UNDERSTANDING THE CODE OF CANON LAW

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Canon Law is a code of ecclesiastical laws governing the Catholic Church. In the Latin or Western Church, the governing code is the 1983 *Code of Canon Law (CODEX IURIS CANONICI).* The Code is organized into seven Books, which are further divided into Part, Section, Title, Chapter and Article. Not every book contains all five subdivisions. The basic unit of the Code is the canon and there are 1,752 canons. The seven books are:

Book 1	General Norms
Book II	The People of God
Book III	The Teaching Function of the Church
Book IV	Function of the Church
Book V	The Temporal Goods of the Church
Book VI	Sanctions in the Church
Book VII	Processes

The canons serve pastorally and academically. It is a set of norms promulgated with the community's care in mind. It helps create order in the community. It specifies obligations and what ought to be done.

Canon 1251   Example: Dispensation from eating meat on Friday of Lent because the Solemnity of Saint Joseph falls on the same day. Year 2021 is declared Year of Saint Joseph.

Canon 873   Example: At Baptism, there is to be only one male sponsor or one female sponsor or one of each. In the case of a "non-Catholic sponsor", he/she must be paired with a baptized practicing Catholic in order to be a sponsor. Otherwise, a non-Catholic can only be an "eyewitness" during the baptismal ceremony.

Canon 869   Example: When an individual is preparing to marry in the Catholic Church and does not have a certificate to prove it but have witnesses like parents that say so, the baptism is conferred "**conditionally**."

The tribunal is the court of the Church. The main function of which is declaration of nullity of marriage in the Church.

Canon 391.1   It is for the diocesan bishop to govern the particular church entrusted to him with legislative, executive, and judicial power according to the norm of law.

Whereas, under civil law, these are executed by three separate branches of government.

The TRIBUNAL OF THE FIRST INSTANCE (lower court and hierarchical) are named as follows:

1. Diocesan
2. Metropolitan – Archdiocese of Manila is an example of a Metropolitan Tribunal.
3. Regional
4. Tribunal of the Apostolic See

The TRIBUNAL OF THE SECOND INSTANCE or APPELLATE TRIBUNAL is a collegiate tribunal composed of three judges. These three judges will together render a sentence or decision. For example, if an appeal is made at the Tribunal of the First Instance, the case is taken to the Appellate Tribunal in order to come to a decision. Whereas, in the court of FIRST INSTANCE, only one judge, for example, is required to declare nullity of a marriage case.

The ROMAN ROTA (Apostolic Tribunal) is the highest appellate tribunal of the Catholic Church. It safeguards rights within the Church; fosters unity of jurisprudence; and aids lower tribunals. It is established by the Roman Pontiff. It can function as a court of First Instance; it can be a Court of Appeals or may be the last resort of an appeal.

In 2018, Pope Francis decreed that whatever decision is made in the Tribunal of First Instance will be final and executory unless a Respondent or Petitioner files for an appeal.

On Catholic marriages, to marry in the Catholic Church, the marriage must be valid and licit. Valid, meaning, the integrity of the marriage is present such as both spouses are free to marry and both consented to the marriage and open to having children and consent given in canonical form. Licit refers to the legality of the marriage; that the marriage was celebrated with competent authority of the Church and spouses are in full communion with the Catholic Church.

Canon 1682.1 After the sentence declaring the nullity of the marriage has become effective, the parties whose marriage has been declared null can contract a new marriage unless a prohibition attached to the sentence itself or established by the local ordinary forbids this.

The Latin word that describes the prohibition is " vetitum".