

THE REVEREND HERNAN RODRIGUEZ-MORALES, AND
THE REVEREND MANUAL PEREZ-RODRIGUEZ,
Complainants

vs.

THE SYNOD OF PUERTO RICO,
Respondent

Opinion

This is a remedial case of original jurisdiction initiated by a complaint of the Rev. Hernan Rodriguez-Morales and the Rev. Manual Perez-Rodriguez, ministers of the United Presbyterian Church in the United States of America, against an action of the Synod of Puerto Rico (hereinafter called the Synod), meeting February 12, 1982, in which the Synod voted to discharge the Special Committee to Nominate a Synod Executive and to elect a new committee. The Complainants specified four irregularities in the Synod's actions. The relief requested was that the Synod's decision to dissolve the special nominating committee be reversed.

The Complainants have standing to complain. (Book of Church Discipline, Chapter VI, Section 5, c (86.05).) The complaint was timely filed. (Book of Church Discipline, Chapter VI, Section 8 (86.08).) It involves an interpretation of the Constitution and is properly before the Permanent Judicial Commission of the General Assembly. (Form of Government, Chapter XIV, Section 9 (44.09).)

The first three specifications of error hinge upon whether there are constitutional limitations on the powers of the synod to establish, dissolve, and replace its committees, in particular the dissolution of a committee that (1) has not completed the work assigned to it, (2) is elected in part by constituent presbyteries, and (3) is composed in accordance with procedures prescribed in the Form of Government. Neither the record nor the testimony in this case demonstrates that the Synod acted in a manner exceeding the authority granted to it by the Constitution of the Church. Specifications 1, 2, and 3 are not sustained.

Specification 4 states: "A motion was presented to refer the whole situation to the Synod Committee on Judicial Business and it was declared 'out of order.'" The testimony given in this case shows that no appeal to the body was taken from the ruling of the chair. Inasmuch as the Complainants did not exhaust the remedies available at the time, nor have they demonstrated prejudice by the Moderator's ruling, Specification 4 is not sustained.

Finding no evidence in the record or testimony to support the Complainant's allegations, the complaint is dismissed.

The Reverend Robert N. Oerter, Jr., and the Reverend Roberto E. Velez were absent and did not participate in the decision. (Book of Church Discipline, Chapter VIII, Section 13 (88.13).) The Reverend Herman B. Eschen participated in the deliberation of this case but, due to his death, did not vote upon the specifications of error or in the adoption of this opinion.