

MEMORANDUM 1260

IN RE: Review of a Bishop's Decision of Law in the Philippines Central Conference Regarding the Legality of Proposed Rules for the Election of Bishops In Light of Judicial Council Decision 1249

STATEMENT OF FACTS

On December 12, 2012, in the course of the 20th Regular Session of the Philippines Central Conference, two members made two separate requests for decisions of law by the presiding bishop, Bishop Warner Brown. The requests were as follows:

1. I move that the presiding bishop make a ruling on Page 9, Line 229 the whole section on Committee on Elections.
2. I move to request the Chair to rule on whether the CPORO proposal, particularly = ART. 2, Part E: Committee on Elections, Sections 18-20 and ART. 5, Part A: General Guidelines, Sections 1-9, as printed in the legislative agenda kit of the 20th Regular Session of the Philippines Central Conference, currently convened here in Bayombong, N.V, Philippines (Dec 11-16, 2012) are in conflict with Par. 405 of the *2008 Book of Discipline* of the United Methodist Church and with Sec. III, Part A.3 of the Philippines Central Conference Plan Organization and Rules of Order as printed in the 2012 Handbook for Delegates, page 85.

The presiding Bishop made a decision of law in which he found some of the provisions of the Committee on Plan of Organization and Rules of Order Proposal as being in violation of the *2008 Discipline*.

The records submitted to the Judicial Council contained only the two requests for decisions of law and the presiding Bishop's decision of law. Absent from the records were the minutes of the December 12, 2012, session at which the requests were made and copies of the Committee on Plan of Organization and Rules of Order Proposal and the Philippines Central Conference Plan of Organization and Rules of Order. Efforts were made by the Judicial Council to obtain the minutes of the December 12, 2012, session with no success.

In Memorandum 1249 the matter was remanded to the Philippines Central Conference, and it was instructed to forward to the Secretary of the Judicial Council the minutes of the December 12, 2012, session of the 20th Regular Session of the Philippines Central Conference and the Philippines Central Conference Plan of Organization and Rules of Order within 60 days as of that decision. The Judicial Council retained jurisdiction.

Again, the Judicial Council has made efforts to obtain the minutes of the December 12, 2012, session, copies of the Committee on Plan of Organization and Rules of Order Proposal

and the Philippines Central Conference Plan of Organization and Rules of Order. The Judicial Council was only able to obtain a copy of the Handbook that includes the full text of the Plan of Organization and Rules of Order. The Council has not received a copy of the minutes of the December 12, 2012, session and a copy of the proposal presented by the Committee on Plan of Organization and Rules of Order as found in the Legislative Agenda Kit upon which the presiding bishop made his decision.

JURISDICTION

The Judicial Council has jurisdiction under ¶ 2609 of the *2008 Discipline*.

DIGEST

The Judicial Council reaffirms Memorandum 1249 and reiterates that without the minutes of the December 12, 2012, session it cannot make a determination of whether the requests for a decision of law were received during the regular business of a session. The longstanding jurisprudence of the Judicial Council has been that requests for decisions of law shall be germane to the regular business, consideration, or discussions of the Annual Conference and shall state the connection to the specific action taken, or the questions must be raised during the deliberation on a specific issue of a matter upon which the conference takes action. Also, without the Committee on Plan of Organization and Rules of Order Proposal the Judicial Council is unable to review the Bishop's decision of law.

Consequently, the matter again is remanded to the Philippines Central Conference, and it is instructed to forward to the Secretary of the Judicial Council the minutes of the December 12, 2012, session of the 20th Regular Session of the Philippines Central Conference and a copy of the Committee on Plan of Organization and Rules of Order Proposal within 60 days as of this decision. The Philippines Central Conference is specifically instructed to encourage the Conference Secretary and provide the Conference Secretary with all necessary support and assistance for him to complete and submit the minutes of the December 12, 2012, session and a copy of the Committee on Plan of Organization and Rules of Order Proposal. In the event that the requested documents are not received within the 60 days deadline, Bishop Warner Brown will be requested to provide the Judicial Council with the legislative documents he relied upon in rendering his decision of law. The Judicial Council retains jurisdiction.

Ruben Reyes was absent.

Beth Capen was absent.

Sandra Lutz, first lay alternate, participated in this decision.

Randall Miller, third lay alternate, participated in this decision.

William B. Lawrence, President

F. Belton Joyner, Jr., Secretary

April 26, 2014