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Episcopal Jurisdiction in the Philippines in the 17th Century

H. DE LA COSTA

The first missionaries in the Philippines were members of the regular clergy. The Augustinians came with Legaspi in 1565. The Franciscans followed in 1577, the Jesuits in 1581, the Dominicans in 1587 and the Augustinian Recollects in 1606. In 1594 Philip II partitioned the islands into missionary districts and gave to each religious order its own separate field of apostolic activity.¹ The Augustinians received the provinces of central and southern Luzon; the Franciscans, the territory around Laguna de Bay and the provinces of the Camarines peninsula; the Dominicans, Bataan, Zambales and the provinces of northern Luzon; and the Jesuits, the Visayan islands and Mindanao. Northern Mindanao and the western Visayas were later assigned to the Recollects. Each order eventually established a Philippine province under a provincial superior with headquarters in Manila.

The secular clergy were never very numerous and were concentrated in the capital. Most of them occupied the prebends and benefices of the Manila cathedral. They were, for the most part, *criollos*, that is, Spaniards born in the colony, and received their training in one of the two colleges in Manila which had university status: the Dominican Colegio de Santo Tomás and the Jesuit Colegio de Manila.

The religious orders in the Philippines derived their personnel almost entirely from Spain and Mexico. Missionaries assigned to the Philippines were transported thither at the King's expense. The cost of transportation from Spain in the 1620's averaged 125,000 *maravedis* (\$900) per missionary.² The voyage from Seville to Vera Cruz and from Acapulco to Manila took at least two years and called for a great deal of courage and self-sacrifice.³ After his arrival in the Philippines and assignment to a parish or mission station (*doctrina*), the missionary was entitled to receive from the government or the *encomendero* of his territory an annual stipend of 100 pesos and 100 *fanegas* (about 250 bushels) of rice, in addition to the wine and oil required for the altar service.⁴

Judged by any standards, the conversion of the Philippines to Christianity by these missionary religious was a remarkable achievement. The Philippines was not a particularly attractive mission field. When Spanish colonization began, the majority of the native population had not gone beyond a primitive social organization based on kinship. They had, however, a surprisingly complex system of debt-slavery which worked hardship on everyone but the members of the leading families of each clan (*barangay*). Blood feuds and intertribal wars were common. The village economy was based on the cultivation of rice by rudimentary methods, supplemented by hunting and fishing. Worship was mainly animistic with dim recollections of a supreme deity.⁵

All this compared very poorly with the golden legends of Cathay and Cipangu, or even with the less magnificent but still marvellous reality of China and Japan, and one can hardly blame the first Spanish missionaries in the Far East for looking on Manila as merely a half-way station to those greener pastures. There was some trouble at first with friars who abandoned their posts in the Philippines to go adventuring across the China Sea, and Philip II had to issue strongly worded instructions on the matter.⁶ But the majority faced their unglamorous task

among the Filipinos with admirable courage and perseverance. The Franciscans, in particular, distinguished themselves in the basic task of reducing the scattered clan villages into towns and townships, thus making possible systematic government and evangelization. The other religious orders were faced with the same problem in their respective regions and met it with comparable vigor and success.⁷

In addition to their strictly missionary work, the religious took part in the wider life of the colony. In the early years of the settlement, especially, they were often called upon to advise the government on administrative matters. Thus, when a royal *cédula* arrived in 1578 ordering strict adherence to the existing laws regarding *encomiendas* and the collection of tribute, Governor Sande invited the religious to deliberate on the matter with his military and naval officers, and it was an Augustinian who drew up the regulations to implement the *cédula*. Again, when there was question of undertaking a punitive expedition against the Zambals in 1592, or declaring war on the Sultan of Ternate in 1593, Governor Dasmariñas requested the religious to determine whether it would be just and expedient to do so. Individual religious were employed by the colonial authorities on political missions of great importance. The outstanding example of this was the Jesuit Alonso Sánchez, whose numerous embassies to China, Madrid and Rome are copiously documented by Pastells in his edition of Colín.⁸

Meanwhile, all the characteristic institutions of social service which the Church had developed in Spanish America were reproduced in the Philippines. Hospitals, colleges, orphanages and houses of refuge were founded and endowed. In fact, the relatively rapid and efficient Christianization of the Philippines was due mainly to the fact that it was undertaken by religious who could draw upon the rich and varied missionary experience of their respective orders in the New World. In 1595, the organization of the Philippine Church was thought to be sufficiently advanced to permit the creation of an ecclesiastical prov-

ince with a metropolitan see, Manila, and three suffragan dioceses: Cebu, Nueva Segovia, and Nueva Cáceres.⁹

THE PROBLEM OF EPISCOPAL JURISDICTION

The establishment of episcopal sees, however, brought to the Philippines a problem which had already been raised in Spanish America and was to have a long and turbulent history on both sides of the Pacific: the problem of episcopal jurisdiction over the regular clergy. The terms of the problem are briefly these. The hierarchical constitution of the Catholic Church demands that its organized activity should normally be under the control and direction of the bishops as successors of the Apostles, with the supreme command vested in the Roman Pontiff, the successor of Saint Peter. But the work of evangelization in the Philippines, as elsewhere in the Spanish dominions, was, and had to be, carried out by the religious orders before the establishment of an episcopate. And even after a diocesan organization had been established, there remained the frontier missions which were not yet ready for regular parochial administration. It was therefore necessary to commit the direction and control of this pioneering work to the superiors of the religious orders themselves. In order to make their task easier, the Holy See granted to religious missionaries privileges and exemptions from normal rules of procedure, and to their superiors the authority to grant faculties for preaching and the administration of the sacraments which would ordinarily have to be obtained from the diocesan prelates.¹⁰

Meanwhile, the epochal Council of Trent undertook not merely the precise definition of the theological doctrines challenged by the Protestant Reformers, but also a thorough-going reform of morals and discipline within the Catholic Church. One of the main objectives of the Council's reform program was considerably to strengthen the authority of the diocesan prelate over every phase of religious life and activity within his territory. When the Tridentine decrees were promulgated in Spain and its

dominions, it soon became evident that those which defined the jurisdiction of the diocesan prelate would be extremely difficult to reconcile with the existing privileges of the religious orders.

The Council of Trent decreed that the regular clergy engaged in the pastoral care of souls were "immediately subject to the jurisdiction, visitation and correction of the bishop" in whose diocese they worked, and no one could be appointed to the parish ministry or be given diocesan faculties, even provisionally, without his approval and consent.¹¹ But if this was the case, what of the privileges granted by the Holy See to the missionary orders, especially those contained in the Bull of Adrian VI, whereby regular superiors in the Spanish Indies and those deputed by them were given "all-embracing (*omnimoda*) authority . . . in both the internal and external forum, as much as they . . . should judge opportune and expedient for the conversion of the said Indians and their preservation and progress . . . in the Catholic faith and in obedience to the holy Roman Church"? For this authority explicitly included all that bishops are empowered to do, saving only those acts which required episcopal consecration.¹²

To settle the controversy that arose, Philip II obtained a clarification from Pope Pius V. In the Brief "Exponi nobis" (March 23, 1567), this Pontiff authorized missionary religious in the Indies, notwithstanding the dispositions of the Council of Trent, to act as true parish priests with entire independence of the diocesan prelates and without requiring their approval and permission, in accordance with the privileges granted them before the Tridentine decrees.¹³ In 1565, however, we find Philip II issuing a *cédula* to the Synod of Mexico enjoining on the diocesan prelates the visitation of the regular clergy engaged in the parish ministry in all matters pertaining to their office, "in accordance with the decrees of the Council of Trent."¹⁴ This was the rather confused state of the question when the Philippine episcopate was created.

In spite of the efforts of all concerned to arrive at a

final settlement, the problem was very much a live issue throughout the course of the seventeenth century. One obvious solution would have been to develop a secular clergy in sufficient numbers to be able to take over the parishes from the religious as soon as they were stably organized. The religious would then have been released for the pioneering work which their vocation and their privileges presupposed, while the problem of episcopal visitation would not have arisen, since there was never any question of the subjection of the secular clergy to the diocesan prelate. That excellent statesman, Philip II, saw that this was the ideal answer to the problem. In a *cédula* to the Archbishop of Mexico, December 6, 1583, he stated that according to the ordinances of the Roman Church and the established custom of Christendom the administration of the parishes belonged to the secular clergy, the role of the religious orders being to help them in preaching and hearing confessions. Because of the lack of secular priests in the Indies, however, the religious there had taken charge of parishes by special permission of the Holy See.

But since it is proper to bring this matter back to its original state and as far as possible to restore to the common and accepted usage of the Church, in a way that will not cause any difficulty in the Indian parishes, what concerns the said administration of parishes and mission stations, I beseech and charge you from this time forward, if you have suitable secular priests, to assign them to the said parishes, mission stations and benefices, preferring them to the friars and observing in the said appointments the procedure indicated in the laws concerning our patronage.¹⁵

It soon became clear, however, that admirable though this policy was in the abstract, it was not practicable. This was due not so much to the reluctance of the religious to give up the parishes they had built up—understandable in the circumstances, but which could have been overcome—but to a much more fundamental difficulty: the lack of secular priests. Two years later Philip II had

to suspend the decree and look for some other solution to the problem of episcopal jurisdiction.¹⁶ The ideal solution never did become practicable, especially in such remote parts of the Spanish Empire as the Philippines. Few peninsular clergymen cared to go to such distant colonies, the Spanish population in them was too small to provide enough candidates for the priesthood, and for a number of reasons colonial policy did not encourage the formation of a native clergy.¹⁷

It might be asked why the regular clergy found such difficulty in renouncing their privileges and submitting to the jurisdiction of the bishops. Doubtless a certain natural and human desire for independence was behind it; but the attitude of the regular clergy was in far greater measure based on the sincere conviction that their privileges were essential to their work; that to give them up would be to sacrifice not only their freedom of action but their very existence as corporate bodies; and hence that the dilemma confronting them was either to give up their privileges or their ministry—there was no third alternative.

THE CONTROVERSY IN THE PHILIPPINES: FIRST PHASE

The problem gave rise in the Philippines to a series of conflicts in which not only the episcopate and the religious orders were involved, but the civil government as well. The first of these conflicts occurred in 1622, during the administration of Archbishop Miguel García Serrano; but even before that date there were rumblings of the coming storm.

In the very first diocesan synod of Manila, convoked by Bishop Salazar, himself a religious, there was already sharp discussion of the *omnimoda* faculties, occasioned by misunderstandings which had arisen between the Bishop and the Augustinians.¹⁸ In 1611 Archbishop Diego Vázquez de Mercado of Manila attempted to impose episcopal visitation on the religious parish priests. Before doing so he called a meeting of the provincial superiors and explained to them what he understood the Tridentine decrees

and the royal *cédulas* obliged and empowered him to do with regard to the regular clergy engaged in the parish ministry. It was part of his office, he said, to inspect and if necessary to correct them, not as to their personal conduct—that was the business of their religious superiors—but strictly as to their ministry; in particular, as to the manner in which the Blessed Sacrament was reserved, the baptisteries and sacristies cared for, the parish records kept, and the general religious and moral tone of the parish maintained.

The fathers provincial replied that their papal privileges exempted them from such a visitation, and since it had never been done before, they could not consent to it now. When Archbishop Vázquez appealed to the Governor for support, they served notice that they would resign all their parishes and missions rather than submit to visitation. This brought home to the Governor, Don Juan de Silva, the necessity for caution. He kept putting off the Archbishop and finally asked him to suspend the visitation. Vázquez did so, but in 1615 he still had not given up the idea, for we find him suggesting to the King that since the Philippines already had a normal diocesan organization, there was no longer any need for the regular clergy to retain their *omnimoda* faculties.¹⁹

Nothing, however, was done until Fray Miguel García Serrano, an Augustinian, became Archbishop of Manila. In 1621 he wrote to the King that he was resolved to enforce episcopal visitation because the natives "have no redress for injuries received [from the religious parish priests] because they have no superior to go to who can relieve them; for the fathers provincial, at times, because of their partiality to certain of their subjects, usually give them their support—a situation which would be remedied by episcopal visitation." On April 2 and 3, 1622, accordingly, he caused to be notified to the fathers provincial an *auto* or official declaration which because of its importance must be summarized in some detail.²⁰

Archbishop García Serrano began by explaining that there were two parts to the decree of the Council of Trent

defining the authority of the diocesan prelate over religious engaged in parish ministry. The first was that in all things pertaining to the administration of the sacraments they were immediately subject to his jurisdiction, visitation and correction. The second was that no religious, even though only provisionally appointed, might engage in the said ministry without having been examined and approved by the diocesan prelate or his vicar.²¹

The first part of this ordinance was confirmed by Gregory XIV in his Brief "Cum nuper accepimus" (April 18, 1591), addressed to the Archbishop of Manila. The second part was apparently suspended by Pius V for the Indies in his Brief "Exponi nobis" (March 23, 1567), issued at the request of the Spanish Crown. However, it should be noted that whatever might have been the force of this Brief, it was revoked by Gregory XIII in his *Motu Proprio* "In tanta rerum" (March 1, 1572), whereby all the privileges of the mendicant orders contrary to the Tridentine decrees were abrogated.²²

The assertion made by certain apologists of the religious orders that the execution of the *motu proprio* of Gregory XIII was suspended, was based on the solitary testimony of the canonist Fray Alonso de Veracruz. But since Fray Alonso was not even in Rome but in Seville when the papal ordinance was promulgated, his testimony was, to say the least, inconclusive. And even granting that the *motu proprio* was suspended, it could not be argued that the privileges contained in the Brief of Pius V still remained in force in the Spanish dominions. For these privileges, although obtained at the instance of the Spanish Crown, had been shown by later experience to be incompatible with the prior privileges of the Crown itself, namely, those contained in the donation of Alexander VI and the *omnimoda* of Adrian VI. Now the Crown had a perfect right to forbid that its own more ancient privileges be set at naught by privileges which it had obtained for others.²³

And as a matter of fact, the Crown *had* forbidden it. Philip II in his *cédula* of 1585 enjoined the visitation and

correction by the diocesan prelate of religious parish priests in all that pertained to their office, and Philip III in his *cédula* of 1603 expanded the scope of this ordinance to include the second part of the Tridentine decree, namely, the previous examination and approbation by the diocesan prelate of religious intended for the parish ministry. There was, then, no doubt whatever as to the wishes of the Crown in this matter.²⁴

Having stated his case in this forthright fashion, Archbishop García Serrano began his visitation of the Franciscan parish of Dilao (now Paco) with an announcement, read from the pulpit during high Mass, commanding the parishioners to communicate to him anything they had noticed in the administration of the parish priest "which cannot and ought not to be tolerated by the citizens and inhabitants of this said town of Dilao, of whatever nation or condition they may be." Certain abuses which the Archbishop particularly desired to correct were specified. For instance: did the parish priest charge more for the administration of the sacraments than was set down in the scale of stole fees approved by the archdiocese? Did he fail to punish public sins and scandals, or (what is worse) did he collect pecuniary fines under the guise of punishing them? Did his *fiscales* (sextons and provosts) vex the native parishioners by buying rice, chickens and other commodities from them at less than the market price, or by forcing them to contribute money under the guise of alms for the church? Were there any public sinners in the parish, or persons who kept in their houses slaves and other men and women of evil life? Were there any usurers who lent money on interest, or persons who sold on credit at a higher price than they would have got in cash, or bought for less than the just price because they paid cash down? Were there any persons who practiced witchcraft, worshipped the devil, cast lots, or obtained forbidden knowledge through incantations?

When the parish priest of Dilao, Fray Alonso de Valdemoros, refused on orders from his provincial superior to submit to the visitation, he was promptly excommuni-

cated. Upon his refusal to consider the excommunication valid, he was sentenced by the archdiocesan court to a term of imprisonment, although he was graciously permitted to choose as his place of imprisonment any religious house outside those of his own order. To enforce this sentence Archbishop García Serrano invoked the *auxilio real*, that is, the aid of the civil government; but the Audiencia replied on July 4 that "there was no occasion for the time being to grant to the Archbishop of these Islands the royal aid requested by him." This made it sufficiently clear to the Archbishop that his visitation would receive no support from the government, and without that support he could not hope to overcome the resistance of the regular clergy. He therefore gave up the attempt, explaining in his report to the King, with some bitterness, that he preferred "to be reprimanded for laxity than for letting loose the grave scandals which I have been assured will follow from engaging in litigation with these religious." ²⁵

THE CONTROVERSY IN THE PHILIPPINES: SECOND PHASE

It will not have escaped the reader that in the clashes we have so far described the colonial government consistently maintained an attitude of reserve, preferring to continue existing arrangements by denying the aid of the secular arm to the diocesan prelates. The reason for this, as has already been suggested, was that the royal officials in the Philippines realized how indispensable the regular clergy had become not only to the religious life but even to the administration of the colony. During the decade 1624-34, for instance, there were only sixty lay Spaniards in the Islands who resided outside the cities of Manila and Cebu. In most of the provincial towns, therefore, it was the religious parish priests who alone represented the authority of the Spanish Crown. If they were to make good their threat of abandoning their posts, would not complete anarchy result? ²⁶

But this eminently practical consideration was appar-

ently not fully realized in Madrid. There were two main reasons for this. The first was the attitude of the Holy See, which was interested in bringing the organization of the Church in the Indies into conformity with the Tridentine decrees, wherever it seemed that the pioneering phase which originally justified the privileges granted to missionary religious no longer existed. Thus, in the very year that Archbishop García Serrano made his frustrated attempt to impose episcopal visitation, Gregory XV issued a Constitution declaring in the clearest terms the subjection of religious engaged in the parish ministry to the "all-embracing (*omnimoda*) jurisdiction, visitation and correction of the diocesan prelate."²⁷ Here was an *omnimoda* to match the *omnimoda* of Adrian VI, and it must have had some weight with the government at Madrid.

The second reason why the royal government was anxious to strengthen the hand of the colonial episcopate was that the attitude of independence assumed by the religious orders towards the diocesan prelate was bound to lead—in fact, had already led—to an attitude of independence towards the colonial government. This touched the Crown more nearly. Disregard of episcopal authority might possibly be overlooked, but not disregard of the *patronato*.²⁸

In Philip IV's reply to Archbishop García Serrano's report we can see how episcopal jurisdiction had now become bound up with the *patronato* in the formulation of royal policy. The reply was really a transcript of a general ordinance, dated June 22, 1624, regulating the relations between the diocesan prelates, the religious orders and the vice-patrons. According to this ordinance, the diocesan prelate had the right to impose visitation on religious parish priests in everything pertaining to their office. With regard to their personal conduct, the diocesan prelate should not correct them himself but should advise their regular superiors. Should the superiors fail to correct their subjects, the bishop should notify the vice-patron, who would then, if the faults were sufficiently grave, remove them from their posts. It was the vice-

patron's duty to do this, the ordinance stated, "in order that the said religious may not claim in the matter of jurisdiction a right in perpetuity to the said parishes," but may subordinate themselves to the ordinary jurisdiction of the diocesan prelate and the royal right of patronage.²⁹

"A right in perpetuity to the said parishes": that was what the religious orders might in time acquire by prescription, and that was what the Crown wished at all costs to prevent. They must be made to understand very clearly that no matter how long they held these parishes they still held them in complete dependence on the royal patron, who reserved the full right to take them away if and when he wanted to. In order to clinch this point the King extended to the whole Empire the practice followed by the Viceroyalty of Peru in the matter of parish appointments.

Briefly, the procedure worked out in Peru was as follows: Whenever a parish administered by the regular clergy became vacant, the provincial superior of the order concerned presented to the viceroy as vice-patron a list (*nómina*) of three candidates for the post, at the same time indicating the reason for the vacancy. Without indication of the cause of the vacancy the *nómina* was unacceptable; in other words, if the provincial superior wished to remove or transfer a subject, he had to tell the vice-patron his reasons for doing so. The vice-patron was the sole judge of the validity of these reasons.

If the vice-patron approved of the vacancy, he chose a successor from the superior's *nómina* or list. No new parish priest received his stipend from the government unless he had been appointed in this fashion. The only exceptions were the emergency replacements due to the death of a previous incumbent or his promotion to the superiorship of some other house of the religious order.³⁰

In all this the intention of the Crown to clip the wings of the orders is unmistakable. But no less evident is a consciousness of the delicacy of the operation. Reports had doubtless come in from other parts of the Empire besides the Philippines stressing the indispensability of the

regular clergy to the preservation of peace and order in the rural areas. Hence, while they must be put in their place, they must not be driven from their posts. The bishops were warned, in the same *cédula* of 1624, that "the religious are to remain and continue [in their parishes] and no innovation whatever must be introduced in this matter." In short, the policy adopted was to make the religious feel their dependence on the Crown's favor, but to conceal from them the Crown's dependence on their services.

This was clearly impossible. The religious orders knew the realities of the situation, and they made it quite clear that they did. Less than a year after this *cédula* was promulgated, the Spanish ambassador to the Holy See was requesting that because of certain difficulties that had arisen the Pope might be pleased to suspend the execution of Gregory XV's Constitution depriving the orders of their privileges. The request was granted by Urban VIII in 1625.³¹

In 1629, however, the Crown returned to the attack. In a *cédula* addressed to the archbishops and bishops of the Indies, Philip IV called their attention once again to the ordinance of 1624. It was being reported that for some time now provincial superiors had been contravening this ordinance by appointing and removing parish priests "by their sole authority without giving notice to the said viceroy or persons referred to [the vice-patrons]." Moreover, they were claiming that once a religious had been approved by the diocesan prelate for a particular parish, "he had no need of any further approval for any other parish to which his provincial may send him." Worst of all, if the diocesan prelates attempted to stop this practice the fathers provincial haled them to the civil courts, "from which much harm and inconvenience result."

It was therefore ordered, in confirmation and extension of the ordinance of 1624, first, that whenever a parish administered by a religious became vacant, the provincial superior was to submit a list of three names from among the subjects he had available for the position to the sup-

reme civil authority of the colony, who would select one from the list and present him to the diocesan prelate for canonical collation; second, that a religious examined and approved by the diocesan prelate for a specific parish was to be considered approved for all parishes in which the same language or dialect was spoken, but if nominated for a parish speaking a different language, he was to be examined and approved anew by the diocesan prelate.³²

When this important *cédula* was received in Manila and was notified to the religious superiors for their compliance, their replies were either hostile or ambiguous. The Dominican provincial bluntly stated that "what is here ordered is contrary to the orders of his General and the constitutions of his Order"; while the Jesuit provincial tried to convey the same idea more diplomatically by saying that "the Society of Jesus wishes to serve His Majesty in whatever he may ordain, as long as the ordinance does not run counter to its constitutions and the decrees of the General." In 1638, the *autos* of the lieutenant governor demanding that the Fathers provincial submit their *nóminas* for vacant parishes were politely ignored, and by 1654 the only evidence in the government archives in Manila of anything having been done to comply with the *cédulas* of 1624 and 1629 was one solitary *nómina* presented by the Augustinians and confirmed by Governor Corcuera in 1644.³³

The apparent remissness of the vice-patrons in enforcing these decrees becomes perfectly understandable once it is noted that the central government at Madrid had again entered on a period of doubt and vacillation. When Governor Diego Fajardo asked for instructions as to what should be done about the Bishop of Nueva Cáceres trying to take away the parishes of the Franciscans in his diocese, the King replied that with regard to giving aid to the Bishop, "you should see what you ought to do in accordance with justice," and with regard to protecting the Franciscans, "you should conform to what is decreed by the *cédulas* and ordinances already issued on the matter"—not a particularly helpful reply.³⁴

There came a time, however, when the Audiencia of Manila felt that it could not tolerate this state of affairs any longer. In August 1654, at the instance of the fiscal, Don Juan de Bolívar, notice was served on the Fathers provincial that henceforth the *cédulas* of 1624 and 1629 would be enforced. They were to bear in mind that the authority to appoint or remove religious engaged in the parish ministry resided with the governor of the colony as vice-patron; that it was the duty of the provincial superior to nominate three religious for each vacancy that occurred in the parishes of his order; that the religious nominated must have been examined and approved by the diocesan prelate within whose jurisdiction the vacancy occurred, "in order that there may be proof that they are capable of hearing the confessions of, preaching to, and catechizing the said Indians"; that it was the part of the vice-patron to choose one among the three nominees and present him to the diocesan prelate for canonical collation; and that the diocesan prelate was empowered to make a visitation of religious parish priests "solely in what concerns their ministry as pastors and in nothing else."

The replies of the provincial superiors and procurators may be taken as a fair statement of their side of the dispute. They petitioned that the execution of the *cédulas* be suspended until the King could be informed of the reasons why they were willing to obey but unable to comply. These reasons may be briefly summarized here.

First of all, the rule of submitting to the vice-patron a *nómina* for every vacancy deprived religious superiors of the free disposal of their subjects and hence was contrary to their constitutions.

Secondly, it was impossible in any case to submit three names for each vacancy. Given the multiplicity of languages in the Islands, they were often hard put to it to find even one priest familiar with the language of a certain parish or mission. By the same token, how did diocesan prelates intend to judge the fitness of a religious for work in the more remote districts? Who in the episcopal chanceries would be able to test the language qualifications of

missionaries assigned to Calamianes, Cuyo, or Bolinao?

Thirdly, episcopal visitation would necessarily have to be conducted as a judicial process, involving the interrogation of lay witnesses, the filing of charges, the imposition of censures, and so on. Aside from the scandal this would cause, the religious parish priest would not be able to defend himself against a possible miscarriage of justice, since religious are forbidden to appeal from an ecclesiastical to a civil court.

Fourthly, the rule obliging a religious superior to manifest to the vice-patron his reasons for removing a subject from his post was not only an undue limitation on the superior's freedom of action, but a violation of the subject's right to his reputation.

Finally, the inevitable result of all this would be hopeless confusion, for instead of the religious having only one superior, they would have several, all perfectly coordinate, and extremely likely to issue contradictory orders.³⁵

In spite of these representations the Audiencia decreed the following year that the *cédulas* would have to be observed; and in order to ensure fulfilment, the royal treasury officials were ordered not to release the usual stipends to the religious who could not show that their appointments had been submitted and confirmed in the manner prescribed. Meanwhile, the Archbishop of Manila, Don Miguel Millán de Poblete, proceeded to make a visitation of the parishes around Manila. Wherever he met with resistance, he took the parish away from the religious and gave it to secular priests. Since these parishes were the most lucrative and convenient livings in the possession of the orders, their loss was deeply felt, and in order to persuade the vice-patron to restore them the provincial superiors had recourse once more to their old threat: renunciation of all their parishes and missions.

The religious orders had a very definite advantage in the fact that they had 254 men actually engaged in the parish ministry throughout the Islands, whereas there were only fifty-nine secular priests altogether who could take their places. On the other hand, the books of the royal

treasury officials revealed that there were 141 religious who received stipends from the King. These stipends had been suspended, and the suspension was beginning to be felt. The superior of the Franciscans, for instance, had been obliged to beg the governor to send his men "some rice at least, so that they will have something to eat." It was therefore a question of waiting to see which side would yield first. It was the Audiencia that finally did so. In September 1655 the members of that tribunal declared themselves in deadlock over the question of releasing the stipends. They co-opted a *juez acompañado* to break the tie, and he decided in favor of resuming the payments to those religious who had remained in their parishes. The full restoration of the *status quo* followed quietly soon afterwards.

However, the government appealed the case to the Council of the Indies. In his covering letter transmitting the documents Fiscal Bolívar said that, although the religious orders were clearly contravening the ordinances of the royal patron, conditions in the Islands were such that it was impossible to compel them to obey. The lack of secular priests and the great number of natives still to be converted made it necessary to retain the religious in the parishes and missions on their own terms. The Council of the Indies apparently saw the point, for although it insisted—on paper—that the religious in the Philippines had to obey, that no exceptions whatever could be made in their case, and so on, nothing was done. Finally, on October 23, 1666, the whole *expediente* or file was rubricated with a laconic "*Visto*" — "*Seen*" —and sent to the archives.³⁶

One more major attempt to enforce episcopal visitation was made by an archbishop of Manila before the close of the seventeenth century. But Archbishop Camacho was no more successful in 1697-98 than his predecessors, Archbishops Serrano and Poblete.³⁷ There is more than a trace of irony in Charles II's reply to Archbishop Camacho's lengthy account of his proceedings.

"I am resolved to approve," said the King, "and I do

approve all that you have done in this controversy; especially your decision to do nothing more about it."³⁸

¹ *Cédula* to Dasmariñas, Aranjuez, April 27, 1594, in E. H. Blair & J. A. Robertson, eds., *The Philippine Islands* (55 v., Cleveland, 1903-1909), IX, 120.

² Pablo Pastells, "Historia general de Filipinas," in *Catálogo de los documentos relativos a las islas Filipinas en el archivo de las Indias* (9 v., Barcelona, 1925-1936), VII/1, ccv-ccvi.

³ See, for instance, the engaging account of his voyage to the Philippines given by Domingo Fernández Navarrete in his *Tratados . . . de la monarquía de China* (2 v., Madrid, 1679), I, 292-299.

⁴ Juan de Bolívar to Philip IV, Manila, July 1, 1656, in Francisco Colín, *Labor evangélica*, Pablo Pastells, ed. (3 v., Barcelona, 1900-1902), III, 730.

⁵ On Philippine civilization prior to the coming of the Spaniards, see especially two early *relaciones*, that of Miguel de Loarca (1582) in Blair & Robertson, V, 34-187, and that of Pedro Chirino, *Relación de las islas Filipinas*, Rome, 1604.

⁶ See his comment on Chapter X of the Memorial of the Junta of Manila of 1586 in Pastells, "Historia general," *Catálogo*, III, xlviii-xlxi, and his instructions to Dasmariñas, *ibid.*, cxix.

⁷ On the Franciscan missions, see Lorenzo Pérez, "Origen de las misiones franciscanas en el extremo oriente," *Archivo ibero-americano*, I-VI (Madrid, 1914-1916).

⁸ Gaspar de San Agustín, *Conquistas de las islas Filipinas* (Madrid, 1698), p. 356; Colín, *Labor*, 587-591.

⁹ Francisco Javier Montalbán, *El patronato español y la conquista de Filipinas* (Burgos, 1930), p. 121.

¹⁰ See Pastells, "Historia general," *Catálogo*, VI, ccxcv-cccvi, for a convenient summary of the papal documents which contain the privileges of the religious orders engaged in missionary work.

¹¹ Sess. XXV, c. 11, in *Canones et decreta sacrosancti oecumenici concilii tridentini* (Leipzig, 1876), p. 281.

¹² "Exponi nobis," (May 9, 1622), in Francisco Javier Hernández, ed., *Colección de bulas, breves y otros documentos relativos a la iglesia de América y Filipinas* (2 v., Brussels, 1879), I, 383.

¹³ Text in Hernández, *Bulas*, I, 397-398.

¹⁴ Barcelona, June 1, 1585, in Colín, *Labor*, III, 683. These orders were extended by Philip III to all the provinces of the Empire in 1603; *ibid.*, III, 692.

¹⁵ *Ibid.*, III, 682.

¹⁶ *Cédula* to the Synod of Mexico. June 1, 1585, *ibid.*, III, 683.

¹⁷ On the causes which retarded the formation of a native clergy in the Philippines, see my article, "The Development of the Native Clergy in the Philippines," *Theological Studies*, VIII (Baltimore, 1947), 219-250.

¹⁸ San Agustín, *Conquistas*, pp. 396-417.

¹⁹ Pastells, "Historia general," *Catálogo*, VI, ccxcii-ccxcv, ccclvii.

²⁰ Colín, *Labor*, III, 690-693.

²¹ Sess. XXV, c. 11.

²² See the texts of these documents in Hernández.

²³ Archbishop García Serrano is here turning the tables on the religious canonists, one of whose main arguments was that the privileges of the religious orders had the same juridical basis in the papal grants as the royal *patronato* and therefore stood or fell with it. On the

contrary, replies the Archbishop: your privileges are incompatible with the *patronato*; hence, if the *patronato* is to stay (and it must), your privileges must go.

²⁴ See note 14.

²⁵ Colín, *Labor*, III, 693 ff.

²⁶ See the unsigned memorial on episcopal visitation in Blair & Robertson, XXXVI, 264-265.

²⁷ "Inscrutabili Dei providentia," (February 5, 1622), Hernáez, *Bulas*, I, 485.

²⁸ For a brief discussion of the nature of the *patronato*, see the article referred to in note 17.

²⁹ Colín, *Labor*, III, 685-686.

³⁰ *Ibid.*, III, 698-699.

³¹ "Alias a felicis" (February 7, 1625), Hernáez, *Bulas*, I, 488.

³² Philip IV to the Hierarchy of the Indies, Madrid, April 6, 1629, in Colín, *Labor*, III, 686.

³³ *Ibid.*, III, 700-701.

³⁴ *Ibid.*, III, 687.

³⁵ *Ibid.*, III, 700-714.

³⁶ *Ibid.*, III, 716 ff.

³⁷ See Diego Camacho y Avila, *Manifiesta a los M.RR.PP. Provinciales* . . . Manila, 1697, and *Defensa canónica por las sagradas religiones*, Manila, 1698.

³⁸ Aranjuez, May 20, 1700, in Ventura del Arco, comp., *Documentos, datos y relaciones para la historia de Filipinas*, ms. (5 v., Madrid, 1859-1865), IV, 204.
