

**PERMANENT JUDICIAL COMMISSION  
OF THE GENERAL ASSEMBLY  
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Ángel P. Suárez-Valera, **Appellant,**

v.

Presbiterio del Noroeste, **Appellee.**

**Decision and Order**

Remedial Appeal 225-02

**Arrival Statement**

This is an appeal to the General Assembly Permanent Judicial Commission (GAPJC or this Commission) filed by the Rev. Ángel P. Suárez-Valera (Appellant) from a decision of the Permanent Judicial Commission of the Sínodo Presbiteriano Boriquén en Puerto Rico (SPJC), dated August 24, 2019.

**Jurisdictional Statement**

This Commission finds that it has jurisdiction, Appellant has standing to file the appeal, the appeal was properly and timely filed, and the appeal states one or more grounds for appeal set forth in D-8.0105.<sup>1</sup>

**Appearances**

Appellant was present and was represented by the Rev. Luis M. Acevedo-Lebrón. The Presbiterio del Noroeste (Presbytery or PNO) was represented by Committee of Counsel the Rev. Madeline Álvarez-Soto, Elder Florence Vargas-González, and Elder Luis Soto-Alma.

**History**

On February 25, 2017, PNO approved a temporary pastoral contract between Appellant and the Calero Presbyterian Church in Aguadilla, Puerto Rico (Iglesia Presbiteriana Calero en Aguadilla) (hereafter Calero); the term of the contract was one year, from March 1, 2017, to February 28, 2018. On April 10, 2017, Appellant, with the permission of the Calero session, requested a meeting with the PNO Committee on Ministry (COM) to “share information and receive pastoral guidance pertaining to several unusual situations” he had encountered at Calero. In his appeal to this Commission, Appellant stated that he “discovered some statements and practices contrary to the Reformed Presbyterian faith in the areas of church life, financial

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<sup>1</sup> *Book of Order* citations in this Decision are from the 2017-2019 edition, which was in effect during the time of the actions.

administration, and Presbyterian Reformed identity.” The COM met with Appellant on April 20, 2017, to hear his concerns.

The COM met with the Calero session on June 2, June 7, and June 19, 2017. Appellant was present on June 2 and June 7, 2017. The COM minutes of June 7, 2017, reflect the COM decision to terminate the pastoral relationship as of June 24, 2017. The COM informed the Calero session that they would meet on June 24, 2017, and inform Appellant of their determination. A meeting with Appellant was scheduled for 10:00 a.m. and a meeting with the Calero session was scheduled for 11:00 a.m. on June 24, 2017. At the meeting, the COM verbally informed Appellant that it was terminating his contract with the Calero session “with immediate implementation.” The grounds for the termination of the temporary pastoral relationship included a finding that the relationship between Appellant and the Calero session was “irreconcilable.” Appellant requested a determination in writing from the COM on June 27, 2017, and it was provided by the COM on July 13, 2017.

The COM reported its actions at the August 26, 2017, stated meeting of PNO. At the meeting, PNO voted to affirm the decision of the COM. On October 13, 2017, Appellant filed a remedial case against PNO with the SPJC. On January 19, 2019, the Moderator and Clerk of the SPJC issued a Preliminary Order of Dismissal on the ground that the SPJC did “not find that the Complaint states a matter that can be resolved by the Synod Judicial Commission.” Appellant challenged the Preliminary Order of Dismissal by submitting an appeal to the full SPJC on February 26, 2019. Appellant alleged, among other things, that the COM decision was arbitrary and denied him “due process.” The SPJC did not hold a hearing on the challenge, but parties did submit briefs in support of their positions.

The SPJC affirmed the Preliminary Order of Dismissal on August 24, 2019, and Appellant appealed that decision to this body on November 16, 2019.

### **Specifications of Error**

[Note: This Commission has re-written the specifications of error to conform to the style of cases before this body, and to clarify that this is an appeal from a decision of the SPJC. In his appeal, Appellant provides four narrative paragraphs that he labels “Specifications of Error” from which the Commission has distilled the present specifications.]

*Specification of Error No. 1: The SPJC erred by not finding the COM made prejudicial decisions and did not observe “due process” in that the COM did not have the authority to terminate a temporary pastoral contract with immediate effect.*

This specification of error is neither sustained nor not sustained. (See Decision below.)

*Specification of Error No. 2: The SPJC erred by not finding that PNO did not follow “due process” in that the decision of the COM was arbitrarily ratified by PNO without explanation as to the reason for termination.*

This specification of error is neither sustained nor not sustained. (See Decision below.)

*Specification of Error No. 3: The SPJC erred by not finding the COM failed to investigate the allegations of theological and doctrinal irregularities in the Calero session and congregation and made its decision to terminate the pastoral relationship without adequate opportunity for Appellant to present evidence of such irregularities.*

This specification of error is neither sustained nor not sustained. (See Decision below.)

*Specification of Error No. 4: The SPJC erred by not finding the action of PNO prejudicial because PNO prevented Appellant from presenting evidence and ratified a decision of its COM without “due process.”*

This specification of error is neither sustained nor not sustained. (See Decision below.)

### **Decision**

In these four specifications of error, Appellant asks this Commission to rule on the merits of particular irregularities and delinquencies alleged in his original complaint, rather than referring to the SPJC's decision to dismiss the case for failure to state a claim upon which relief can be granted. This Commission is unable to sustain or not sustain those specifications of error because it cannot rule on the outcome of a trial that has not yet been conducted.

When determining preliminary questions, judicial commissions are required to assume the truth of the facts as alleged in a complaint. (See *Hope, et al. v. Presbytery of San Francisco*, 2003, 216-6; *Wolfe v. Presbytery of Winnebago*, 2008, 219-04; *Lewellen v. Presbytery of Los Ranchos*, 2016, 223-03.) Had the SPJC done so in this case, it should have resulted in a determination that Appellant did, in fact, state a claim upon which relief could be granted.

Thus, the key question before this Commission is: did the SPJC err by dismissing the case for failure to state a claim upon which relief can be granted? This Commission finds that the SPJC did so err.

While the relief available might be limited to declaratory relief, such relief can offer guidance to the church on matters of unclarity, as those at the center of this case. For example, did the COM act beyond the scope of its authority in acting on June 24, 2017, to terminate the temporary pastoral relationship? At stake in this question is whether the COM understood itself to function as a commission, with delegated power to terminate temporary pastoral relationships, or did it understand its action to be a recommendation to PNO that required ratification by the presbytery in order to take effect? This matter could be an issue at trial. Depending on the outcome of the trial, the SPJC could determine that guidance to PNO concerning the scope of the COM's authority might be a form of declaratory relief.

This Commission reminds all councils of the church of the difference between committees and commissions. A committee “shall study and recommend action or carry out decisions already made by a council,” and a commission is “empowered to consider and conclude matters referred to it by a council.” It further reminds councils to state specifically the

scope of authority given to a commission or a committee and any restrictions on its powers (G-3.0109).

This Commission affirms that the provisions of G-2.0904 and the procedural requirements contained therein pertain only to installed and not to temporary pastoral relationships. Nonetheless, the church should consider whether the present state of the Constitution's provisions regarding a presbytery's supervision of temporary pastoral relationships is adequate. With the church's growing reliance on such relationships to provide pastoral leadership, an increasing number of presbyteries are needing to address concerns arising from these relationships. The church would do well to consider whether additional constitutional provisions concerning the establishment and termination of such relationships are warranted.

### **Order**

IT IS THEREFORE ORDERED that the decision of the Sínodo Presbiteriano Boriquén en Puerto Rico PJC to dismiss the complaint is reversed, and the case is remanded to the SPJC for trial.

IT IS FURTHER ORDERED that the Stated Clerk of the Sínodo Presbiteriano Boriquén en Puerto Rico enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

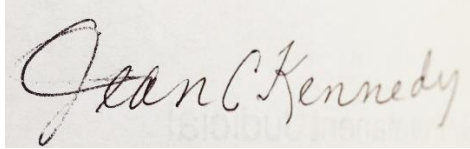
IT IS FURTHER ORDERED that the Stated Clerk of the Presbiterio del Noroeste report this Decision to the Presbytery at the first meeting after receipt, that the Presbiterio del Noroeste enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

### **Absences and Non-Appearances**

Commissioner Mari Glory González-Guerra was recused and took no part in the hearing and deliberations. The commissioner position from the Synod of Alaska-Northwest was vacant.

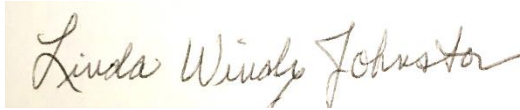
### Dissenting Opinion

We respectfully dissent from the decision of our colleagues. This is an appeal from the decision of the SPJC on preliminary questions. In reviewing the record and hearing the argument of the parties, we believe the SPJC rightly decided that, since the actions of the Presbytery were within its authority, Appellant did not state a claim on which relief could be granted. This Commission should have sustained the SPJC in that finding and dismissed the appeal.



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Jean C. Kennedy  
October 18, 2020



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Linda Windy Johnston  
October 18, 2020



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Diana Moore  
October 18, 2020

## Certificates

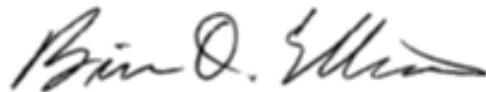
We certify that the foregoing is a true and correct copy of the Decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Appeal 225-02, Ángel P. Suárez-Valera, Appellant, v. Presbiterio del Noroeste, Appellee, deliberating by video conference under the provisions of its Manual of Operations, section 6.02.90e, made and announced in Louisville, Kentucky, this 18<sup>th</sup> day of October, 2020.

Dated this 18<sup>th</sup> day of October, 2020.



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Susan C. McGhee, Moderator  
Permanent Judicial Commission of the General Assembly



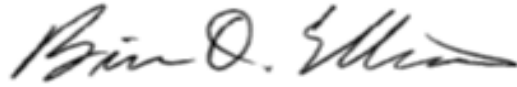
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Brian D. Ellison, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by Federal Express Air service, directing Flor Vélez-Díaz to deposit it in the mail in Louisville, Kentucky:

Ángel Suárez-Valera, Appellant  
Luis M. Acevedo-Lebrón, Counsel for the Appellant  
Committee of Counsel Rev. Madeline Álvarez-Soto, Elder Florence Vargas-González  
and Elder Luis Soto-Alma, Committee of Counsel for Appellee  
Stated Clerk, Presbiterio del Noroeste  
Stated Clerk, Sínodo Presbiteriano Boriquén en Puerto Rico  
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to Flor Vélez-Díaz, on October 18, 2020.

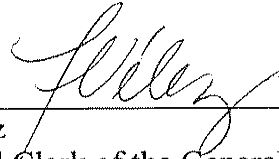


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Brian D. Ellison, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, by video conference, October 15-18, 2020, in Remedial Appeal 225-02, Ángel P. Suárez-Valera, Appellant, v. Presbiterio del Noroeste, Appellee, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, Kentucky, on October 18, 2020.



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Flor Vélez-Díaz  
Assistant Stated Clerk of the General Assembly,  
Presbyterian Church (U.S.A.)  
and Manager of Judicial Process and Social Witness