

# The Vicariate of the Orient in the threshold of the union of the Augustinian Provinces in Spain: A Reconstruction of Governance and Function

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**SUMMARY:** The article is about methods of *restructuring of governance* in an *Institute of Consecrated Life*. The study is set in the context of the *Order of the St. Augustine*. It highlights methods applicable and proposed by the *Code of Canon Law for religious institutes* namely; *suppression, union, merger, absorption and creation of new provinces* as means of restructuring of religious institutes. The study is set in the context of the *Unión de las Provincias Españolas*, by which Augustinian Provinces in Spain are in the process of uniting and becoming one province. The study considers largely *Filipino Augustinian Religious* in the Vice-Province of the Vicariate of the Orient under the jurisdiction of the Province of the Most Holy Name of Jesus of the Philippines having its *sede* in Spain.

**KEYWORDS:** Restructuring of Governance; Institute of Consecrated Life; Order of St. Augustine; suppression, union, merger, absorption and creation of new provinces; Unión de las Provincias Españolas; Filipino Augustinian Religious.

**RESUMEN:** El artículo trata sobre métodos de reestructuración de la gobernabilidad en un instituto de vida consagrada. El estudio se centra en el contexto de la Orden del San Agustín. En este ensayo se destacan los métodos aplicables y propuestos por el Código de Derecho Canónico para los institutos religiosos, a saber: supresión, unión, fusión, absorción y creación de nuevas provincias como medio de reestructuración de los institutos religiosos. El estudio se encuentra en el contexto de la Unión de las Provincias Españolas, por el que las cuatro provincias agustinas de España se encuentran en el proceso de reunificación y convertirse en una provincia. El estudio tiene en cuenta, en gran medida, la situación de los religiosos agustinos filipinos per-

tenecientes al Vicariato de Oriente bajo la jurisdicción de la Provincia del Santísimo Nombre de Jesús de Filipinas, que tiene su sede en España.

**PALABRAS CLAVE:** La reestructuración de la gobernabilidad; institutos de vida consagrada; Orden de San Agustín; supresión, unión, fusión, absorción y creación de nuevas provincias; unión de las Provincias Españolas; religiosos agustinos filipinos.

The Code of Canon Law provides in no. 581,

*“To divide an institute into parts, by whatever name they are called, to erect new parts, to join those erected, or to redefine their boundaries belongs to the competent authority of the institute, according to the norm of the constitutions.”*

The article is about the life in the midst of a major restructuring of a group called the “*Vicariate of the Orient*”. The group consists largely of Filipino Augustinian religious. The study is set in the context of the *UPE* (*Unión de las Provincias Españolas*), by which, the Augustinian Provinces in Spain are in the process of uniting and becoming *one Augustinian Province of Spain*. The mother province of the Vicariate of the Orient, having its *sede* in Spain decided to join in the unification process with the other Augustinian Provinces in Spain.

In the eve of the union of the provinces in Spain, the question remains:

*What will happen to the group of Filipino Friars in the Vicariate of the Orient?*

*What is their purpose? Where will they go?*

*What is their sense of identity?*

## **A. INTRODUCTION**

“We are living in an ecclesial and social situation so different from the past.”<sup>1</sup> This is the very truth the Augustinians in Spain reflect in the joint letter of prior provincials to the Friars living outside the Spanish territory. The Order has greatly decreased in population and is now in dwin-

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<sup>1</sup> *Letter from the Prior Provincials to the Friars Outside of Spain*, 22 October 2013, *Comisión de la Unión de Las Provincias Españolas* (CIUPE) Madrid. Henceforth: *Letter*. 22. Oct. 2013.

dling number. Together with the Church, the Order continues to struggle in sustaining her mission to the human family.<sup>2</sup> Spain and all of Europe continue to experience progressive aging and vocation drought. Secularization has been a dilemma of Religious Institutes who carry out in a particular fashion the mission of the Church. The decrease in the number of the faithful essentially results to the decreased number of religious in Institutes of Consecrated Life.

The Order of St. Augustine has experienced decline in its members since the 19<sup>th</sup> century. The closure of religious houses and the suppression of circumscriptions are common in the European monasteries and convents that once had hundreds of monks and hermits. However, the zeal of the Spanish Augustinians remains to be animated by the Spirit and continues her effort to missionary activity in various territories.

The Order in Spain has responded to re-examine ones' mission and apostolate in the transmission of faith. They recognized the need to be ready for dialogue in communities in proposing matters of high importance. The need is huge to participate in a task to build the future together with a church and a society in today's context and to facilitate the experimental changes geared towards realizing a new Augustinian reality.<sup>3</sup>

The Spanish Augustinian Provinces, which consist of the Province of Castille (E-1256), Province of the Philippines (E-1575), the Province of Spain (E-1926), and the Province of Madrid (E-1895), have commenced the possible shift of organization. This enterprise is geared to answer more fully the challenges of the new millennium. The major superiors of the four Spanish Augustinian provinces drafted a document, *a Gift and a Task*<sup>4</sup> to guide reflections towards the creation of a new structure of the Order in Spain. This new structure is the proposed union of all the Spanish Augustinian Provinces. The times wear out the people and the structure. There is an urgent need of designing a future with clarity and evangelical sense.<sup>5</sup> The union is designed to equip the Order and to prepare the

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<sup>2</sup> Cf. *Rule and Constitutions of the Order of St. Augustine*, Augustinian General Curia, Rome 2008, n.10. Henceforth: *OSA Const.*

<sup>3</sup> Cf. *Letter from the Prior Provincials to Friars of the Spanish Provinces*, 14 January 2012, CIUPE Madrid. Henceforth: *Letter.14.Jan.2012.*

<sup>4</sup> *A Gift and A task: A Project of Life and Mission of the Augustinians in Spain for the New Millennium*, CIUPE, Madrid 2012. Henceforth: *CIUPE A Gift and A Task.*

<sup>5</sup> Cf. *Letter.22.Oct.2013.* Op.cit.

Spanish Friars for the task of new evangelization in the new millennium by adopting new forms of organization in the present condition to better address the problems the Order faces in Spain. The union is aimed at a fruitful conclusion, to expand the hearts of hope and enable the Order to bear life-giving witness,<sup>6</sup> regardless of the drought in vocation and difficulty in finding new recruits.

A number of circumscriptions of the Philippine Province are located outside Spain. These are the fruits of the province's continued mission and apostolate in all sides of the world in the last century. Her mission extends to what is now the Order's Delegation of Tanzania, Vicariate of India, Delegation of Central America (Nicaragua, El Salvador, and Costa Rica), Vicariate of Venezuela, Vicariate of Iquitos (Peru), and the Vicariate of the Orient in the Philippines. However, these circumscriptions are the ones most anxious and uncertain of their future in light of the development of their mother province.

The vastness of the Philippine Province joining the union entails involvement of personnel who are not directly affected by the very reason of the union, i.e., lack of personnel and drought in vocation. How then shall the circumscription of the Vicariate of the Orient in the Philippines be affected with the proposed union? We must learn how to live accepting the changes and unforeseen circumstances; we have to build our own history.<sup>7</sup>

It is in this event and context that this canonical research is assumed. The immense diversity of culture, race, geography, and social context of each circumscription of the Province will play a significant role in the complex process of restructuring, making the whole venture more multifaceted and difficult.

One must highlight the fact that even though we belong to the same religious institute, or even in the same Province, having the supposed 'one mind and one heart intent upon God'<sup>8</sup>, *one must not be oblivious and never brush aside the fact that sociologically and anthropologically, we move about and are always preconditioned by our own culture, hence, we think and react differently.*<sup>9</sup> We have our idiosyncrasies and distinctions embed-

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<sup>6</sup> Ibid.

<sup>7</sup> John Paul II, Ap. Ex. *Vita Consecrata*, March 25, 1996, in *AAS* 88 (1996) 447-449, n.63. Henceforth: *VC*.

<sup>8</sup> Cf. *Rule of St. Augustine* I, 3. Henceforth: *Rule*.

<sup>9</sup> Italics mine. Cf. Arbuckle, G., "Merging Provinces", in *Review for Religious*, Vol.53, Saint Louis University, St. Louis, Missouri 1994. Henceforth: *53(Review for Religious)* 352-363.

ded with us from our ethnicity, culture and customs. The major superiors have encouraged all the friars to be involved and to participate in the project. This is canonical research is the researcher's meager contribution which hopefully steer the Vicariate of the Orient's perspective. Through the author's opus, it is hoped that it might be a tool for the drafting of programs to better prepare his circumscription and the rest of the Order.

The project of the union needs careful consideration how the Vicariate of the Orient will deal with matters pertaining to the restructuring that will significantly affect her life, mission and function. The Vicariate of the Orient continues to promote her evangelical task in carrying and transmitting the mission of the mother province to younger generations especially in Asia. What is to be the Vicariate's most feasible configuration, maximized and attuned to the needs of her circumscription and of the Church remains to be a contentious and highly-talked about issue. Will the Vicariate be given autonomy to carry out the task of mission that was once entrusted to the mother province? What will be its juridic status and personality after the union?

As the Augustinians in Spain embark toward a life-changing project affecting the whole Order, the Vicariate of the Orient reflects on the words of its program for the Quadrennial 2010-2014:

*"We are facing a great challenge and we cannot just lay back. We must take the responsibility of forging the present and the future being real witnesses of the gospel. We are now open to new fields of apostolate as we are growing in numbers and we should take the lead for the next generations to follow because upon all that, hinges the continuity of the Vicariate. We should always be grateful to our predecessors who worked hard in leaving us a legacy so that we must take care of it with paramount prudence in working with as much dedication as they did to continue with the tradition of the Province in the proclamation of the good news in this part of the world."*<sup>10</sup>

## **B. RATIONALE AND ARGUMENTS**

The Vicariate of the Orient, being an integral part of the amalgamating Philippine Province reflects what her future is in the threshold of the

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<sup>10</sup> *Program of the Augustinian Province of the Most Holy Name of Jesus of the Philippines for the Quadrennial 2010-2014*, Ordinary Provincial Chapter, Madrid 2010, n.5.

union. As the process of restructuring progresses, implications are contemplated. Circumscriptions outside Spain are heavily assessed towards independence, with outmost consideration to self-sufficiency, apostolate, and mission. The union wants to take in their full potential and viability to assume a new juridic personality in the Order or be absorbed by other nearer circumscription<sup>11</sup> in their region. The Vicariate of the Orient has sprung up for the progress of the members and for the benefit of the whole Body of Christ in accord with the needs of the times.<sup>12</sup>

In this problematic circumstance, the present article attempts to answer emerging questions in the threshold of the union:

1. How will the Vicariate of the Orient be affected in the proposed union of the four Augustinian Provinces in Spain?<sup>13</sup>
  - a. What forms and methods of restructuring of governance are applicable for the Vicariate of the Orient in the event of a union?
2. The Order has sought to respond wholeheartedly to the continuous call of Jesus to proclaim the Gospel to the ends of the earth,<sup>14</sup> use all available means to meet more effectively the needs of the Church<sup>15</sup>. How, then, will the Vicariate of the Orient respond to this need and call in the event of restructuring?
  - a. How will the Vicariate of the Orient participate in the unification process?
3. What is the most viable juridic personality for the Vicariate of the Orient after the Union?

This plight of the Spanish Augustinians may, indeed, be a true occasion to promote and show authentic fraternal concern. The study manifests the mystery and the mission of the Church, and thereby cooperates in the renewal of the society<sup>16</sup> and of the Order.

The present canonical research attempts to assist the Order through the Philippine Province and the Vicariate of the Orient. The union of Au-

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<sup>11</sup> *Letter.22.October.2013*, Op.cit.

<sup>12</sup> Cf. Vatican II, Constitution *Lumen Gentium*, November 21, 1964, in AAS 57 (1965) 5-75, n.43. Henceforth: LG.

<sup>13</sup> Cf. *The 1983 Code of Canon Law*, can. 581. Henceforth: *CIC*.

<sup>14</sup> Cf. *OSA Const.*, n.150; cf. Matthew 28:19.

<sup>15</sup> Cf. Vatican II, Decree *Perfectae Caritatis*, October 29, 1965, in AAS 58 (1966) 702-712, n.23. Henceforth: *PC*.

<sup>16</sup> Cf. *VC*, n.1.

gustinian Provinces in Spain seeks to deepen the understanding of the life of the Order itself, its construction and deconstruction of structured governance and functions, its ever changing development, tailor-fitted to the needs of the Church and the signs of the times.<sup>17</sup>

The article is meager attempt to contribute to this enterprise from the perspective of the Vicariate of the Orient. The principal bases for the study is to help the members affiliated to the Vicariate of the Orient achieve a communal decision, determining their collective sentiments, how they see their future in the light of this project. The study is geared towards owning a new character for the Vicariate as modern day disciples at the vanguard of evangelization and truly become what they are, Augustinians in the Church for the World of Today.<sup>18</sup>

Occasions of uncertainties call for a deepening of understanding. It is an opportunity to reassess one's purpose and existence in order to have a paradigm that will enable us to come up with a dynamic and creative response. The unification process for the Spanish Augustinians is an occasion to be available, to move about without limits, wherever the needs of the Church and the Order may call her.<sup>19</sup>

The article is aimed at gauging the effects of the union of the Augustinian provinces in Spain to the life and mission of the Vicariate of the Orient. The prognosis will certainly shape and condition the life of the Vicariate. It will play a crucial role in making modifications, particularly the terms of activity and functions. Judicial and canonical effects will be highlighted. The article highlights possibilities by which parting circumscriptions will be run.

The study also aims to be familiarized with forms and methods of restructuring applicable to the context of the study. The main question remains: how will the Vicariate of the Orient be administered and governed after the union, since her juridic status as a Vicariate solely depends on a province or a federation of circumscriptions or upon the Prior General.<sup>20</sup>

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<sup>17</sup> Cf. Vatican II, Decree *Gaudium et Spes*, December 7, 1965, in AAS 58 (1966) 1025-1115, n.4. Henceforth: *GS*.

<sup>18</sup> *Augustinians in the Church for the World Today: Documents of the 1998 Intermediate General Chapter*. Pubblicazioni Agostiniane, Roma 1998. Henceforth: OCG 1998.

<sup>19</sup> Cf. *OSA Const.*, n.9.

<sup>20</sup> Cf. *Ibid.*, n.244.

The study will also attempt to expound on how the friars of the Vicariate of the Orient assess themselves in carrying out missionary work in the Asian region. Ascribing assignments, mission and apostolate set by the Order are critical since it will precondition the kind of juridical personality the Vicariate of the Orient will be given after the union. The study will attempt to expound on the relevance of the Vicariate of the Orient itself, and answer whether having a separate Augustinian circumscription for the Philippines, apart from the already established all-Filipino Province of Cebu is a necessity or redundancy with respect to conducting life and mission of the Order in the region. The renewed commitment for mission and apostolate is indispensable in the project of restructuring.

The study is aimed to set the atmosphere of participation of the friars in the process of the unification. The study is geared at helping friars achieve a communal decision; determine their collective sentiments and figuring out which path they wish the Vicariate will take in the process of unification. In doing so, the study is aimed ultimately at forging a new identity for the Vicariate of the Orient.

### **C. JURIDICO-CANONICAL CONSIDERATIONS FOR THE ORDER AND THE VICARIATE OF THE ORIENT IN THE FACE OF RESTRUCTURING**

The present study needs a juridical platform from which the Vicariate will exact her choices. The following discussions are relevant facts, specifics, and essentials that are unequivocal. It is hoped to help “determine the ‘newness’ of the organizational structure covering the Vicariate’s life and path,”<sup>21</sup> “in order to become appropriate channels of evangelization. These are the principles of theological data, juridico-canonical functions, and the history that will uphold ‘creative fidelity’<sup>22</sup> in the current historical moment.”<sup>23</sup> The researcher finds them to be vital and rudimentary for the juridico-canonical consideration in determining a viable end for the Vicariate.

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<sup>21</sup> Cf. *Ibid.*, p.1.

<sup>22</sup> *VC*, n.37.

<sup>23</sup> Cf. Moral, A., “Lettera a tutti fratelli e sorelle delle’Ordine in occasione dell’apertura dell’Anno della Vita Consacrata, 10 ottobre 2014”, in *Acta Ordinis Sancti Augustini Commentarium Officiale* Vol. LXVII An. LXIII 52-56, Curia Generalizia, Roma 2015, p.55. Henceforth: *Letter.Prior.Gen.Yr.ICL*.



### **i. Juridical Character of the Order of St. Augustine in the Church**

The juridical character of the Order can be traced back from its very birth. The Order came about, not from any arbitrary charismatic founder but conceived from the very bosom of the Holy Mother Church. “The Order’s existence originates from the Church and the hierarchy. The historical establishment of the Order of Saint Augustine is the fruit of a decision of Innocent IV and Alexander IV, who, in the course of the 13th Century, united in a single Mendicant Order various eremitical communities and congregations which were following the *Rule* of Saint Augustine. The care manifested by the Apostolic See toward the Order from its origin marked in a specific way its spiritual life, its theological thought, and the activity that always felt special commitment to the service of the Universal Church<sup>24</sup>”. Keeping faithful to this spirit, the central driving force for the Vicariate of the Orient and the Philippine Province is directed to the needs of and service to the Holy Mother Church.

This dynamism is founded on St. Augustine’s ecclesiology. This is the ecclesiology that is the very paradigm of the Vicariate’s continuation - being available for the Church, whenever, wherever, and whatever need and service she may be called upon.<sup>25</sup> This has been the Order’s impetus for mission, apostolate, and pastoral action. It has been kept and sustained for the past 800 years of the life of the Order. She must continue to adapt<sup>26</sup> according to whatever need and service in the present context is asked of her.

Consistent flexibility, the ability to respond in accordance with the Gospel, to act and be able to facilitate “*Sentire cum Ecclesia*”<sup>27</sup>, is at the heart of the Vicariate’s guiding principle, immersed among the different spheres of life, language and affairs. This thrust is geared towards maintaining an awareness of ecclesial life that binds her together “from the finitude reasons to carry on”<sup>28</sup>, especially in the eventual union and demise of the Philippine Province.

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<sup>24</sup> Prevost, R., “Greeting to the Holy Father From the Prior General, Robert Prevost, Mass for the Feast of Saint Augustine”, in *Ordinary General Chapter 2013 Documents and decisions*, Pubblicazioni Agostiniane, Rome 2013, p.27.

<sup>25</sup> Cf. *OSA Const.*, n.14e.

<sup>26</sup> Cf. *Letter.Prior.Gen.Yr.ICL*, Op.Cit.

<sup>27</sup> Cf. *VC*, n.46.

<sup>28</sup> Congregation for Institute of Consecrated Life and Societies of Apostolic Life, ‘*REJOICE!*’ *A letter to consecrated men and women, A message from the teachings of Pope Francis*, Libreria Editrice Vaticana, Città del Vaticano 2014, n.12.

The spirit for the mission is another pivotal distinguishing character of the Vicariate. The Vicariate will keep and preserve this personality in this juncture of union. This distinctive character involves a particular approach of sanctification and of apostolate,<sup>29</sup> upholding traditions that one can be perceived as truly the Vicariate's objective elements. Engaging in ordinary apostolate is at the very heart of every form of consecrated life, but it should not downplay the nature and purpose of the Vicariate as missionary circumscription. Over and above the spirit proper to the Vicariate, a devotion to the mission *ad gentes* must be a priority from which, ecclesial mission flows from the fountain of love.<sup>30</sup>

The Vicariate's projects and mode of action must be free from complications which could hinder missionary response so that she could be a true sign of Christ in the world.<sup>31</sup> One must be watchful that there be no deviation from the missionary call inherent in the Vicariate, or from the unity that springs from this distinctive personality. In this period of cultural evolution and ecclesial renewal, it is necessary to preserve and secure the identity which is a patrimony<sup>32</sup> of circumscriptions. The danger of an ill-defined and confused identity must be avoided, lest mundane and even human secular rationale fail to uphold the true character, becoming vague and ambiguous existence.<sup>33</sup> Even among religious, the quintessence of God can be diluted and may not be lived, much less our very existence as Augustinian religious in this part of the world.

## ii. '*Tornaviaje*' function towards the Mother Province

An imminent and common sentiment of the brothers in all the circumscription of the Philippine Province is its messianic drive. That is, to aid and to save the mother province from the failing church of Spain, a general scheme called *Tornaviaje*<sup>34</sup>. It is a movement geared for the re-evangelization of Spain.

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<sup>29</sup> Sacred Congregation for Religious and for Secular Institutes & Sacred Congregation for Bishops, *Mutuae Relationes*, May 14, 1978, in AAS 70 (1978) 473-506, n.11. Henceforth: *MR*.

<sup>30</sup> Cf. Vatican II, Decree *Ad Gentes*, December 7, 1965, AAS 58 (1966) 947-990, n. 2.

<sup>31</sup> Cf. *VC*, n.25.

<sup>32</sup> Cf. *CIC*, can.578.

<sup>33</sup> Cf. *MR*, *Ibid*.

<sup>34</sup> *Tornaviaje, la ruta que abrio Urdaneta*: an expression coined by historians of the return route of Fray Andres de Urdaneta in finding the return route from the Orient back

The whole Order and the universal Church are profoundly grateful for the mother province's contributions, witness and service of building up the Church and planting seeds of faith which now enjoy flourishing and thriving in the local and particular churches. The Vicariate is an heir to the 450 years of rich history of missionary labor. The trials of the present do not take away the merits and the positive results of the mother province's efforts. It is necessary to use appropriate means to foster an equitable distribution of consecrated personnel in order to give new momentum to evangelization<sup>35</sup>, either by sending missionaries or by giving special help to deprived circumscriptions, and in the case, scarcity in vocation and personnel.

The changes taking place in society and the decrease in the number of vocations are weighing heavily in the different regions of the world.<sup>36</sup> For this very fact, the mother province runs the risk of disappearing altogether. The same goes with her apostolic works, together with many other Institutes whose survival is at the mercy of the thriving Churches saved by communities where they have also established a presence. Recounting its rich history, friars of the Philippine Province find it opportune to uphold the patrimony and preserve her identity and existence. This enterprise is geared towards looking after the mother who formed and bore her. With gratitude, every circumscription of the Philippine Province is most willing to help her in her dire need for personnel and new vitality.

However, difficulties must be faced with *an attitude not so much of successful self-preservation, but commitment to faithfulness*.<sup>37</sup> "While individual Institutes have no claim to permanence, the consecrated life itself will continue to sustain among the faithful the response of love towards God and neighbor. Thus, it is necessary to distinguish the *historical destiny* (of the Philippine Province), from the *ecclesial mission* of the consecrated life as such. The former is affected by changing circumstances; the latter is destined to persevere."<sup>38</sup>

The existence of the Vicariate will always be relative to the Church it is trying to serve. Looming danger creeps in when the noblest action of rescuing mother provinces would be the primary thrust of vicariates when

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to Nueva España. Cf. *Al Servicio*, pp.25-26; *Tornaviaje* is also the name of the publication of the Augustinian Province of the Philippines published quarterly.

<sup>35</sup> Cf. *VC*, n.78.

<sup>36</sup> Cf. *Ibid.*, n. 63.

<sup>37</sup> Cf. *Ibid.* Italics mine.

<sup>38</sup> Cf. *Loc.Cit.* Italics mine.

the Spanish landscape and societal attitude is inimical to the Church. Where there is apparent anti-clerical position in the Spanish society, there will not be much of the people of God to be served. Before the Vicariate becomes a rescuer, it must have a solid foundation first from where it has its foot hold. “*There is no point in rescuing mother provinces when people are no longer interested in the Church, much less if the people have gone inimical to the institutionalized church.*”<sup>39</sup>

### **iii. The Papal obligation of Leo XIII’s *Ex Debito Pastoralis Officii* on September 12, 1879 and the defunct mission in China**

Chinese mission had been one of the major ventures of the Augustinians. This plan started as early as their arrival in the Far East in the 16<sup>th</sup> century. The Philippine Province from its very beginning, was truly faithful “in mission”,<sup>40</sup> to which she bears witness in accordance with the ideals of the Order.

The difficulties for mission in China have been present time and again. Resistance from the Chinese and Japanese empires resulted to episodes of persecutions and martyrdom of early missionaries. Keeping close guard to the activity and to curtail casualty and persecution of missionaries, the Cardinal Prefect of the Congregation, in 1874 made a communication to the convent of San Agustin in Manila, formally giving to the Philippine Province the mission post in the northern territory of China.<sup>41</sup> It was to establish a new Apostolic Vicariate in China, having verified the necessity to subdivide missions in the northern Chinese territory.

With much enthusiasm, a number of friars enlisted to go to China. After sending emissaries in Hunan, with the plan and arrangement maturing on its own, Pope Leo XIII issued an instruction *Ex Debito Pastoralis Officii* in Rome on September 12, 1879 entrusting the mission of northern Hunan to the Augustinian Province of the Most Holy Name of Jesus of the Philippines.

After a period of struggles from secular clergy and other religious already present, an Augustinian was appointed in 1897 as Bishop and

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<sup>39</sup> This was the argument of Fr. Tony Banks, OSA, Assistant General of the Order for Asia-Pacific who presided 3<sup>rd</sup> Ordinary Vicarial Chapter of the Vicariate of the Orient (October 13-15, 2014) when he was asked about his opinion regarding daughter circumscriptions helping and exporting religious to work for mother provinces.

<sup>40</sup> Cf. *VC*, Op.Cit., n.72.

<sup>41</sup> Cf. *Servicio Al*, Op.Cit., pp.94-107.

Apostolic Vicar in the Vicariate of Northern Hunan by the name of Mons. Luis Perez y Perez, OSA. This dramatically increased the number of Augustinian missionaries in the region, with a consequent increase in parish houses, churches, administration of sacraments, and school activities. By 1929, the Philippine province was able to cement its presence through schools, orphanages, a major and a minor Seminary, a bishop, two apostolic prefects, and a publishing house.<sup>42</sup> Among the province's milestone, the mission post was able to recruit Chinese vocations,<sup>43</sup> giving great fruit for the Church and much honor to the missionary Province.

In 1948, the Holy See issued instructions to the Augustinian missionaries to leave their posts given the turbulence brought by the rise of Maoism in China. Some Spanish missionaries heeded the call and returned to Spain, while some remained with the native Chinese religious who continued with their ministry alongside with the standing community. They were able to establish a handful of catechumens. The Augustinians' consecrated life eloquently shows that the more one lives in Christ, "the better one can serve Him in others, going even to the furthest missionary outposts and facing the greatest dangers"<sup>44</sup>. In 1952, Chinese native missionaries were incarcerated and total banishment of Spanish missionaries was facilitated by the communist government. The Apostolic Vicariate previously held by the Philippine Province is presently the Diocese of Changde, under the Patriotic Church of China.

From this defunct missionary work of the Philippine Province, the Vicariate of the Orient positions and has been expected to take on the missionary effort to reestablish the presence of the Order in China. It is clear that after the creation of the autochthonous province of Cebu, the Philippine Province remained in the Philippines for this very reason. It remains to be a major project and a vision of the Order.<sup>45</sup> This task is entrusted to the Philippine Province through the Vicariate of the Orient with the collaboration of OSA-AP<sup>46</sup> under the close supervision of the

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<sup>42</sup> *Vicariato de Changtech 1879-1929 Hunan China PP. Agustinos Español*, Dah Hsing Printing Office, Hankow 1929.

<sup>43</sup> Cf. *Al Servicio*, Loc.Cit.

<sup>44</sup> VC, Op.Cit., n. 76; Cf. Paul VI, Ap. Ex. *Evangelii Nuntiandi*, December 8, 1975, in AAS 68 (1976) 5-76, n.59.

<sup>45</sup> Cf. *OSA Const*, n.234a; Cf. "Determinations Approved by the Chapter", in *Ordinary General Chapter 2010 Documents and decisions*, Pubblicazioni Agostiniane, Roma 2010, n.6-7, p.31.

<sup>46</sup> *Ibid*.

Prior General. Previous attempt has been made by recruiting Chinese vocations from the Diocese of Changde, sending them to the Philippines for their Augustinian formation. This did not prosper, and the efforts had gone to waste since several Chinese recruits were not given much attention and priority.

With these given facts, the Vicariate must maintain a missionary heart for China that has known the joy of Christ's salvation and shares its consolation. But mission in Asia should not be limited to China but must be at home with opening new mission posts anywhere in other Asian regions.<sup>47</sup>

#### **iv. Peculiarities and facts from the autochthonous Augustinian Province of Cebu**

One of the underlying observable realities in terms of the presence of the Augustinian Order in the Philippines is the existence of two separate circumscriptions, the autochthonous Augustinian Province of Cebu, which is mistakenly called 'Philippine Province' and the Vicariate of the Orient which is mistakenly called the 'Spanish Province', a problem in nomenclature and identification.

This arrangement has, time and again, brought confusion. One may suppose the presence of the Vicariate is ambiguous as the same has also been able to augment its personnel, and has the capacity and potential of becoming a separate and independent circumscription in the future. "Otherwise communities may be needlessly brought into being which are useless or which lack sufficient resources. Forms of religious life should be promoted and developed which take into account the genius and way of life of the inhabitants and the customs and conditions of the regions."<sup>48</sup>

Putting demarcation paves the way for a varied "creative fidelity"<sup>49</sup>. In this arrangement, creativity and holiness coming from the same font of Augustinian charism driven by the same Spirit who moves every time to innovate to make His presence felt must be the motivating force that caters to the signs of the times emerging in today's world.

Distinctive personality, according to a particular strength and a specific mission both for the Vicariate of the Orient and the Cebu Province must be forged. The Augustinian religious, therefore, should cultivate a renewed

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<sup>47</sup> Cf. "Prior General – Opening Talk, 20 September 2010", in *Ordinary General Chapter 2010 Documents and decisions*, Pubblicazioni Agostiniane, Roma 2010, pp.33-38.

<sup>48</sup> *PC*, n.19.

<sup>49</sup> Cf. *VC*, n.37.

ecclesial awareness, aware of the fact that religious life's "effective renewal and right adaptation cannot be achieved unless there is cooperation"<sup>50</sup> of all the members and accepting new realities in their neighborhood.

The difficulty rest on how to distinguish between the two entities, having one and the same territory, enjoying the same abundance of native vocation, demarcation of "flexibly understood territory"<sup>51</sup> is essential in order not to make multiple, irrelevant, and ambiguous Augustinian circumscription in the Philippines. Mission and apostolate should be determined and specified so that confusion and possible conflict may never arise due to competition and rivalry of presence.

Every circumscription must be enriched by sound human elements, characteristic of the genuine nature, subsisting and mutually aiding each other in order to make peaceful coexistence. Such elements, nevertheless, are never to be regarded as indications of division, particularity, nationalism or even elitism, but as expressions of variety within the same unity and of the fullness of that incarnation which enriches the entire Mystical Body.<sup>52</sup> This multiform unity carries with it various concrete exigencies of the Augustinian spirit in the fulfillment of their duties.<sup>53</sup>

The researcher finds no reason that the Vicariate must be hampered from its growth and development. There is call to pursue competence in every organizational work and develop a dynamic fidelity to the Augustinian mission, adapting forms, if need be, to new situations and different needs, in complete openness to God's inspiration and to the Church's discernment. All must be fully convinced that the quest for ever greater conformity to the same Augustinian spirit is the guarantee of any renewal that seeks to remain faithful to the Institute's original inspiration. It is a "search for the appropriate forms of a witness, capable of responding to the needs of the times without departing from the initial inspiration".<sup>54</sup> "*También sería un obstáculo olvidar que nuestras provincias no son otra cosa que distintas ramas de una misma raíz.*"<sup>55</sup>

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<sup>50</sup> PC, n.4.

<sup>51</sup> AA. VV., *Exegetical Commentary of the Code of Canon Law*, Vol. II/2, Wilson & Lafleur Limitee, Montreal 2004, p.1633. Henceforth: *Exeg.Comm.CIC*.

<sup>52</sup> Vatican II, Decree *Unitatis Redintegratio*, November 21, 1964, AAS 57 (1965) 90-107, n.14-17. Henceforth: *UR*.

<sup>53</sup> Ibid; Cf. *MR*, n.18.

<sup>54</sup> *VC*, n.37.

<sup>55</sup> "It would also be an obstacle to forget that our provinces are nothing but different branches of the same root". Translation mine. *CIUPE Personas y presencias*, Op.Cit., p.6.

## D. A JURISPRUDENCE IN RESTRUCTURING WITHIN IN THE ORDER

### i. Restructuring: process geared towards survival

In the verge of the union of the four Augustinian Provinces in Spain, every constitutive part finds itself with a variety of means in exacting a viable future and continued survival. “In beginning of the process, the most essential thing to do is to determine the purpose of the reorganization... It includes renewal and strengthening mission, strengthen community life, simplification of structures, facilitate administrative processes, reduce expenses, or perhaps accepting the reality of declining numbers. A combination of two or more may drive the process. Actions should be taken in view of the principal purpose of the restructuring.”<sup>56</sup>

The Code of Canon Law foresees at least four different processes applicable to restructuring.<sup>57</sup> No matter which process is used to revise government structures, one must keep in mind that the venture cannot be made in haste for these occasions call for much prayer and discernment, lengthy discussion and careful planning.<sup>58</sup>

The different processes mentioned are the following:<sup>59</sup>

1. *Suppression of the unit.*
2. *Creation of a union among existing entities.*
3. *Fusion or merger of one unit with another.*
4. *Establishing an entirely new unit in time having other units disappear as the members and works are absorbed into the newly established province.*

The present study suggests a fifth form. It is the praxis of the Augustinian Order in previous restructuring. This involves erection of a Federation intermediary to the restructuring.

Notwithstanding which method is used, there are a number of secondary factors, which really are, complications that weigh down the process. Obstructions do not come from the provisions of the law but from

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<sup>56</sup> Cf. 62(*The Jurist*) 114-130, Op.Cit., pp.126-127.

<sup>57</sup> Cf. Ibid., pp.118-119; Cf. Blair, Melanie J., *Fusion and Union of Institutes of Consecrated Life in Light of the Code of Canon Law*, Saint Paul University, Ottawa, 1993; Cf. Dorteil-Claudot, M., *Union-fusion-federation d'instituts religieux: Nouveau directoire pratique*, Comité cinquante de religieux, Paris 1988, p.48.

<sup>58</sup> Cf. 62(*The Jurist*) 114-130, Op.Cit., p.117.

<sup>59</sup> Cf. Ibid.



incidentals, attributed to the member's anxiety and uncertainty. "People may act in the same way, in apostolate and projects, yet they differ radically... simply because they do not feel the same about what they do".<sup>60</sup> Feeling and sentiments have minimal involvement with the actual process for it is almost impossible to legislate for feelings and sentiments.<sup>61</sup>

It is also important to consider whether the Constitutions of the institute spell out procedures for restructuring.<sup>62</sup> Many a times, the Order has gone into restructuring in its circumscriptions, but it has yet to produce a manual for its process, an apparent *Lacuna Legis* for the internal restructuring which must further be legislated.

A number of reasons push organizations to modify their internal structures. Accepting the reality that members have diminished considerably, changes in demographics and reorganization for the betterment of human and financial resources are the most common.<sup>63</sup> These are, without a doubt, painful occasions. "*When institutions seek to combine, they interact as cultures, and the resulting change is not a bloodless abstraction, but a high order of human drama.*"<sup>64</sup> The following are the best practices of the Order when faced with the same dilemma.

## ii. Amalgamation of Major Circumscriptions into one Province

In the reorganization of one or more provinces within an institute, to which case the present study is, "provides occasions for all provinces to reconsider their own situation. In large international institutes, rather than having various actions take place on a piecemeal basis, there could be a coordinated approach whereby all could benefit from the experience of the others."<sup>65</sup> Competent authority "should foster opportune adaptations to cultural, social, and economic conditions, according to the needs of the times, being vigilant however, lest these adaptations go beyond the just limits in the direction of customs contrary to religious life. Cultural updat-

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<sup>60</sup> Arbuckle, G., "Merging Provinces", in *Review for Religious*, Vol.53, Saint Louis University, St. Louis, Missouri 1994, p.354. Henceforth: 53(*Review for Religious*) 352-363.

<sup>61</sup> Cf. Eicthen, B., "Merger Issue and Ways to Address Them," in *Review for Religious*, Vol.57, Saint Louis University, St. Louis, Missouri 1998, pp.394-406. Henceforth: 57(*Review for Religious*) 394-406.

<sup>62</sup> Cf. 62(*The Jurist*) 114-130, Op.Cit., p.122.

<sup>63</sup> Cf. 62(*The Jurist*) 114-130, Op.Cit., p.114.

<sup>64</sup> Italics mine for emphasis. Cf. 53(*Review for Religious*) 352-363, Op.Cit., p.252.

<sup>65</sup> 62(*The Jurist*) 114-130, Op.Cit., p.126.

ing and specialized studies taken up by religious should deal with subjects pertinent to the distinctive nature of the institute.”<sup>66</sup>

The only unit defined in the Code of Canon Law, besides the institute itself, is the province, described as a “union of several houses which under one superior, constitutes an immediate part of the same institute, canonically established by law itself.”<sup>67</sup> By its nature as a juridic person, the province is presumed to be perpetual once it has been established; it is presumed that it will continue indefinitely.<sup>68</sup> “The larger the group involved, and the more advanced it is in the age, the longer it usually takes to prepare minds and hearts for the change.”<sup>69</sup>

### *Exempli Gratia*

The Italian Province (E-1996). The Order experienced its major difficulty of restructuring when it had to unite seven of its Italian provinces to make a single province. The project started as early as 1984, when the Order had to make transitory *ad hoc* structure, erecting a federation geared towards the union.<sup>70</sup> The decision to erect the new province happened after eight years of tedious and spectacular process. The canonical viability of the new Italian Province was determined by the General Chapter of 1992 and successively confirmed and ratified by the General Chapter of 1995. Resistance by some factions subsequently pushed the Order’s supreme moderator to decree a full implementation of the decision.<sup>71</sup>

*Pre-Union Problem.* The process was bittersweet. This was due to some drastic move of belligerence and hostility of those who oppose the union. Protests were filed and were answered by the two dicasteries of the Holy See - the *Congregation for the Institutes of Consecrated Life and Societies of Apostolic Life* and the *Apostolic Signatura*. The former was asked to invalidate the erection of the new Province of Italy and its implementation made by the General Chapter. The request, however, was denied by the Holy See. It was passed to the appellate court; the compe-

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<sup>66</sup> MR, n.26.

<sup>67</sup> Cf. CIC, n.621.

<sup>68</sup> Cf. CIC, n.120.

<sup>69</sup> 62(*The Jurist*) 114-130, Op.Cit., p.117.

<sup>70</sup> Cf. Erection of the Federation of Italy, in *Acta Ordinis Sancti Augustini Commentarium Officiale* Vol. XXX An. XXX, Curia Generalizia, Roma 1985, p. 52-56.

<sup>71</sup> Cf. *Renewed Augustinians for the Third Millennium*, Documents of the Ordinary General Chapter 1995, Pubblicazioni Agostiniane, Roma 1995, no.36-38, p.25.

tence was given to the Apostolic Signatura asking to suppress the newly erected Italian Province. To this effect, its first Provincial Chapter was delayed for a year after its confirmation because “*della richiesta sospensione del Decreto di soppressione della Provincia*”,<sup>72</sup> was pending and waiting for decision<sup>73</sup>. The difficulties are rather alluded and mentioned in the document of the General Chapter of 1992.<sup>74</sup>

These were sad and difficult times for the Order, when its thrust and mission of its members within the reach of the Curia and the Holy See was not even close to the Augustinian ideal of being ‘one mind and one heart on the way to God’<sup>75</sup>. It is always timely to ask, “Are our ministries, our works and our presence consonant with what the Spirit asked of our

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<sup>72</sup> Cf. *Provincia Agostiniana D'Italia Capitolo Provinciale*, documento in arrivo Prot. 351/96, Ordine Di Sant'Agostino Segreteria Generale , 4 August 1996. “...because of the case in the Apostolic Signatura and waiting to know the answer to the request of suspension of the Decree of suppression of the Province.” Translation by the nuns of Mother of Good Counsel Monastery - San Jose Del Monte, Bulacan.

<sup>73</sup> There is a suspensive effect in every administrative action decree if a hierarchical recourse has been lodged against it. Cf. *CIC* cann. 1332-1739.

<sup>74</sup> 1. Given the progress made in the recent years by the Augustinian Provinces of Italy towards greater integration, at the request of the General Council, the Intermediate Chapter favorably judges the proposal presented by the assembly of the Provincial Councils of the seven Italian Provinces which says: ‘*Considering the urgency of the unification of the Augustinian Provinces of Italy due to the demands of greater utilization of personnel, common life, and service to the Church, and given the difficulty of effecting this unification in a short period of time, we propose a course with fixed deadlines in the following way: each individual Province, assisted by a commission of the Federation, will make a prioritized choice of those areas of most significant presence and work, within a reasonable time, such that by the General Chapter of 1995, it will be possible to bring about unification*’. (pl.52, npl.5, jm.2).

2. The Chapter is convinced that the presence of the Order in Italy, its possibilities and its continuity, for spiritual, historical and geographic reasons, be considered as a whole; therefore the path of unification must interest and involve all seven Italian Provinces. (pl.51, npl.4, jm.3, n.1).

4. The Provinces themselves and the Federation of the Italian Provinces are primarily responsible for this project. The Chapter gives them a mandate to carry out the process of concietization (*sic*) among the friars, so that a fitting course be undertaken toward unification in 1995 (pl.50, npl.5, jm.4)

5. It, moreover, charges the General Council to guarantee that such a course be effectively carried out according to the directives of the above proposal in the view of the date of 1995 (pl.50, npl.7, jm.2); Cf. *The Augustinian Community Between the Ideal and the Real*, Documents of the Intermediate General Chapter 1992, Pubblicazioni Agostiniane, Roma 1992, p.19-20.

<sup>75</sup> Cf. *Rule*, I,3.

founders and foundresses? Are they suitable for carrying out today, in society and the Church, those same ministries and works?"<sup>76</sup>

### iii. Amalgamation of Minor Circumscriptions into one Province

There are times when restructuring is needed in a number of less units, i.e., minor circumscriptions, who may experience similar situations. This restructuring usually goes with the model of one province in one civil territory or country. This enterprise minimizes confusions whose varied apostolate and presence could be a source of conflict between separate entities that follow diverse authority directing its life and mission. It further shows greater concern for the common good<sup>77</sup> for the Order and for the local church it is framed with, geared to better the offer of service of communion which is the best gift of the Church to our Augustinian heritage.<sup>78</sup> This also goes with the aim of fortifying the presence of the Order within a particular political civil territory, to better coordinate and synchronize apostolic mission initially facilitated by different provinces whose minor circumscriptions are present in the same region, not a confusion of a depleted portions of dependent and minor circumscriptions. This is in fact geared toward "a better use of human and financial resources for mission,"<sup>79</sup> to bolster the presence of the Order in a territory. Another underlying consideration and a reality that can never be denied is the fact that the mother provinces have no more vocation to sustain its mission in their respective missionary post. The union of minor circumscriptions has a positive and developmental impact for it advances the Order in all aspect of its life and mission creating autochthonous provinces.

#### *Exempli Gratia*

*The Province of Brazil (E-2013).* The Order recently instituted the new province of Brazil from three minor circumscriptions of the Order, i.e., two Vicariates and one Delegation previously under the three provinces of the Order, namely the Province of Castille, Province of Spain, and the Province of Malta respectively.<sup>80</sup> The Order in Brazil foresaw the need to unite, since

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<sup>76</sup> *Apostolic Letter for ICL Yr., 2.*

<sup>77</sup> Cf. *Rule*, V, 3.

<sup>78</sup> Cf. *CIUPE A Gift and A Task*, Op.Cit., p.63.

<sup>79</sup> Cf. *53 (Review for Religious)* 352-363, Op.Cit., p.357.

<sup>80</sup> The province of Madrid up to the present, also maintains a presence in Brazil. This Vicariate however chose not to join in the union of Brazil for proximity wise; they were far

the apparent drought of vocation on the mother provinces can longer be helped. This move bolstered the Augustinian presence in Brazil as a separate, unique, autochthonous, and independent province for the Brazilian landscape. The project started as earlier as 2007, when the Ordinary General Chapter of 2007 formally erected a federation<sup>81</sup> to facilitate the unification process. It was furthered in the General Chapter of 2010 and was formally erected and approved by the general chapter of 2013.<sup>82</sup>

*Post-Union Problem.* The unification process was smooth and peaceful until the newly elected officials of the province were named. Care for the temporal goods is a major subject matter in every restructuring. Friars from richer circumscriptions initiated move to preserve and assert their positions in ministries attached to such rather lucrative commerce which were now under the custody of newly-elected administration of the Province of Brazil. The problem took place when the decision of the General Chapter was making parallel changes with the civil identity of the new structure.<sup>83</sup>

Seeing the difficulty and gravity of the problem and having such contumacious friars not observing the instructions of the Order's Curia, the General sought the help of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. The Congregation replied:

*“The radicalization of a situation openly and gravely harms to the fundamental values of religious consecration, particularly obedience and poverty. In order to reestablish a correct practice in fulfilling the obligations deriving from the vows, on the basis of a sound understanding of how much the state of consecrated life requires, the need of an intervention of the Holy See became clear.”*<sup>84</sup>

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from where the three circumscriptions were. They opted and initiated, however, to unite with the Vicariate of Bolivia under the Dutch Province, whose dwindling number of personnel is also at the risk of being suppressed altogether, to form a new province within the borders of Brazil and Bolivia.

<sup>81</sup>Cf. *Ordinary General Chapter 2007 Documents and decisions*, Pubblicazioni Agostiniane, Rome 2007, p.27.

<sup>82</sup> Cf. *OGC.Decide.et.Determine.2013*, n.8.

<sup>83</sup> “It will be important to make provisions for the adjustments in the governing civil documents so that they will be in conformity with the decisions taken by the transition committee. This could entail, among many other points, a change in membership provisions in the existing articles of incorporation, a revision of any reserved powers, dissolution clauses, and so forth.” Cf. 62(*The Jurist*) 114-130, Op.Cit., p.128.

<sup>84</sup> “Lettera dalla Congregazione al Priore Generale riguardo alla situazione nelle Provincia Brasile”, in *Acta Ordinis Sancti Augustini Commentarium Officiale*, Volumen

The researcher highlights this example because he believes there is an uncanny parallelism to the present study. This is a foretaste, some friars suggest, of what could possibly happen to the union of the four Provinces in Spain. Its elements of culture, tradition, patrimony, care, and treatment for the temporal goods, and personnel are somewhat identical. The new province of Brazil only differs because its amalgamating units are minor circumscriptions.

Remembering the words of Pope Francis, participants of the union must always be reminded and admonished “not be closed in on yourselves, not be stifled by petty squabbles, not to remain a hostage to your own problems. These will be resolved if one goes forth ... and proclaim the Good News.”<sup>85</sup>

#### **iv. Status Change and Creation of Circumscriptions**

“Various religious families branched out in a marvelous and multiple ways from divinely given seed. Multiple and miraculous growth augments ... members ... and the welfare of the entire Body of Christ.”<sup>86</sup> As their number grows, changes in its juridical status also take places in accordance with their particular law and the norms of the Universal Law. But “when their number drops below the minimum required for effective governance, or when the group is no longer financially viable, or is not truly self sufficient, the authorities make other provision.”<sup>87</sup> “It is necessary to present an alternative means for its life needs to be in conjunction with the task and mission given them.”<sup>88</sup>

One way of this change is “removing the status ‘province’ from the unit in question and giving it another name such as vice-province, delegation, sector, etc”.<sup>89</sup> “If the criterion for establishing a province cannot be met, other less autonomous unit can be set in place. These usually do not constitute an immediate unit of the institute, but retain administrative links with the bodies on which they depend. Sometimes the Constitutions provide that these units have juridic personality; at other times, they are

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LXVII Anno LXIII, Curia Generalizia, Roma 2015, p.4-9. The researcher was able to obtain its English translation.

<sup>85</sup> *Apostolic Letter for ICL Yr.*, II, 4.

<sup>86</sup> Cf. *LG*, 43.

<sup>87</sup> Cf. *62(The Jurist) 114-130*, Op.Cit., p.114.

<sup>88</sup> Cf. *CIUPE A Gift and A Task*, Op.Cit.

<sup>89</sup> Cf. *62(The Jurist) 114-130*, Ibid.

merely internal administrative divisions. While some institutes call the first subdivision after a province, “vice-province” (usually because it is not able to attain financial autonomy, or because it lacks vocations), others use a different form of terminology, so that emotionally speaking, this unit is not considered to be dependent on a mother province.”<sup>90</sup>

This process of degradation or promotion is, time and again, an uphill or downhill dynamics in the hierarchical and internal restructuring of the Order. In the eve of the death of the mother provinces, its minor circumscription and mission post are at times entrusted to nearer circumscription or to a federation, having the capacity to sustain such group before it could stand on its own and become autonomous.

#### **v. Merger or Absorption**

“Mergers are not synonymous with takeovers, that is, that total assimilation of other cultures by dominant cultures. True mergers recognize the need for dialogue between equals, so that the best of all cultures is preserved in the new emerging organizational structure.”<sup>91</sup> Union entails voluntary suppression and dissolution of one’s group to create a new entity; mergers on the other hand, “have many legal and financial advantages, but not emotionally acceptable because it consists of being absorbed by larger and stronger ones.”<sup>92</sup>

In the internal restructuring of the Augustinian Order, merger is not as popular as unions. It is only good as a last resort. It is difficult to assimilate one’s eminence in the ranks of equal brothers in terms of mission, apostolate, age, care for temporal goods, and patrimony. This ideal has its reference to the Augustinian spirit of brotherhood.

Reorganizations’ first objective is the promotion of the evangelical life and better fecundity of pastoral mission.<sup>93</sup> “With due consideration for local conditions, religious communities ... readily offer a quasi-collective witness ... and gladly (present) their own goods for other needs. Several provinces and houses of each community ... share their temporal goods with one another, so that those who have more may help the others who are in need.”<sup>94</sup> Merger is only good as a remedy to an injured structure.

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<sup>90</sup> Cf. *Ibid.*, p.117.

<sup>91</sup> 53 (*Review for Religious*) 352-363, p.356; Cf. A.F. Buono and J. Bowditch, *The Human Side of Mergers and Acquisitions*, Joseey-Bass, San Francisco 1989, pp.134-163.

<sup>92</sup> *Ibid.*

<sup>93</sup> *CIUPE A Gift and A Task*, Op.Cit.

<sup>94</sup> Cf. *PC*, 13.

## **vi. Towards the General Chapters of 2016 and 2019**

As things can simply drag on and on, a realistic calendar is constantly drawn in the Road Map by the governing board of UPE to guide the process. If unforeseen difficulties arise, the calendar is adjusted accordingly.<sup>95</sup> The criteria for putting into practice provisions prescribed in the development of the Order in some regions, adjustment of the structures is done in accordance with the needs of the Church and the contemporary society. Criteria of this kind are established by the Prior General with his Council or by the General Chapter in responsible dialogue with the friars concerned in the matter.<sup>96</sup>

The calendar points to the next General Chapter, who has the only authority “to divide the Order into parts, to establish new ones, and to join, or otherwise circumscribe or suppress established ones.”<sup>97</sup> The supreme power of governance in the Order belongs to the General Chapter, which represents all the friars. This exercise is an exercise of authority and service.<sup>98</sup>

After the consultative survey, merging provinces will begin a new period whose length is currently impossible to determine. This process will conclude when the formal petition to establish the new province will be taken to the Intermediate General Chapter of 2016 or the Ordinary General Chapter of 2019<sup>99</sup>. Once the union is presented and approved by the General Chapter, a transitory period to prepare the first chapter of the new provinces will begin. During this period, consultations about general topics and other topics of interest will be conducted among members of the merged provinces.<sup>100</sup>

## **vii. What will it be for the Vicariate of the Orient?**

“The history of the humanity – and also the history of the religious life – is like a musical score that offers the discordant of the failures and the human mistakes, but it flows into a final harmonious.”<sup>101</sup> After the

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<sup>95</sup> Cf. 62(*The Jurist*) 114-130, p.127.

<sup>96</sup> Cf. *OSA Const.*, n.223.

<sup>97</sup> Cf. *CIC*, cann.581,585; Cf. *OSA Const.*, n.222.

<sup>98</sup> Cf. *OSA Const.*, n.408.

<sup>99</sup> Cf. *CIUPE A New Province*, pp.15-16.

<sup>100</sup> *Ibid.*

<sup>101</sup> *CIUPE A Gift and A Task*, Op.Cit.



elaborate preceding discussions, the Vicariate can learn from the story and lessons of previous restructuring in the Order. The problem now is whether the Vicariate can find “culturally transformative leadership .... who has the skills of guiding people through the uncertainties, anxieties, and risk of cultural change. Without these rare people, i.e., leaders, cultural change of a positive kind is impossible.”<sup>102</sup>

Most importantly, it is essential that all friars of the Vicariate must be able to buy into the process; otherwise, the union will not produce the desired effects. It takes time to develop a sense of ownership. The efforts spent in this regard are well worth it. One thing is certain: the better the transition is prepared, the smoother it will be. Like any legal undertaking, its purpose is to help build up the Church and strengthen the apostolic and community life of the members.<sup>103</sup>

The article proposes an alternative option to the problem, weighed out with much canonical equity, prudently guided by present norms and tradition of the Order, instructions from the Holy Father and Magisterium of the Church, for each circumscription’s involvement and canonical end in the project, for discernment and reflection.

## **E. COUNTER ARGUMENTS FOR THE ALTERNATIVE OPTION**

### **i. Answering simple ‘YES’ or ‘NO’ will never suffice**

The researcher, in so far as the circumscription of the Philippine Province in Spain is concerned, after hearing the sentiments and anxiety of the brothers concerned in the problem, agrees to the process of the union. However, the consultative survey will not suffice whether the whole province must join the Union. A YES or a NO is rather an inadequate answer to address the complication. The survey only proved that the Province is divided. Cases like unions should heavily consider *relative majority*, to which the Philippine Province failed to make (52.36%) from a survey turnout of 80.93%, not to mention a fraction of friars who are still undecided. If the survey further be elaborated, explicit YES is only 42.37%, explicit NO is only 33.47% and the rest (blank and not received) is 24.15%. The question needs qualification and elaboration.

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<sup>102</sup> 53 (*Review for Religious*) 352-363, Loc.Cit.

<sup>103</sup> 62 (*The Jurist*) 114-130, Op.Cit., pp.129-130.

If the result of the survey will only be the basis that the province, in its entirety, joins the union, entailing its suppression and dissolution, its proponents will be traitors of so noble a patrimony and richness of a province in the Order. All possibilities should be explored for her continued existence, for only friars in Spain and circumscriptions having the same sentiments with them could possibly and more accurately respond a reasonable simple “YES or NO” to the survey.

### ii. Suppression and Dissolution of the Philippine Province

The researcher believes that the move for the Union is compelling and imperative, but only in so far as the circumscription of the Province in Spain is concerned. However, if the eventual demise of the Philippine Province comes also with the participation of the circumscription of the province in Spain, it is as if the province has succumbed to the axiom, “*Roma Locuta Est, Causa Finita Est*” which is rather unfair and illogical. The dissolution of the province cannot be justified only because its part has a problem, because the province itself does not only and essentially belong to Spain. ‘*When the curia has flu, all the rest have no choice but to sneeze.*’ It is rather excessive and suicidal, disrespectful to the memory of the friars who worked and contributed much to such great a patrimony, not only to the Order but to the Universal Church.

### iii. Planting and replanting, wherever it could flourish and bloom

St. John Paul II in his magna carta on Consecrated Life, wrote:

*“Difficulties must be faced with an attitude not so much of successful self preservation, but commitment to faithfulness. While individual Institutes have no claim to permanence, the consecrated life itself will continue to sustain among the faithful the response of love towards God and neighbor. It is necessary to distinguish the **historical destiny**; from the **ecclesial mission** it serves as a form of the consecrated life. The former is affected by changing circumstances; the latter is destined to endure.”* (Vita Consecrata, 38).

The life, thrust, mission, and purpose of the Philippine Province remain to be needed and valid for today. It has not yet gone away with to its commitment to missionary faithfulness and preacher of the Kingdom.

*“The province came to life as the fruit of a missionary endeavor in the Far East. With the same spirit, having in mind the historical, cul-*

*tural and theological trend of our time, the Province is willing to serve the Universal Church in its different fields of evangelization, but in the frontline of missionary activities” (Provincial Statutes 2014, n.4. Cf. AG 6) “For which, following its old and illustrious tradition, the Province reaffirms its mission within the Order and ratifies its apostolate in the following areas of evangelization, to name a few, missionary work wherever the Church and the Order demand it” (Provincial Statutes 2014, n.5a).*

The researcher believes the present situation does not have capacity and liberty to dissolve the province, when the problem is proper only to one of its seven circumscriptions, i.e., in Spain. It needs a dichotomy. Friars are supposed to be caretakers, protectors, and custodians of the pride of so old a missionary province. The Province is not owned only by the Spanish or the Filipino friars. The Province is owned by the Order and by the Universal Church. They should not betray its forbearers and let the Province die when it can still find options to continue its life.

Like a seed that has been planted, grown and borne much fruit, the Province lived and operated from the presently flourishing Church of the Philippine Islands. Context and situations only pushed her to relocate its *sede* in Spain. The researcher believes that in this juncture, the Province can still be replanted, and can flourish once more from where it has started, in Intramuros. History has been favorable that the Vicariate was able to augment and restore its stability and status. The Philippine soil has the capacity to sustain the mother province. It is from where she took her name. The province and the Philippine islands are synonymous and equally identify with one another. They grew together. She has all the opportunity to bloom once more where she was born 440 years ago.

**i. Proposing a new “Province of the Orient” leaves much to be desired**

The Vicariate still does not know where to go. Common sentiments of its young friars push that the Vicariate must soon become a province. In the canonical point of view and with respect to the trend set forth by the Order, this era of restructuring, proposing a new “Province of the Orient” leaves much to be desired. It is rather impractical and may lead to further dissent of relations with its fellow Filipino brothers in the already autochthonous province of Cebu. Not to mention, the move might add insult to injury to the unexpressed sentiments perennially felt bilaterally by Filipinos of both

circumscriptions. Lest duplicity of presence, redundancy, and God forbid, rivalry of recruitment and ministry occur. In the canonical point of view, a province has to have a 'flexibly understood territory', to which further adds another grey area. If the Vicariate will gear towards separate autonomy, it could be tagged as above, for the Order has already an autochthonous province of Cebu, serving the Filipino people in the Islands.

If taken seriously and move collectively, leaving aside 'self-absorption', fellow Filipino Friars from Cebu must be considered in this threshold of the circumscription in Manila. It needs *"to step out more courageously from the confines ... and to work together, at the local and global levels, on projects involving formation, evangelization, and social action... No one contributes to the future in isolation, by his or her efforts alone, but by seeing himself or herself as part of a true communion which is constantly open to encounter, dialogue, attentive listening, and mutual assistance. Such a communion inoculates us from the disease of self-absorption."* (*Apostolic Letter to all Religious in the Year of Consecrated Life*, PII, 3) In the eve of restructuring, the Vicariate needs to act *"from a pastoral plan of mere conservation to a pastoral plan that is decidedly missionary"*. (*Evangelii Gaudium*, 15)

The Vicariate remains to exist only because it is in the ancillary vanguard position of the Province to return back to China. Why then create and take the rather tedious and painstakingly long process of legitimacy, following canonical and juridic procedures of erecting a new province when the mother is still alive, when a more pragmatic option of restoring the seat of the province in Vicariate of the Orient is the easiest way? Why put the Vicariate on a tedious and lengthy task for such a relatively young, unripe circumscription and become a separate province?

The return of the province in Manila is the most practical thing to do. For one thing, the Vicariate of the Orient and the Province itself equally identifies with one another. One cannot live without the other. This is a reality that most friars know. The Philippine Province loses its life without its circumscription in the Philippines and the Vicariate is rendered insignificant without the province existing.

It's only now a matter of question whether the Philippine Province will allow natural born Filipinos to carry on the heritage and give the pen to natural born Filipino friars to continue writing the story of missions. Chances are, could the Spanish Friars finally entrust a province, be led and be under the auspices of the people it was also named after? This could be a challenge for everyone.

### v. The dilemma of the Filipino Friars

It is a known fact that the Vicariate of the Orient consists mostly of young friars. If the Union in Spain cuts its umbilical cord from its Filipino youngsters, it fails to facilitate the instruction of Pope Francis in his Apostolic Letter:

*“I would especially like to say a word to those of you who are young. You are the present, since you are already taking active part in the lives of your Institutes, offering all the freshness and generosity of your “yes”. At the same time you are the future, for soon you will be called to take on roles of leadership in the life, formation, service, and mission of your communities. This Year should see you actively engaged in dialogue with the previous generation. In fraternal communion you will be enriched by their experiences and wisdom, while at the same time inspiring them, by your own energy and enthusiasm, to recapture their original idealism. In this way, the entire community can join in finding new ways of living the Gospel and responding more effectively to the need for witness and proclamation”.*

For the youth of the circumscription in Manila *“have not only a glorious history to remember and to recount, but also a great history still to be accomplished! Look to the future, where the Spirit is sending you in order to do even greater things”* (Vita Consecrata, 110).

The propensity, if left alone and on its own, creates a separate and discontinued development from its rich heritage is the temptation Benedict XVI and Francis foretold:

*“...to see things in terms of numbers and efficiency, and even less to trust in your own strength... In scanning the horizons of your lives and the present moment, be watchful and alert. Together with Benedict XVI, I urge you not to ‘join the ranks of the prophets of doom who proclaim the end or meaninglessness of the consecrated life in the Church in our day...’ ”* (Apostolic Letter to all religious in the Year of Consecrated Life, 3).

All must need to

*“strip away the seeming assurance structures give, which, though certainly necessary and important, should never obscure the one true strength it carries within: God. He is our strength!”* We are invited to be audacious, frontier men and women: *“Ours is not a ‘lab faith,’ but a ‘journey faith,’ and historical faith...You cannot bring home*

*the frontier, but you have to live on the border and be audacious.*" (CICLSAL, Letter to consecrated men and women on the Year of Consecrated Life, 11)

**vi. "The future of the Church is in Asia" – Pope Francis**

The option to restore the province in Asia is very much viable and feasible, if the province will seriously study and consider it. Pope Francis said the future of the Church *is* in Asia. In the same way, the province has a future in Asia.

Cardinal Tagle said that he recently met with the Holy Father asking him that he be relieved with so many duties he imposed upon his shoulders. The Pope refused, saying that he wanted an Asian in those positions because *"the future of the Church is in Asia."*

(<http://www.zenit.org/en/articles/pope-francis-the-future-of-the-church-is-asia>)

The Province with its rich patrimony and missionary zeal, could once again revitalize itself, and in effect, continue its existence of being a gift to the whole Church. In this argument, the researcher sees not so much of having the pride of so old of province doing all possible measure to continue its existence but taking the words of the good Filipino Cardinal: *"It is not a matter of honour. Is it a challenge, a prophecy or a great calling? We do not know. But it is surely a matter of great responsibility, a great mission ... and seek ways on how we can contribute to the worldwide Church..."* (Ibid.)

The Province's relevance is still valid and strong, needed ever more in the Church and in the Asian context. What is expected after the union is to maintain a good working relationship among native the Filipino and the Spanish friars, hoping that it will push better coordination of apostolate and shared mission in Asia and the rest of the Church, be relevant and effective in the task that the Church and the Order entrusted to the province.

*"I also expect from you what I have asked all the members of the Church: to come out of yourselves and go forth to the existential peripheries. 'Go into all the world'; these were the last words which Jesus spoke to his followers and which he continues to address to us. A whole world awaits us: men and women who have lost all hope, families in difficulty, abandoned children, young people without a future, the elderly, sick and abandoned, those who are rich in the world's goods but impoverished within, men and women looking for*

*a purpose in life, thirsting for the divine.*” (Apostolic Letter to all Religious in the Year of Consecrated Life, PII, 4.)

For practical reasons, restoring the seat in Manila favors life rather than death. From the juridico-canonical point of view, the tedious and long process for the whole province’s involvement in the union is lessened; for it has narrowed down and isolated only those circumscriptions which need to join the union. It is a dynamic and radical response which will benefit the Universal Church and the Order in which the patrimony of the Philippine Province and the whole Order is preserved. It is a reorientation of circumscriptions of the Province after the Union, reviving its missionary and apostolic thrust. It remains to be a pragmatic solution for the future of the Vicariate of the Orient, reorientation of its growing personnel intended and designed primarily for the mission.

## **F. CONCLUSION AND RECOMMENDATIONS**

The process of the union is an occasion for reorientation, for renewal and revitalization of the Augustinian religious life. It furthers the task and mission to be of service to the Church and the whole Order. The following is the researcher’s recommendation on the present study:

- The Philippine Province will and must continue to participate in the unification process, principally and largely by its circumscription in Spain.
- Competent authority must seriously consider and study the possibility of restoring the Province’s *sede* in Manila. Finding its viability, the Province may, for an interim of two quadrennium (8 years), facilitate the transfer beginning with the next Provincial Chapter (Intermediate or Ordinary) to be held in Manila.
- The circumscription in Spain may identify itself from its previous configuration before the transfer of 1926. In the old Constitutions of the Order and Statutes of the Province, Valladolid must have been a *Rectoria* under a Major Superior, symbolizing unity in the region.
- Willing and capable Spanish Friars living in Spain may opt to transfer to the Philippines, for they can be of help to the development and growth of young Filipinos. They can teach, be involved in its ministries, particularly in the pedagogical aspect, both in the initial and on-going formation.

- Other circumscription outside Spain, which had not yet contemplated and initiated its own path since the beginning of the unification process, may opt to choose to be under the New Province of Spain, or be under the new proposed set up of the province, having its seat in Manila.
- To address the flexibility of the shared territory, new houses to be erected by the Philippine Province in the Philippines Islands should be in consultation with the competent authority of Cebu Province.
- The circumscription in Manila will take on the '*ad gentes*' missionary character of the Mother Province.
- The Vicariate of the Orient will cease to exist, and simply restore the presence of the Mother Province from where it was born.