

**A NOTE**

**ON THE FINAL DECREE OF THE SUPREME TRIBUNAL  
OF THE CATHOLIC CHURCH – SIGNATURA APOSTOLICA**

**Ernakulam, 16 April 2023**

- 1. Decree of the Supreme Tribunal dated 31-1-2023:** The Supreme Tribunal of the Apostolic Signatura (HST), the highest judicial authority in the Catholic Church has issued its final decree dated 31<sup>st</sup> January 2023 rejecting the appeal/recourse filed by some priests (representatives of canonical bodies) of the Archeparchy of Ernakulam-Angamaly against the final decision of the Dicastery for the Eastern Churches on the issues related to the land sale in the Archeparchy of Ernakulam-Angamaly, communicated through its letters dated 21 June 2021 (Prot. N. 29/2021) and 24 September 2021 (Prot. N. 29/2021), addressed to Archbishop Antony Kariyil CMI. That means, the observations and the decisions of the Dicastery for the Eastern Churches remain upheld without prejudice to the civil court procedure. On 14 March 2023 the Supreme Tribunal sent a copy of its final Decree dated 31 January 2023 in the said appeal. The copy of this final decree is forwarded to the Apostolic Administrator of Ernakulam-Angamaly through Ap. Nunciature, Delhi, via letter dated 3<sup>rd</sup> April 2023.
- 2. The Background:** In the background of several allegations and issues related to land sale in the Archeparchy of Ernakulam, the Synod of Bishops and the Permanent Synod discussed the matter several times. Reports of the several Committees and Commissions appointed to study the matter were also considered. Addressing the Major Archbishop, the Prefect of the Congregation for the Eastern Churches sent a decree on 26 June 2019 (Prot. No. 157/2018) relieving the Apostolic Administrator Bishop Jacob Manantheodath. In that decree, there was a clause regarding financial management that the Major Archbishop “is to share the monthly financial plan and reports with the Permanent Synod....in derogation of the normal canonical procedures but respecting all the civil laws in force, using also the legal mechanisms for restitution or recovery of the financial losses suffered”. But soon several false stories were circulated misinterpreting the word ‘restitution’. Letters were sent even to Rome stating that the Major Archbishop George Cardinal Alencherry is personally responsible for the loss and therefore he has to personally make the restitution. But in most of the reports of the Commissions appointed and in the clarifications made in the Synod of Bishops and the Permanent Synod, it was very clear that the decisions related to the land sale in the Archeparchy of Ernakulam-Angamaly was the result of collective responsibility and the actions of the Major Archbishop was based on his official capacity as Archbishop of Ernakulam-Angamaly

and not as on his personal responsibility. This is evident from the depositions of the Auxiliary Bishops, the Vicar General, the emails of the Auxiliary Bishop regarding the proposal to buy and sell 70 acres of land at Kottappady, the reports of Enquiry Commissions, etc. Some criminal cases were filed against Cardinal Alencherry on the basis of unfounded allegations. The cases are in the Magistrate Court. Some forged documents were made against Cardinal Alencherry as proof for his alleged investment of the amount alleged to have misappropriated from land sale. Three priests and one lay person are under the court procedure, having been chargesheeted by the police in this case. The Kerala Police has conducted a comprehensive enquiry in a case filed by one lay person against Cardinal. The final report of the Police acquitted the Major Archbishop from all criminal allegations on the land sale in the Archeparchy.

3. **Discussions in the Synod of Bishops and Permanent Synod:** In the light of the discussions in the Synod of Bishops of the Syro-Malabar Church in August 2019 and January 2020, the Permanent Synod on 3 February 2020 studied the different Commission reports with different versions. In the presence of Archbishop Kariyil, the then Finance Officer and former two Finance Officers, former Syncellus, auditor Mr. C.J. Romid, etc., the Permanent Synod members discussed and studied on 3<sup>rd</sup> February 2020 the statement of financial losses approved by the Finance Council (Loss of about 27 crores) presented by the then Finance Officer. After detailed study, the joint meeting concluded that (i) 'the loss incurred by the Archeparchy of Ernakulam is calculated as Rs. 24.62 Crs.' (18.84 Crs. as the principal amount and 9.5% as interest); (ii) The 25 acres at Kottappady and 17 acres at Devikulam are to be considered properties acquired as guarantees during the land sale; (iii) The two properties serve to repair the loss of the Archeparchy either by selling them or considering them assets of the Archeparchy. In both possibilities, the Archeparchy would have only gain and not loss". They also discussed the agreement dated 26<sup>th</sup> July 2018 signed by the then Ap. Administrator Bishop Jacob Manethodath, Finance Officer, representatives of canonical bodies, buyers, etc. stating that the Kottappady land and Devikulam land would be bought back by Shri Jose Kurian and Shri Saju Varghese for Rs. 32 crs. and 3.57 Crs. respectively. As some representatives of canonical bodies of the Archeparchy of Ernakulam-Angamaly challenged the conclusion, the Permanent Synod in the meetings held on 08 January 2021 and on 25<sup>th</sup> March 2021 (joint meeting in the presence of the Curia members and Vicar of the Major Archbishop) discussed again the matter and finally reiterated the conclusions reached at the earlier meeting dated 3<sup>rd</sup> February 2020. The second offer proposed in writing on 25<sup>th</sup> March 2021 to buy the two plots of land for the same price shown in the agreement mentioned above, was also discussed and approved. All these were reported to the Congregation for the Eastern Churches. The Vicar of the Major Archbishop also had written to Rome about his opinion in this regard.

4. **Decree of Oriental Congregation dated 21 June 2021:** In the light of the recourses by the representatives of the canonical bodies of Ernakulam-Angamaly, forwarded by the Vicar of Major Archbishop, the Congregation for the Eastern Churches, through its decree dated 21<sup>st</sup> June 2021 (Prot. No. 29/2021) stated that:

*“Having carefully considered the matter, this Dicastery is satisfied that this proposal of the Permanent Synod would definitively complete the restitution desired by the Apostolic See, and instructs the College of Consulters and Finance Council to collaborate with Your Grace in the sale of the two plots for the price approved by the Permanent Synod”.*

*In the undesirable eventuality of non-compliance by these bodies, the Congregation hereby derogates, for this case, from canon 1036 §1 1° CCEO (as well as the corresponding norms in the Particular Law of the Syro-Malabar Church and the Statutes of the Archeparchy of Ernakulam-Angamaly) so that Your Grace may complete the transaction under the guidance of the Permanent Synod”.*

*Please update the Dicastery with the progress and developments in this regard.*

*This Congregation also notes with concern that the authors of the above-mentioned report forwarded by Your Grace evidently misinterpret our communication (Prot. N. 157/2018 of 26 June 2019) to His Beatitude Cardinal Alencherry, as if the request was personally to make restitution, rather than to obtain it in his official capacity.*

*Please warn those who spread such misinformation, without presuming malice on their part, and if necessary impose appropriate canonical penalties on those who persist.*

*Indeed, Your Grace should exhort all the priests and laypeople, especially of the Canonical Bodies, to avoid public outbursts and other defiant behaviour. Those who refuse to desist after receiving an admonition ought to receive punishment, in accordance with ecclesiastical discipline”.*

5. **Further Appeals and Responses:** Soon, on 30<sup>th</sup> June 2021, the representatives of the canonical bodies of Ernakulam-Angamaly through the Vicar of the Major Archbishop submitted recourse to the Congregation for the Oriental Churches against the above mentioned decree dated 21<sup>st</sup> June 2021. On 1<sup>st</sup> July 2021, twelve members of College of Consultors and 14 members of the Finance Council requested the Oriental Congregation to revoke the decree of 21<sup>st</sup> June 2021 and to give a new decision. On 19<sup>th</sup> August 2021, the Appellants challenged the decree of the Oriental Congregation to the Supreme Tribunal of Signatura Apostolica (HST) stating that the object of recourse is the letter of the Orient Congregation dated 21 June 2021. On 24<sup>th</sup> September 2021, the Oriental

Congregation gave a decree revoking the part on dispensation given in the letter dated 21<sup>st</sup> June 2021 regarding the derogation from the law of CCEO c. 1036 § 1 and the particular law art. 214, which require consultation with canonical bodies. In the letter dated 24<sup>th</sup> September 2021, there was no revocation regarding the other parts of the earlier decree.

On 22 November 2021, the Secretary of the Supreme Tribunal HST declared that the object of the recourse (The letter of the Congregation dated 21<sup>st</sup> June 2021) had already been constituted in the recourse to the Supreme Tribunal by the appellants dated 19<sup>th</sup> August 2021. Later on 24<sup>th</sup> November 2021 the Supreme Tribunal HST decreed that the case of the appellants was closed as per art 78§3 of HST for all legal effects for which order was issued to the appellant on 11 November 2021. Neither the appellants nor their counsel requested for the revocation of the aforesaid decree of the Supreme Tribunal HST within the peremptory period of 10 days.

On 18<sup>th</sup> January 2022 the appellants asked for response from the Congregation regarding the nine arguments mentioned in the recourse dated 30 June 2021 against the decree dated 21 June 2021, which had not been addressed in the decree of the Congregation dated 14<sup>th</sup> September 2021. Again on 30<sup>th</sup> May 2022, the Appellants requested for response as per Canon 1518 regarding their request dated 18<sup>th</sup> January 2022.

On 14<sup>th</sup> July 2022 the appellants challenged the silence of the Congregation regarding the other arguments presented in their recourse dated 1<sup>st</sup> July 2021 and appealed to the Supreme Tribunal HST. On 11<sup>th</sup> November, Rev. Varghese Perumayan and others requested the Supreme Tribunal for information on the state of the recourse dated 14<sup>th</sup> July 2022.

6. The Supreme Tribunal Apostolica Signatura, “after carefully studying the case, has now decreed on 31<sup>st</sup> January 2023 that ‘*in matters already decided, let there be no reopening and let this be informed to those concerned with all the effect of law*’”. This decree was published on 14<sup>th</sup> March 2023.

**7. Conclusions from the Final Decree of Signatura Apostolica:** As the final Decree of Apostolic Signatura endorsed the final decision given by the Dicastery for the Eastern Churches on 21 June 2021, the following are the necessary conclusions that emerge as the final decisions of the Apostolic See in the issues related to the land sale in the Archeparchy of Ernakulam-Angamaly:

- i. The only way to complete the restitution desired by the Apostolic See is to sell the two plots of land (Kottappady and Devikulam) for the price approved by the

- Permanent Synod. (The other proposal of the Permanent Synod was that in case the plots were not sold, the lands have to be treated as assets in lieu of the losses incurred by the Archeparchy).
- ii. The College of Consulters and Finance Council are instructed to cooperate for the sale of the two plots to complete restitution of loss.
  - iii. Those who appealed to the Dicastery have misinterpreted the communication of the Dicastery given on June 26, 2018 (Prot. N. 157/2018) stating that the Dicastery asked Cardinal George Alencherry to make the restitution personally.
  - iv. The Dicastery gave direction to Cardinal George Alencherry to take steps for restitution of loss in his official capacity of the Archbishop of the Archeparchy.
  - v. Those who spread the misinformation that the Dicastery asked Cardinal Alencherry to make personal restitution are to be warned and if they persist in spreading this falsity, appropriate canonical punishment is to be given.
  - vi. All priests and lay persons, especially the members of the canonical bodies are to be exhorted to avoid public outbursts and other defiant behavior. Those who refuse to accept even after admonition are to be punished as per ecclesiastical discipline.
  - vii. The Dicastery had derogated c.1036 para I no. 1 of CCEO as well as the corresponding particular law and the Archeparchial statutes, which spells out the statutory consultation for the alienation of property, for the sale of the two properties to make restitution. Later by its communication dated September 24, 2021, (Prot. N. 29/2021) the Dicastery cancelled this derogation. Therefore, the canonical requirements for the alienation of property are to be fulfilled.

8. **Conclusion:** It is hoped that this decree of the Supreme Tribunal of Signatura Apostolica will clarify many of the doubts of the faithful, since a lot of false propaganda is being spread with the intentions of tarnishing the image of the Syro- Malabar Church and the Major Archbishop in public.

May this note serve to all Syro-Malabar faithful in Ernakulam, especially who spread calculated malice against the Synod and the bishops of the Church to know the truth! May this truth endorsed by the Supreme Tribunal of the Church strengthen all the efforts to keep up their Catholic faith in communion with the Pope, the Major Archbishop, the Synod of Bishops and the local hierarch!

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