



PENINSULAR MALAYSIA ECCLESIASTICAL TRIBUNAL PENANG OFFICE

VISION

**“Always observing canonical equity and keeping in mind the salvation of souls (Salus Animarum)”
Cn. 1752.**

MISSION

- **“To pursue or vindicate the rights of physical or juridical persons, or to declare juridical facts.” Cn. 1400 § 1, 1^o**
- **To accept and hear all cases of first instance for marriage nullity in the diocese of Penang.**
- **To accept and hear penal and other cases assigned by the diocesan bishop.**
- **To assist the diocesan bishop in all his juridical acts as and when required.**
- **To provide the diocesan bishop, the clergy and the people of the diocese with juridical opinions.**

PATRON SAINT

St. Raymond of Peñafort

(A Dominican Priest – Organized the Church's legal code)

Feast Day: 7 January

Patron Saint of the Canonists



OFFICE



MODERATOR

Archbishop Julian Leow, DD



DIOCESAN BISHOP

Bishop Sebastian Francis, DD



ASSOCIATE JUDICIAL VICAR / TRIBUNAL DIRECTOR

Rev. Fr. Dominic Santhiyagu, J.C.L.



JUDGE

Rev. Fr. Michael Cheah, STL



DEFENDER OF THE BOND

Msgr. Stephen Liew, STL



Rev. Fr. Jude Miranda, STL



AUDITOR

Ms. Anne Nah



NOTARY

Ms. Andrea Melissa



CIVIL OFFICIAL

Mr. Christopher Kushi Kostka, L.L.P.



LAY OFFICER

Ms. Margaret Boey

THE FUNCTIONS

- 1. HANDLING NULLITY OF MARRIAGE CASES**
- 2. PROVIDE CANONICAL OPINION**
- 3. UPDATING CANONICAL NEWS AND WRITE-UPS (WEBSITE)**
- 4. REVISING PASTORAL DIRECTORY/ PRIEST HANDBOOK**
- 5. SECRETARIAT FOR THE CANON LAW SOCIETY OF MALAYSIA –
SINGAPORE – BRUNEI**

MARRIAGE CASES

1. NULLITY OF MARRIAGE
2. NULLITY DUE TO LACK OF CANONICAL FORM
3. PAULINE PRIVILEGE (by the Parish Priest)
4. DISSOLUTION OF MARRIAGE DUE TO NON-CONSUMMATION
(Roman Rota)
5. PETRINE PRIVILEGE / FAVOR OF THE FAITH (Roman Rota)

Nullity of Marriage

Two Catholics who were married validly, end in a civil divorce, applying to the Ecclesiastical Tribunal to determine the nullity of their marriage.

Nullity due to Lack of Canonical Form

When a marriage consists of at **least one Catholic** and **canonical form is not observed** and no dispensation from canonical form has been given. Canonical Form requires the presence of **consent, church's representative** and **witnesses** in a marriage. Such marriages do not go through the full judicial process, but through an abbreviated administrative process to be declared invalid by the Ecclesiastical Tribunal.

Dissolution of Marriage due to Non-Consummation

This is when two people **enter into a marriage with consent but did not consummate the marriage**. The case is prepared by the Ecclesiastical Tribunal and is sent to Roman Rota for a decision.

Petrine Privilege / Favour of the Faith (Extra code, CDF Instruction, 30 April 2001)

This process may arise when the marriage involves one baptized person (in the Catholic Church) and one non-baptized person. The case is prepared by the Ecclesiastical Tribunal and is sent to Roman Rota for a decision. Only the Holy Father may set aside this union in favour of the faith of the Catholic party with whom a new marriage is desired.

1. X, an unbaptized person, marries Y, also an unbaptized person.
2. The non-baptism of both X and Y can be proven.
3. The marriage ends in civil divorce.
4. X, desiring a Catholic marriage with Z (Catholic), with no intention of Baptism.

To aid the process, the names and addresses of witnesses who can attest to the non-baptism of that person, preferably parents, are needed. Other necessary documentation includes the marriage certificate and the divorce decree to be provided.

Pauline Privilege (Can 1143) – dissolved by the law itself, no need for recourse CDF 30 April 2001

A marriage entered into by two unbaptized persons may be dissolved by means of the Pauline Privilege when one of the parties receives Christian baptism and then enters a subsequent marriage while the other person remains non baptized. It must be clear that the other party does not wish to receive baptism and wishes to depart from marital life. The party who has been baptized may not be the cause of the separation after the baptism has taken place.

1. X, an unbaptized person, married to Y, also an unbaptized person.
2. The non-baptism of both X and Y can be proven.
3. The marriage ends in civil divorce.
4. X, desiring a Catholic marriage, must be baptized as a Catholic.

The privilege takes place at the time of the new marriage.

It will be necessary to obtain the names and addresses of the former spouse and two witnesses who can answer questions regarding the non-baptism of Y.

(This **process can be done by the parish priest** or Tribunal)

CASE STATUS

	2018 (from 1 Mar)	2019	2020	2021	2022 (as of 10 Mar)
Case C/F	36 (KL)	33	34	25	25
New Cases	2	10 + 2 (MAJODI)	3	10	2
Closed Cases	5	11	12	10	2
Balance Cases	33	34	25	25	25

Settled 38 + 2 cases

NULLITY OF MARRIAGE (65) & NULLITY DUE TO LACK OF CANONICAL FORM (2)

ISSUES

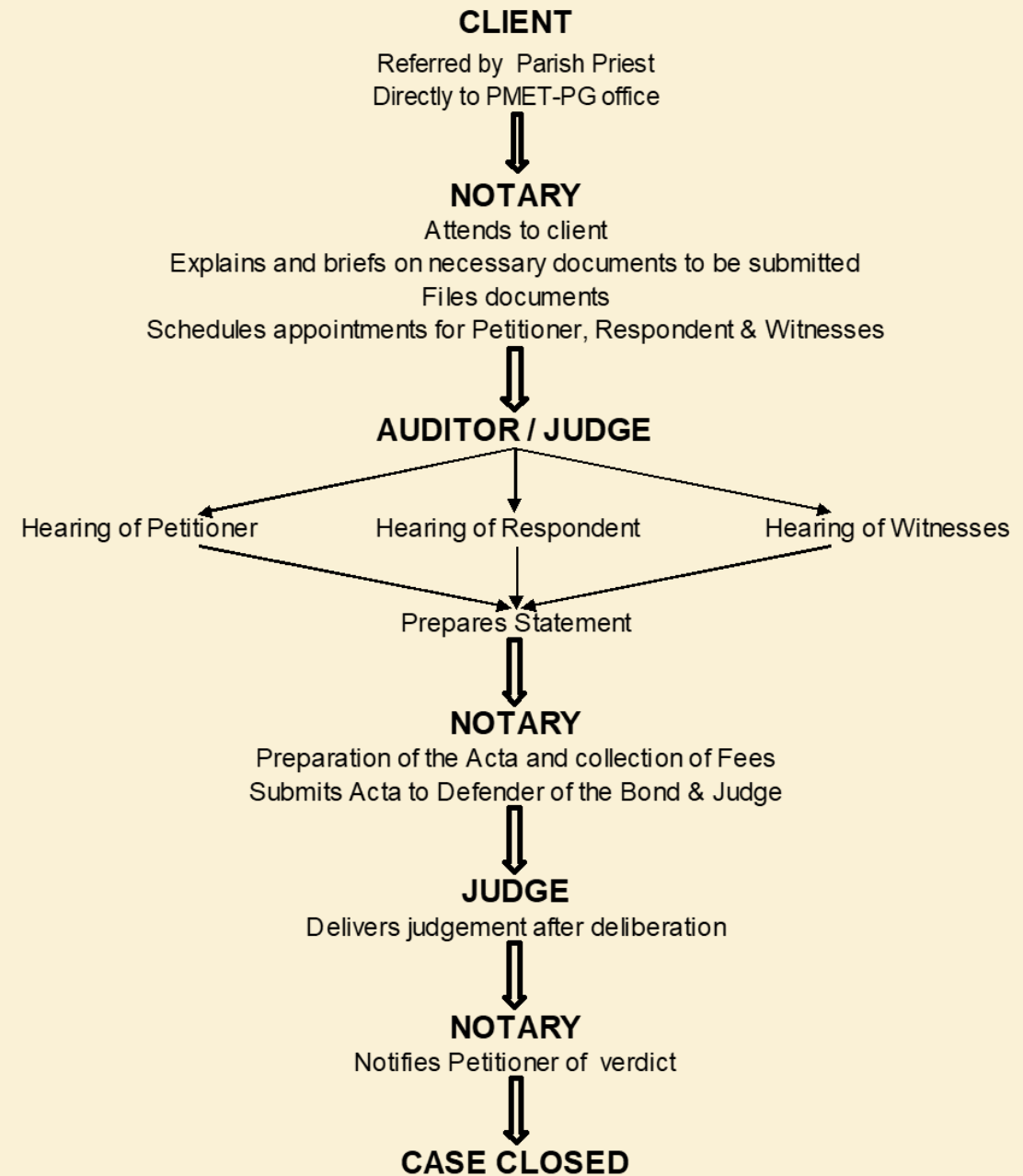
1. LACK OF GENERAL UNDERSTANDING ON NULLITY OF MARRIAGE AND ITS PROCESSES
2. UNABLE TO PROVIDE CREDIBLE WITNESSES
3. UNABLE TO LOCATE PNI FORMS
4. UNAWARE OF PAYMENT INVOLVED

* Nullity of Marriage – RM 1000 (*One Thousand*)

* Nullity due to Lack of Canonical Form – RM 100 (*One Hundred*)

PROCESS

1. When filing a case, the client is briefed on the necessary process and payment.
2. Once the application form and the supporting documents are received, a petition with the ground(s) to nullify the marriage is prepared on behalf of the client by the office.
3. Upon the acceptance of the petition by the Judge, hearings (individual interviews) are carried out for the petitioner, respondent and their witnesses.
4. The ACTA with the compilation of the testimonies are sent to the Defender of the Bond for his/her observation.
5. Finally, the ACTA is sent to the Judge for the final verdict.
6. An official notification on the declaration of nullity is prepared to notify the petitioner, respondent and the parishes they were baptized and got married.



GENERAL INFORMATION

	SITUATION	CANONICAL FORM (Consent, Church Rep & witness)	VALIDITY	SACRAMENT
A	Catholic + Catholic	/	/	/
B	Catholic + Christian	(With the permission for a mixed marriage)	/	(Mainstream church)
C	Catholic + Christian	(With the Dispensation from Canonical Form)	/	/
D	Catholic + non-Baptised	(With the Dispensation from Disparity of Worship)	/	X
E	Catholic + non-Baptised	(With the Dispensation from Canonical Form)	/	X
F	Catholic + non-Baptised	X	X	X
G	Non- Baptised + non-Baptised	X	(Natural Bond)	X
H	Non- Baptised + non-Baptised	X	(Natural Bond)	(Upon receiving Baptism; both parties)

OTHER CASES

COMPLAINTS & ANY CASES

REFERRED BY BISHOP REGARDING THE PRIESTS

CONTACT

- 1. TRIBUNAL OFFICE – 04-2292742**
- 2. TRIBUNAL HANDPHONE – 012-6692434**
- 3. EMAIL – catholictribunalpng@gmail.com**
- 4. WEBSITE – www.catholictribunalpng.com**