"the plea" or "the bill of complaint") to the competent judge consists in providing him with a concise document explaining the matter in dispute. Since, at that moment, the dispute does not yet exist but is only potential, the expression "the matter in dispute" is used probably for the sake of coherence (cf. c. 1400, § 1) in language and concepts. In fact, the trial could even be concluded without the object of the trial being clarified, as in the cases of those who simply remit their case to the justice of the tribunal, and even in those of simple non-appearance of the respondent (cf. c. 1592).

Can. 1503 — § 1. Petitionem oralem iudex admittere potest, quoties vel actor libellum exhibere impediatur vel causa sit facilis investigationis et minoris momenti.	**Can. 1503 — § 1. A judge can admit an oral plea whenever the plaintiff is impeded from presenting a petition or when the case can be easily investigated and is of minor significance.**
§ 2. In utroque tamen casu iudex notarium iubeat scriptis actum redigere qui actori legendus est et ab eo probandus, quique locum tenet libelli ab actore scripti ad omnes iuris effectus.	**§ 2. In both cases, however, the judge is to direct a notary to record the matter in writing. This written record is to be read to, and approved by, the plaintiff, and it takes the place of a petition written by the plaintiff as far as all effects of law are concerned.**

1503 — The principle that the procedure is a written one, in effect in the contentious trial, is compatible with the fact that the judge may admit, on occasion, an oral petition from the plaintiff. This oral petition must be put into writing by the notary; it follows that it then becomes a written one, once it has been read and approved by the plaintiff. It has the same validity in all respects as a written petition to introduce the suit.

The norm gives rise to certain problems, because the petition introducing the suit (cf. c. 1504) is a document that must meet numerous formal requisites. The notary must include all of these in the record that is prepared. It is also an act which gives expression to a legally based request of the plaintiff; the determination of conformity with the juridical requirements is not, however, the function of a notary. Since the office of permanent advocates was constituted in c. 1490, we consider that, when the plaintiff is prevented from presenting a written petition, the judge may order that he be referred to the advocate so that the latter may formulate it in correct legal terms.

Can. 1504 — Libellus, quo lis introducitur, debet:	**Can. 1504 — The petition by which a suit is introduced must:**
1° exprimere coram quo iudice causa introducatur, quid petatur et a quo petatur;	**1° state the judge before whom the case is being introduced, what is being sought and from whom it is being sought;**
2° indicare quo iure innitatur actor et generatim saltem quibus factis et probationibus ad evincenda ea quæ asseruntur;	**2° indicate on what right the plaintiff bases the case and, at least in general terms, the facts and the proofs to be evinced in support of the allegations made;**
3° subscribi ab actore vel eius procuratore, appositis die, mense et anno, necnon loco in quo actor vel eius procurator habitant, aut residere se dixerint actorum recipiendorum gratia;	**3° be signed by the plaintiff or the plaintiff's procurator, and bear the day, the month and the year, as well as the address at which the plaintiff or procurator resides, or at which they say they reside for the purposes of receiving the acts;**
4° indicare domicilium vel quasi-domicilium partis conventæ.	**4° indicate the domicile or quasi-domicile of the respondent.**

1504 — There is only one difference (4°) in this canon from c. 1708 of the *CIC*/17. It is a logical requirement, since if the plaintiff, who already knows what he or she is seeking, must indicate (3°) the place where the notifications are to be sent, it is even more important that a fixed address be given where the summons may be sent to the other parties (cf. c. 1507, § 1).

The first number (1°) deals with the need to give the subjective and objective reasons for the trial, without which it cannot be held. First, concerning the judge and the parties: the competence of the former must be determined; with regard to the respondent, if he or she is a minor, incapable, or a juridical person, the name of the representative who has been duly appointed to make up for or complement their capacity to be parties to a suit, must be indicated. Similarly, if these circumstances apply also to the plaintiff, the representative will have to provide the title according to which he or she may to sue on behalf of the person represented. What is being sought in the petition must be clearly formulated.

The petition, according to 2°, must indicate in general terms both the law and the facts on which the case is based. The narration of facts must accompany, at least in a brief and summary form, the allegation of the applicable juridical norm, together with the line of argument or reasoning which links the right with the fact from which the action arises. The latter, however, need not necessarily

be indicated. One may also outline the elements of evidence (*via argumentationis*) to be used to support the alleged facts.

Finally, the petition must be signed by the plaintiff or procurator, and it should include the day, month, and year. Strictly speaking, these last facts are not absolutely necessary, because the relevant date — for the purpose of interrupting prescription, for instance, or simply for calculating the month prescribed in c. 1506 — will be that of the day on which the petition arrives at the office of the notary of the tribunal. The notary must record the date the document was presented (c. 1437), because it is that date which determines the order in which cases are to be submitted for judicial hearing (cf. c. 1458). If the petition was signed by the procurator of the plaintiff, the prescriptions of c. 1484, § 1, must also be observed.

The petition for some processes has to meet other requirements, in addition to those indicated in this canon (cf. c. 1658).

Can. 1505 — § 1. Iudex unicus vel tribunalis collegialis præses, postquam viderint et rem esse suæ competentiæ et actori legitimam personam standi in iudicio non deesse, debent suo decreto quam primum libellum aut admittere aut reicere.

Can. 1505 — § 1. Once he has satisfied himself that the matter is within his competence and the plaintiff has the right to stand before the court, the sole judge, or the presiding judge of a collegiate tribunal, must as soon as possible by his decree either admit or reject the petition.

§ 2. Libellus reici potest tantum:

§ 2. A petition can be rejected only if:

1° si iudex vel tribunal incompetens sit;

1° the judge or the tribunal is not legally competent;

2° si sine dubio constet actori legitimam deesse personam standi in iudicio;

2° it is established beyond doubt that the plaintiff lacks the right to stand before the court;

3° si non servata sint præscripta can. 1504, nn.1-3;

3° the provisions of can. 1504 nn. 1-3 have not been observed;

4° si certo pateat ex ipso libello petitionem quolibet carere fundamento, neque fieri posse, ut aliquod ex processu fundamentum appareat.

4° it is certainly clear from the petition that the plea lacks any foundation, and that there is no possibility that a foundation will emerge from a process.

§ 3. Si libellus reiectus fuerit ob vitia quæ emendari possunt, actor novum libellum rite confectum potest eidem iudici denuo exhibere.

§ 3. If a petition has been rejected by reason of defects which can be corrected, the plaintiff can draw up a new petition correctly and present it again to the same judge.

§ 4. Adversus libelli reiectionem integrum semper est parti intra tempus utile decem dierum recursum rationibus suffultum interponere vel ad tribunal appellationis vel ad collegium, si libellus reiectus fuerit a præside; quæstio autem reiectionis expeditissime definienda est.

§ 4. A party is always entitled, within ten canonical days, to have recourse, based upon stated reasons, against the rejection of a petition. This recourse is to be made either to the tribunal of appeal or, if the petition was rejected by the presiding judge, to the collegiate tribunal. A question of rejection is to be determined with maximum expedition.

1505 — It is the responsibility of the sole judge or, where applicable, of the presiding judge of the tribunal to accept the petition. The competence of the judge must be verified, first, as well as the right of the plaintiff to stand before the court: that is, whether the plaintiff has procedural capacity, and even the necessary capacity *ad processum* — in those cases where the legislator demands a supplementary prerequisite for validly undertaking legal action. If these requisites are not fulfilled, a decree will be issued rejecting the petition outright. It will also have to be rejected if any of the requisites prescribed in c. 1504, 1°-3°, are lacking. The petition, therefore, must be well formulated (cf. commentary on c. 1504), and cannot relate to those specific matters which must be processed according to special regulations established for certain types of trials, or for criminal trials, or for the procedures for administrative recourse. Paragraph 2, 2°-3°, lists the indispensable requirements regarding subjective and objective reasons for the process, without which no process can even be considered. There are some other requisites listed in c. 1504, 3° which, in view of their nature as easily corrected defects, would be more suited to § 3 than § 2 of c. 1505.

In comparison to c. 1709 of the *CIC*/17, there is an important innovation in § 2, 4°, of the *CIC*/83, which is in the best canonical tradition. It requires that the petition have the semblance of a well-founded right — the *fumus boni iuris* requirement — which was not stated but merely implied in the *CIC*/17, but later specified in the Instr. *Provida mater Ecclesia* 64.

Finally, if a petition is rejected, recourse may be lodged within ten canonical days to the tribunal (or to the college, if the petition was rejected by a decree of the presiding judge of the collegiate tribunal) and is to be decided as quickly as possible ("expeditissime"), without the need to consult the parties, whether public or private, and without the possibility of any subsequent recourse, whatever the new decision may be.

Jurisprudence admits the *restitutio in integrum* against the unappealable decree rejecting the petition (*c.* Bruno, decr., 23-05-1986, *Studio Rotale* 2 [1987] 99-105).

Can. 1506 — Si iudex intra mensem ab exhibito libello decretum non ediderit, quo libellum admittit vel reicit ad normam can. 1505, pars, cuius interest, instare potest ut iudex suo munere fungatur; quod si nihilominus iudex sileat, inutiliter lapsis decem diebus a facta instantia, libellus pro admisso habeatur.

Can. 1506 — If within one month of the presentation of a petition, the judge has not issued a decree admitting or rejecting it in accordance with can. 1505, the interested party can insist that the judge perform his duty. If, notwithstanding this, the judge does not respond, then after ten days from the party's request, the petition is to be taken as having been admitted.

1506 — The problems to which c. 1710 of the *CIC*/17 gave rise have been corrected in this canon. If the judge to whom the petition is proposed makes no decision to admit or reject it within one month, the party may insist that the judge fulfill his duty. If the judge does not respond within ten days of the party's request, the petition is automatically admitted *ipso iure*. This measure prevents prejudice to the party as a result of the judge's negligence. Practical problems might still arise after that, however, if the negligence continues, especially with regard to the summons to appear in court regulated in c. 1507, § 1, and which § 2 does not seem to eliminate, unless the tribunal changes its mind. In these cases, it will be necessary to proceed against the judge by means of a denunciation (cf. c. 1457), and even by a penal process if the judge is considered to be guilty of culpable negligence in the exercise of the office, as mentioned in c. 1389, § 2.

Caput II
De citatione et denuntiatione actorum iudicialium

Chapter II
The Summons and the Intimation of Judicial Acts

Can. 1507 — § 1. In decreto, quo actoris libellus admittitur, debet iudex vel præses ceteras partes in iudicium vocare seu citare ad litem contestandam, statuens utrum eæ scripto respondere debeant an coram ipso se sistere ad dubia concordanda. Quod si ex scriptis responsionibus perspiciat necessitatem partes convocandi, id potest novo decreto statuere.

Can. 1507 — § 1. In the decree by which a plaintiff's petition is admitted, the judge or the presiding judge must call or summon the other parties to court to effect the joinder of the issue; he must prescribe whether, in order to agree the point at issue, they are to reply in writing or to appear before him. If, from their written replies, he perceives the need to convene the parties, he can determine this by a new decree.

§ 2. Si libellus pro admisso habetur ad normam can. 1506, decretum citationis in iudicium fieri debet intra viginti dies a facta instantia, de qua in eo canone.

§ 2. If a petition is deemed admitted in accordance with the provisions of can. 1506, the decree of summons to the trial must be issued within twenty days of the request of which that canon speaks.

§ 3. Quod si partes litigantes de facto coram iudice se sistant ad causam agendam, opus non est citatione, sed actuarius significet in actis partes iudicio adfuisse.

§ 3. If the litigants in fact present themselves before the judge to pursue the case, there is no need for a summons; the notary, however, is to record in the acts that the parties were present at the trial.

1507, § 1 — The petition of a plaintiff must be admitted by the judge or the presiding judge of the tribunal by means of a decree (cf. c. 1505, § 1), in which it is ordered that the other litigating parties be called or summoned to court to effect the joinder of the issue. The response may be carried out in two ways: either by replying in writing or by appearing before the judge personally to agree to the points at issue. This option complies with the dual procedural possibility provided in c. 1513, § 2, for establishing the joinder of the issue, which must be determined in the decree admitting the petition and summoning the parties. The choice of the written reply does not exclude the possibility that the parties will be summoned again by a new decree, if necessary.

§ 2 — The commentary on c. 1506 may be applied to this twenty-day time limit.

§ 3 — Especially in these cases, a summons is both a notification of a petition which has been admitted and, subsequently, an intimation that the person summoned should formulate a written reply to the allegation or appear before the tribunal. If there are other simpler and more spontaneous means of achieving the same end, the summons becomes superfluous, but whatever action is taken, it must be recorded in the written acts of the trial.

At the Roman Rota, the admission of the petition of the plaintiff and the summon of the other parties are two distinct acts (*Normæ Romanæ Rotæ Tribunalis* 56 and 57, §1, *AAS* 86 [1994] 508-540; also in a separate edition, Libreria editrice Vaticana, 1994).