



The Holy See

**APOSTOLIC LETTER ISSUED “MOTU PROPRIO”
BY WHICH THE HOLY FATHER ESTABLISHES THE PONTIFICAL COMMISSION
FOR THE VERIFICATION AND APPLICATION OF THE
M. P. MITIS IUDEX IN THE CHURCHES OF ITALY**

Since almost six years have passed since the entry into force of the Motu proprio Mitis Iudex Dominus Iesus, by which I reformed the canonical process for cases of declaration of nullity of marriage;

bearing in mind that the theological-legal cardinal principle of the reform is that “the Bishop himself, in the Church over which he has been appointed shepherd and head, is by that very fact the judge of those faithful entrusted to his care” (Mitis Iudex, III);

wishing to directly support the Churches in Italy in welcoming the reform of the canonical process for cases of declaration of nullity of marriage, giving new impetus to the application of Motu proprio Mitis Iudex;

considering that:

1. by episcopal consecration the Bishop becomes, among other things, *iudex natus* (cf. can. 375, § 2). He receives the *potestas iudicandi* to guide the People of God even when it is necessary to resolve controversies, declare juridical facts, punish crimes (cf. can. 1400, § 1), on the other hand, “the pastoral dimension of the Bishop also includes and requires his personal function as a judge” (*Address to the Italian Episcopal Conference*, 20 May 2019, no. 2), without prejudice to the principle that the diocesan Bishop can exercise judicial power not only personally, but also through others, in accordance with the norm of law (can. 1673, § 1);
2. the judicial ministry of the Bishop by its very nature presupposes closeness between the judge and the faithful, which in turn gives rise at least to an expectation on the part of the faithful to bring an action before the tribunal of their own Bishop according to the principle of proximity (cf. Mitis Iudex, VI);

3. although can 1673, § 2, allows the diocesan Bishop to have access to other tribunals, this faculty must be understood as an exception and, therefore, every Bishop who does not yet have his own ecclesiastical tribunal must seek to found one or at least strive to make this possible (cf. *Mitis Iudex*, III);

4. the court of first instance ordinarily appeals to the metropolitan court of second instance (can. 1673, §6). The principle of proximity must be kept in mind when determining the courts of appeal provided for in canons 1438-1439. However, the right of appeal to the ordinary tribunal of the Apostolic See, i.e. the Roman Rota, remains unaltered (cf. *Mitis Iudex*, VII);

5. the Italian Episcopal Conference, by distributing equally to the dioceses the human and economic resources for the exercise of judicial power, shall stimulate and help the individual Bishops to put into practice the reform of the matrimonial process (cf. *Mitis Iudex*, VI);

6. the reforming impetus of the canonical matrimonial process - characterised by the proximity, speed and gratuitousness of the procedures - necessarily passes through a conversion of structures and persons (cf. *Address to the Italian Episcopal Conference*, cit., no. 2);

I establish

at the Tribunal of the Roman Rota the following Pontifical Commission *ad inquirendum et adiuvandum* all and each of the particular Churches in Italy, presided over by H.E. Monsignor Alejandro Arellano Cedillo, Dean of the Tribunal of the Roman Rota, and formed by the Reverend Monsignors Vito Angelo Todisco and Davide Salvatori, judges of the same Apostolic Tribunal, as well as by H.E. Monsignor Vincenzo Pisanello, bishop of Oria and member of the Italian Episcopal Conference.

The task of the Commission will be to ascertain and verify the full and immediate application of the reform of the process of matrimonial nullity in the above-mentioned particular Churches, as well as to suggest to the same Churches whatever is considered opportune and necessary to support and help the fruitful continuation of the reform, so that the Churches, which are in Italy, may show themselves to the faithful as generous mothers, in a matter closely linked to the salvation of souls, as was urged by the majority of my Brothers in the Episcopate in the Extraordinary Synod on the Family (cf. *Relatio Synodi*, no. 48).

At the end of its office, the Commission will draw up a detailed report on its work and on what has been found in the application of the Motu proprio *Mitis Iudex*.

Given at Rome, at Saint John Lateran, on 17 November in the year 2021, the ninth of my Pontificate.

FRANCIS

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