

### Editor's note

The Editorial Board of the Journal *Scientia Canonica* publishes the third volume, number 5, with two sections: articles and jurisprudence of the Tribunal of the Roman Rota. The section of the articles presents four researches and the jurisprudence section a speech by Pope Francis, a *coram* sentence Msgr. Jair Ferreira Pena with the respective translation and two comments on it.

We opened the section of the articles with a research by Vincenzo Fasano, Rota lawyer and professor at the Angelicum University of Rome, on a case of bigamy in Italy in the early twentieth century, seen through the jurisprudence of the Tribunal of the Rota Romana, in a *coram* Pecorari judgment of 25 January 1939. The problem highlights the judicial nature of the matrimonial annulment process, in contrast to the imposition of an administrative process that would be unfair to the community and individuals. The judges, in fact, cannot ask for alternative administrative procedures, but considering the fact that the contradictory and *ex officio* fact emerged, they arrive at moral certainty.

Reginaldo Roberto Luiz, member of the General Council of the Order of the Blessed Virgin Mary of Mercy, published the third article on the choice of bishops. This time the research deals with the canonical legislation on the choice of bishops of the Council of Trent up to the 1983 Code of Canon Law. After the Council of Trent a number of juridical lines emerged which indicated the requirements for the choice of candidates presented to the episcopate. However, the concordat between the Church and modern states has made it difficult for the Popes to act freely in choosing bishops. The Popes returned to full freedom for this choice, in accordance with the agreements then in force, with the Code of Canon Law of 1917. The theme was addressed during the Second Vatican Council, precisely in the Decree *Christus*

*Dominus*, then by Paul VI and the 1983 Code of Canon Law, reaffirming the *designatio episcoporum*.

The baptism of children adopted by people of the same sex is the second part of the research published by Marcio Fernando França, professor at the Institute of Canon Law in Londrina. Following the guidance of the Church Magisterium on the concept of family and marriage, the research demonstrates the pastoral and liturgical consequences of such possible requests for Baptism. However, the parish priest will be asked to choose suitable godparents and godmothers, which are crucial in the process of formation of the neophyte's faith. In this way, the liturgical celebration of Baptism cannot be used to defend ideologies or to justify behaviour that does not conform to the Gospel. Observance of liturgical norms and spiritual preparation for the celebration are essential. Finally, such cases will have an adapted method for registration in the Book of Baptism.

The fourth research in the articles section is on Societies of Apostolic Life, published by Showri Raju Yetukuri, Indian and PhD student in Canon Law at the Pontifical Lateran University. The aim of the research is to address the governance of this model of public ecclesial consecration which took shape in the 17th century and was definitively recognised by the 1983 Code of Canon Law. Canon 731 § 1 determines the common and constitutive elements of societies of apostolic life: apostolic action, fraternal life in common and the search for perfection through charity. In consideration of the common elements, the governance of these Societies, as well as in Religious Institutes, is carried out through laws, councils and superiors. Universal and private or own laws regulate the form of governance, whether collegial or non-collegial, depending on the subject. Chapters have a decisive role in the members, the community apostolate and their respective governments.

The Section of the jurisprudence of the Tribunal of Rota Roman begins with the speech pronounced by Pope Francis, *The Lord has come to sinners not to the perfect*, on 25th January 2020, to the official auditors and prelates, having as a biblical reference the couple Aquila and Priscilla, for effective work with families. Following the example of the biblical couple, three characteristics are necessary for

family ministry: itinerancy, availability and decision making. The Pope asks that families be involved in the apostolate and that bishops and parish priests leave the “circle of the perfect” to meet couples in difficulty, just as Paul did with the help of Aquila and Priscilla.

In the same section we published the final sentence *coram* Msgr. Jair Ferreira Pena, Prelate Auditor of the Apostolic Tribunal of the Roman Rota, for partial simulation of consent for exclusion of offspring, of 21 February 2019. The *facti specie* reports that, after about two years of conjugal cohabitation, conflicts arose between the parties, mainly due to jealousy on the part of the son of the defendant, who had opposed the new union of the mother. In his reasoning *in iure*, Msgr. Pena quotes U. Navarrete, the Pastoral Constitution *Gaudium et Spes*, Pompedda, *coram* of 1985 and The Marriage Consent, and *coram* of Lanversin of 1994. The part *in facto* ends with a negative sentence, i.e. nothing consists of marital nullity. The sentence was prepared for publication by Vincenzo Fasano, a professor at the Faculty of Canon Law of the University of São Tomaso D’Aquino in Urbe and a rotal lawyer, and translated from Latin into Portuguese by Leonardo Rosa Ramos, professor at the Pontificium Institutum Altioris Latinitatis and the Pontifical Athenaeum Santo Anselmo, and secretary at the Pontifical Academia Latinitatis. Two comments on the sentence have been published, one by Vincenzo Fasano and the other by Diego Zoia.

Therefore, with an article in Italian, an article in English, two articles in Portuguese, a speech by the Pope, a sentence (Latin and Portuguese text) *coram* Msgr. Jair Ferreira Pena with two comments, the Journal *Scientia Canonica* presents the contributions of Brazilian and foreign researchers to the universe of science. The Santa Catarina Institute of Canon Law, having opted for excellence in research, maintains the periodicity of publications through its scientific journal, contributing to the development of Canon Law studies, both nationally and internationally.

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