with the Church that they represent. Culturally a cleric possesses power as (1) an adult, (ii) as an acknowledged moral and spiritual authority, and (iii) as a male. He receives more than what an ordinary Filipino male enjoys in terms of popularity and glory. Some women are drawn to members of the clergy because more than other males, they are associated with mystery and spirituality. Children are drawn to them because they are associated with caring and nurturing. All these are

‘weapons of power’ that can also harm powerfully when misused. But because the culture clouds over their humanity, some hide their true selves and lead double lives. This duplicity can be fertile ground for abuse.

E. The *silence of victims* is partly due to the “non-violent” experience of many cases of abuse. Most victims do not feel pain or violence during the moment of abuse. It is at a much later time, when one understands more fully the harmful effects that one begins to talk. When the abuser is from the clergy or religious, the culture tends to remain silent because accusing a religious person imbued culturally with holiness and divine authority can disturb the peace of society. Victims harbor a lurking fear that they would most likely be blamed for challenging the culture’s superpowers.

There is, therefore, a great necessity for purifying and renewing the culture of Filipinos and our ecclesiastical culture.

II. Some Basic Principles

Par.20. The clergy, called to care for the flock, will responsibly maintain the integrity of the pastoral/ministerial relationship at all times. Sexual contact between them and those entrusted to their care is an offense against God as well as a violation of the pastoral/ministerial relationship, and is therefore never permissible.

Par.21. The vast majority of bishops, priests, deacons and religious are, by God’s grace competent, ethical, balanced, and mature. However, when an unfortunate occasion of violation of the pastoral/ministerial relationship takes place, the victims must have recourse to proper authorities so that a process of evaluation can be initiated in a just and humane manner. For this reason, the CBCP is developing a comprehensive plan for responding to sexual abuse situations and help create an atmosphere of understanding through education that will help maintain the integrity of the pastoral/ministerial relationship, and prevent misuse of power and authority.

Par.22. Complaints about abusive sexual acts by the clergy, including guests or residents from other dioceses, will be reported by the victim or any concerned person immediately to the appropriate ecclesiastical superior - the diocesan bishop. For a leader of a religious institute, the next higher superior may be the Provincial Superior or the Superior

General of the institute. If the accused is a bishop, the appropriate ecclesiastical superior is the Holy See, represented by the Apostolic Nuncio. In this case, the Apostolic Nuncio may convene an *ad hoc* body consisting of the CBCP President, the Chairpersons of the Commission on the Clergy and the Committee on Bishops' Concerns and other consultants of his choice to help him look into the matter.

Par.23. In the event that a religious is accused of sexual misconduct, the matter should be referred to his provincial superior or his delegate. The said superior should inform the ordinary of the diocese on what course of action the religious institute is undertaking.

Par.24. The response to cases of sexual abuse by the clergy must address the following:

- a. the pastoral care of the victim,
- b. the healing of the community,
- c. the assessment of the accused,
- d. the sanctions on and pastoral care of the offender.

Par.25. All persons involved in the case at hand will be ministered to and cared for in a manner consistent with the Gospel values of dignity, compassion, understanding, and justice. When an accusation is made, the rights of the victims, the offenders and the community must be protected. The diocesan bishop and/or the leader of the religious institute will ensure that action will be taken promptly and decisively. It should be remembered however that a charge does not justify of itself sanctions and penalties. The truth needs to be established using standards of proof and evidence required in the relevant forum. So the Church will not act adversely against anyone on the basis of a mere allegation or complaint.

Par.26. In cases involving priests or deacons, the diocesan bishop will entrust the preliminary inquiry to one or more of the following: the vicar general, the chancellor, the chairman of the Commission on Clergy or other persons and committees he judges fit and appropriate. He may set up other committees to implement and monitor the stages of the process. In the case of a bishop offender, the ecclesiastical superior will initiate the appropriate process.

Par.27. The diocese will form a team of competent persons from the laity, religious and clergy to advise and assist the bishop in assessing and addressing individual cases. The team may include a canon

lawyer, a civil lawyer, a clinical psychologist, and other experts. This team will be maintained to review periodically the archdiocesan/diocesan policies on sexual abuse.

Par.28. The CBCP and diocesan policies concerning sexual misconduct should be communicated to the clergy and the faithful.

Par.29. When a complaint is made directly to civil authorities, the superior will see to it that the respondent cleric or religious cooperates with the investigation to be conducted.

III. The Care and Protection of the Victims

Par.30. The welfare of the victim/s is of paramount concern. Dioceses and religious Institutes will reach out to them, demonstrating a commitment to their good and protection. They will offer healing and reconciliation in the form of counseling, spiritual direction, social service and sincere human interaction.

Par.31. A team, preferably composed of a priest, a religious and a layperson, all with appropriate training and competence in dealing with victims, will investigate the case with utmost care and prudence (cf Par. 25). Swift and sincere action contributes to the healing of the victims' pain.

Par.32. A professional guidance counselor must be on hand in the process of uncovering the ordeal of victims during the inquiry in order to provide pastoral care whenever needed. The investigation process must not further victimize the victims by making them feel that they are the objects of investigation. Nor should they be blamed for the situation. Trained and competent personnel must be always on hand to ensure that the process be truly caring towards victims.

Par.33. If a crime is involved, the diocese or religious institute will cooperate with public authorities in the legal process governing sexual abuse. If there are no lawsuits involved, the victims will still be provided with a good continuing care program to facilitate healing.

Par.34. The offender should shoulder the expenses attendant to the victim's therapy. Out of charity the diocese, within its means, will assist financially in the healing process to be undergone by victims if the offender needs such assistance. The offender will be required to reimburse the diocese for all expenses incurred in handling the case.

Par.35. A list of trained and competent counselors, sensitive to the issues of sexual abuse will be kept on file and made available to victims asking for therapy. It is recommended that the CBCP establish a committee on the national level to determine the most appropriate pastoral response to victims. This committee in turn will train counselors and facilitators in dioceses and regions who can provide pastoral care to victims in their respective areas.

IV. Guidelines for Responding to Allegations of Sexual Abuse [3](#)

Par.36. Preliminary Inquiry

The preliminary inquiry will be conducted in the following manner:

A. An accusation should be made in writing whenever possible and duly signed by the complainant. In cases involving minors, the parent/s or guardian/s should sign the complaint. Complaints should be sent to the Office of the Chancellor or to the appropriate ecclesiastical superior. Whenever a case is brought up confidentially and the complainant wishes to protect his/her reputation, such wish must be respected and the case will be handled with total confidentiality. Hence an oath of confidentiality will be required of all parties involved, to be made before the bishop.

B. When a complaint is filed the superior will immediately initiate a discreet, non-adversarial and thorough investigation. One or more of the bishops' delegates - the vicar general, the chancellor, the chairperson of the Commission on Clergy, or whoever is appointed - will meet with the complainant, parent/s, or guardian/s and conduct an inquiry (Canon 1717 § 1). It is recommended that the judicial vicar of the diocese be exempt from being the bishop's delegate because if a canonical juridical process is later initiated, the person who conducted the preliminary inquiry may not take part in the process as a judge (Canon 1717 § 3).

C. The accused will be informed of the investigation being done. The bishop or the superior will discern if it is sound to temporarily relieve the accused of his duties during the investigation. In all cases, the precepts of ecclesiastical law must be carefully observed and the reputation of both victim

and accused safeguarded.

D. The investigating person or team will prepare a preliminary report for the perusal of bishop or the superior.

E. The accused may be required to undergo preliminary assessment with a person or facility specializing in the evaluation of sexual disorders and sexual abuse.

F. The alleged victim will be offered assistance and undergo assessment with a person or facility specializing in the evaluation of sexual abuse.

G. If the case involves criminal accusations, the accused must be informed of the right to contact legal counsel distinct from the diocesan attorney, with the processes provided for in canon law being observed. Since between a cleric and the bishop or religious superior there exists a relationship of trust analogous to that between father and son, it does not belong to the pastoral office of the bishop to denounce a priest to civil authorities. The bishop or superior, however will not in any way impede, hinder or interfere with the investigation and prosecution of an accused cleric in the civil forum.

H. The Director of the Diocesan Commission on Media and Communication will be notified so that spokespersons can be designated and be responsible for all communications to be released to the media.

Par.37. Upon Completion of the Preliminary Inquiry

When the preliminary inquiry is completed the investigating team will report their findings to the bishop or the superior.

A. If there is prima facie evidence to the accusation the bishop or superior will choose either to deal with the matter administratively or judicially refer it to the canonical forum. Observing due process, he can place the accused on administrative leave and relieve him of ministerial duties. He will notify the cleric in writing that his local faculties to publicly exercise priestly ministry have been temporarily withdrawn, and that he may be asked to reside in a non-ministerial setting. He will require the individual to undergo

assessment and rehabilitative treatment. During this time, he may appoint someone who can effectively monitor the individual's daily activities and guide him to conversion.

B. If the accusation involves a civilly criminal activity and there is *prima facie* evidence to the accusation, the accused individual will be required to reside in a non-ministerial setting to protect the well being of the community. He will contact a selected treatment center within 24 hours. Someone will be assigned to assist him in defining and arranging day-to-day activities, including non-ministerial work, therapy, and living arrangements. He will consult a lawyer as soon as possible to determine what should be done in such a situation.

C. If the sexual abuse is verified the bishop or superior will consult with the diocesan lawyer and an authority in canon law regarding the civil and canonical aspects of the case. He may also consult with professionals and other persons involved in the case before making decisions. Once the evaluation, including diagnosis and prognosis, has been received, the bishop or superior will limit the ministry of the individual or even prohibit it, if warranted. In the case of sexual abuse of a minor, no ministry with minors or unsupervised contact with them will be allowed. In verified cases of criminal behavior, the bishop or superior will recommend that the Promoter of Justice begin a canonical process for appropriate canonical sanctions.

Par.38. Every step of the process must be properly documented. Care should be ensured to protect the confidentiality of such documentation. Canonical norms will be diligently observed in order to protect all parties involved, and demonstrate that the rights of the faithful, the victim and cleric or religious are fully respected.

Par.39. Where the accusation has been established as false, the bishop or superior will express in writing his defense of and support for the accused. Bringing the accuser to court can be considered an option. If the media have already reported the false accusation, the bishop or superior should ask those involved in the reporting to clear the name of the falsely accused.

Par.40. If a case has been tried in the civil forum and the accused is found guilty, his liability in the canonical forum remains to be established. Once his guilt is also established canonically the bishop

will comply with the prescriptions of ecclesiastical law. He will prudently apply the range of penalties prescribed by ecclesiastical law. If it is determined that a cleric should be deprived of his clerical status, he should also be assisted to face this change in his life through psychological and spiritual renewal.

CRAPTER TWO: HETEROSEXUAL AND HOMOSEXUAL MISCONDUCT

Par.41. Sexual abuse has been presented so far as cases where victims are minors and vulnerable people as defined by law. A more common issue in the Philippines, however, is heterosexual and homosexual misconduct involving non-minors. Even if criminal liabilities are not always present, serious moral, pastoral and canonical problems are nevertheless posed.

Par.42. Psychologists and moralists generally agree that a person's sexual identity has three dimensions: gender identity, sexual orientation and sexual intention. *Genderidentity* is the sense of being masculine or feminine. In other words, while every person is born with a given sex (male or female), one learns one's gender (masculine or feminine). One's sex is a given fact while one's gender is a learned phenomenon. *Sexual orientation* refers to the sex of people that attract and provoke one's sexual arousal. An orientation is directed at persons whom one finds sexually attractive. *Sexual intention* refers to what a person actually wants to do with his/her sexual partner. This includes a wide variety of sexual behaviors. Sexual orientation, therefore, is not fundamentally a tendency towards *acts* of a sexual nature but a psychosexual attraction towards particular individual *persons*, whether of the same or the opposite sex. It is possible, even necessary, to distinguish sexual orientation from sexual activity arising from sexual intention. A sexual orientation does not, by necessity, lead to stereotyped sexual activity. A person's human and spiritual maturity can influence one's choice of sexual activity. The Catholic Tradition has been consistent in distinguishing sexual orientation from sexual activity. Thus some forms of sexual behavior may be immoral, without one's sexual orientation *per se* being condemned as sinful. But it is also unacceptable to hold that a person's sexual orientation justifies engagement in sexual activity to which the orientation seems to incline the person. Sexual acts are governed by criteria compatible with the faith and morals of the community, not just by sexual orientation. Thus a pastor's ministry and role within the Christian community and the very faith of that community must govern his wit sexual behavior,

whether he is heterosexual or homosexual in orientation.

I. Clerical Sexual Misconduct in Heterosexual Relationships

Par.43. Sexual misconduct in heterosexual relationships of the clergy may include a variety of cases like fathering a child, cohabitation with a woman, adultery, sexual harassment, exploitation of women in ministerial settings, rape or coercion to engage in sex. Whatever type of misconduct we are dealing with, the pastoral care of the victims is a paramount concern. Par. 30-35 above will be conscientiously followed. Let us turn to some cases that merit special attention and treatment.

A. Where a criminal case is involved, Par. 20-29 on the basic principles, the care of victims and guidelines for responding to sexual abuse cases will be observed. If an accusation is proven false, the provisions of Par. 39 may be applied. If it has been proven that a criminal act had been committed and a warrant of arrest has been issued, the bishop the superior, or anybody sheltering the priest concerned must surrender him to the proper authorities. By failing to do so, the person keeping the accused can be charged of cuddling a criminal.

B. Where “Priest-Fathers” are concerned, canons 1394 and 1395 and the basic principles and guidelines in Par. 2040 are to be observed, and the following procedure is to be followed:

1. The diocesan bishop or religious superior will help a cleric who is maintaining a consensual sexual relationship with a woman to recognize that this is gravely sinful and is highly inconsistent with his status as a cleric. Canon Law stipulates that a cleric or religious who lives with a concubine or continues in an external sin against the sixth commandment that causes scandal is to be punished with suspension (Canon 1395 § 1). Suspension is likewise a just penalty to be imposed on a cleric who fathers a child for violating perfect and perpetual continence (Canon 277) and for causing scandal (Canon 1395).
2. The fathering of a child by a cleric is an occasion to determine whether he is fit or unfit for celibacy. While suspended from priestly ministry, the offender will undergo rigorous human and spiritual assessment to help him and the bishop or superior to determine his suitability for the celibate state.
3. If it could be established with moral certainty that the generation

of a child was the result of an isolated fault that does not lead to the judgment that the priest is totally unfit for celibate life in the future, the ministry of the priest must be saved. He must be helped to prevent future occasions of falling, to renew his priestly responsibilities, and to assume the moral responsibility of supporting the child. He must provide financial support to the child until he/she reaches adulthood according to civil law provisions. The mother of the child must receive moral and spiritual help, especially through counseling or spiritual direction. Only in such cases of the recovery of an erring "priest-father", will the diocese or religious institute, out of charity, assist the priest meet his financial obligations towards the child. Whatever financial help the diocese or religious institute extends is a help to save the ministry of the "priest-father."

4. If the incapacity for celibate life clearly emerges, the bishop or superior must firmly advise the cleric to request for dispensation from clerical duties. If he refuses, the bishop or superior can apply the norms of sanction provided by Canon Law with regard to the loss of the clerical state. The diocese or religious institute will also provide the necessary help to the cleric as he face his new state of life.
5. A "priest-father" who has been allowed to remain in the ministry must continue undergoing a prescribed program of renewal with monitoring. In order to assure perseverance in the effort of renewal, the measures necessary to remain faithful must be taken, such as in his contact with the mother and child. Financial support by the "priest-father" for the child should be channeled through a third party.
6. Due to the scandal caused by fathering a child, the "priest-father" who is allowed to remain in ministry should not work where -the scandal he has caused is publicly known. A "priest-father" should no longer be assigned as pastor of a parish. He can however be appointed as parochial vicar, or 'attached" to a parish or ministry. This move will convey to both the faithful and the clergy that the diocese is seriously addressing the issue of a cleric who has fathered a child
7. If a "priest-father" who remains in ministry has a second child he will be dismissed from the ministry.
8. The proposals of the CBCP Commission on the Clergy regarding "priest-fathers" must be evaluated continually and adapted to each case that may arise in the dioceses.

II. Clerical Sexual Misconduct in Homosexual Relationships

Par.44. Homosexuality is a complex phenomenon that is explained in various, even conflicting ways by different schools of thought. The civil and criminal law of the Philippines says nothing about homosexuality *per se*. Canon 1395 covering external sins against the sixth commandment of the Decalogue that cause scandal obviously includes homosexual sins.

Par.45. In cases of homosexual relationships, Par. 2040 will be followed. The healing of the victim is a primary concern while the offender is being helped and his case handled.

Par.46. When an accusation of homosexual relation or activity is presented against a cleric, the following steps are to be taken:

1. A preliminary investigation will be conducted in accordance with Par. 36. The bishop or superior will discern if it is necessary to relieve the accused of his duties while the investigation is in process.
2. If the accusation is proven true, the cleric will be suspended from his ministry (Canon 1395 § 1) and will undergo evaluation and guidance from a qualified counselor or director. His suitability to lead a life of continence and celibacy will be rigorously evaluated (Canon 277). If the chances for rehabilitation are good, he will be encouraged and supported by the diocese or religious institute to enter the Assisted Intense Renewal or similar recovery programs. Future reinstatement to the ministry will depend on his progress, the positive evaluation of his mentors and the recommendation of experts whom the bishop or superior may consult.
3. If after undergoing a recovery program the cleric falls into homosexual relation or activity again, he can be considered a “serial sexual offender.” The bishop or superior should seriously consider his dismissal from priestly ministry.
4. If the victim is less than twelve years old, the offender, after due process, will be given the appropriate penalties including dismissal from the clerical state.

CHAPTER THREE: INITIAL AND ONGOING FORMATION INACCOUNTABILITY

Par.47. Learning from its own crisis, the Church will help create an environment in society and in Church that is not only safe but also welcoming for people, especially for the most vulnerable. Dioceses will embark on a program of education of children, families, laypersons, religious, educators, public authorities and clergy about their common responsibility in promoting such an environment. The clergy, in particular, will set standards of conduct appropriate for people in ministerial environments.

Par.48. The ongoing human formation of the clergy and religious is imperative. On account of cases of sexual abuse, such formation needs to help them understand the dynamics of sexual abuse, especially in ministerial relationships, and help them to be vigilant. They are to be educated in the characteristics of coercive and exploitative sexual behavior as well as their roots. They must be able to confront the dangers of living double lives and maintaining potentially abusive relationships. They are to be helped to grow in the integrity demanded of stewards and “caretakers” of the flock. They are to learn how to care for themselves and for the flock, as its pastors.

Par.49. Dioceses and religious institutes will strengthen their programs geared towards the growth of the clergy and religious in the areas of human sexuality, gender sensitivity, spiritual and pastoral life. Through various diocesan initiatives or regional or national programs, the clergy are to develop the spiritual and pastoral values expected of the ordained - holiness, love, trustworthiness, an evangelical lifestyle in a consumerist milieu, and the ability to live in and foster community life, to name but a few. Motivations, which change through the stages of one's life, are to be constantly checked and purified. A vibrant community among priests and religious where they experience caring, affirmation and support is an important context for human, spiritual and pastoral growth. Support groups among the clergy where they can share their journey and struggles are highly encouraged.

Par.50. Dioceses and religious institutes will ensure that the clergy and their members develop their theological knowledge and competence through private study, professional programs, study leaves or sabbatical. Aside from enhancing their pastoral effectiveness, theological competence aids in lifting the human heart to spiritual realities and in clarifying one's identity and ministry as ordained or consecrated.

Par.51. Dioceses and religious institutes will initiate programs not only geared towards intervention in cases of sexual abuse but also towards the prevention of abuse in Church, families and society, The

faithful and pastors are to be educated in ways of dealing positively and sensitively with victims and offenders alike. Education about the legal and canonical aspects of sexual abuse is important.

Par. 52. Dioceses and religious institutes will review the process of screening candidates to seminaries and to ordination to make them more effective in discerning the capacity of candidates to lead celibate lives and to maintain responsible relationships. Moreover, seminary personnel and educators should undergo special training in the areas of human sexuality and gender sensitivity so that they can provide helpful and appropriate guidance to the seminarians.

Par. 53. Dioceses will set clear criteria for new assignments and transfer to other dioceses. In the case of transfer to another diocese, the sending bishop is under grave obligation to forward to the receiving bishop a truthful and complete account of the cleric's record, including reports of sexual misconduct. Anything in his background that might put to question his fitness for ministry must be frankly told to the receiving bishop.

Conclusion

Par. 54. We, bishops of the Philippines, present these pastoral guidelines as a response to the pain, scandal and shame occasioned by cases of sexual abuse and misconduct by some of our very own brothers in the ordained ministry. We once more apologize to the victims, their families, the Christian faithful and the many good ministers for the wound inflicted by this crisis. We reach out to offenders among the clergy and religious with a compassionate call to repentance and renewal. We invite the whole Church to pray for justice and love, healing and reconciliation, forgiveness and peace. We pray to Mary so she may teach us to love purely. We beg the Lord to have mercy on us all.

Par. 55. We will work to the best of our ability to care for the flock entrusted to us. Ever mindful of our own sinfulness and limitations, we rely on God's merciful love and on the kind support of all clergy, religious and lay faithful.

These guidelines are to be followed for three years *ad experimentum*, effective September 1, 2003.

+ORLANDO B. QUEVEDO, OMI, D.D.

Archbishop of Cotabato
President, Catholic Bishops' Conference of the Philippines

1 Some parts of this section rely on the brochure published by the Archdiocese of Los Angeles, *Respecting the Boundaries (2001)*.

2 Congregation for the Doctrine of the Faith, Epistula...de delictis graviobus eidem congregationi pro Doctrina fidei reservatis, May 18, 2001, AAS, vol. XCIII, November 8, 2001, N I 1, pp. 737-739.

3 These guidelines are presented without prejudice to the procedure provided by the *Motu proprio Sacramentorum sanctitatis tutela*, 30 April 2001

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