



Palencia, 13th February 2018

RECUPERANDO Recovering our registered Heritage

The symbiosis between the Catholic Church and the Franco Dictatorship generated a preferential procedure by which tens of thousands of properties were privatized. Article 206 of the Spanish Mortgages Act (*Ley Hipotecaria*), amended in 1946, gave the Catholic Church the same rights as public authorities to register properties. Article 304 of the regulations concerning mortgages, established in 1947 that the certifications required for registering property by the Catholic Church would be issued by the respective bishops. The Catholic Church, by means of this unique channel and at a derisory cost, has registered in its name thousands of properties that belong to cities, towns and villages, following a procedure that does not entail any public statement of appropriation.

This privilege should have disappeared when the Constitution, that declared the Kingdom of Spain to be non-confessional, was approved but it remained in force until 2015.

From 1946 up to 2015 the Spanish State has suffered a monumental spoliation. The Great Mosque of Cordoba, the Giralda or Seville, the majority of cathedrals, thousands of churches and chapels, but also rectories, cemeteries, estates and, even, pelota courts, squares, walls etc., including everything contained within them, have been registered in the Property Registries by the Catholic Church by a simple certificate of the corresponding bishop without accrediting any property title. Consequently, it consists of a scandalous appropriation of all kinds of properties.

One of the most serious problems of this process is its complete concealment. In some Autonomous Communities and Municipalities it has been possible to obtain partial information but the PP Government continues to insist on not providing the details of the registered properties. The Coordination NGO 'RECUPERANDO' (Recovering) (presented on 9th February 2017 a document in the Congress of Deputies requesting this information. However, in its last reply (19/10/2017) the Government declared that "it has asked the College of Property Registrars for a list of all the registrations made on the basis of Article 206 of the Mortgage Law, that was repealed by Law 13/2015 for the Amendment of the Mortgage Law, of 24th June 2015, from 1998 up to the stated date of repeal".

Fernando Gimenez Barriocanal, vice-secretary for Economic Affairs of the Spanish Bishops Conference, publically recognised the existence of between 30,000 & 40,000 registrations. Furthermore, we suspect, that this just refers to the registrations made after 1998. If we add the inestimable worth of many of these properties, we can begin to understand the magnitude of this spoliation.

This usurped heritage demands a costly maintenance that the Church claims, and often achieves, should be financed by public authorities. But this heritage is converted into a business venture with the restrictions that its alleged owner wants to impose and the fees it wants to charge for visitors.

To sum up, the vast majority of the historical artistic heritage of the Spanish State has been privatized by means of these registrations. The Catholic Church imposes its criteria and fees for access to these properties but in a great many cases, it just abandons them to become ruins.

THIS IS THE MOST SERIOUS THREAT TO SPAIN'S HERITAGE.

A paradigmatic case in Palencia: the Monastery of the Santa Cruz de la Zarza (*Holy Cross of the Brambles*).

The European Court of Human Rights (ECHR) reconfirmed on 25th April 2017 its previous sentences condemning the Spanish State to pay an indemnity of 615.600 Euros for not protecting property rights against a registration by the Catholic Church. This finalised a lawsuit started in 1994.

As the RECUPERANDO Coordination NGO stated then, this sentence represents an “unprecedented blow to the registration privilege of the bishops and to the passivity of the State at the appropriation of thousands of buildings”. Consequently, we must restore “the rule of law infringed by this continued and massive violation of Human Rights by means of registrations”.

But there is another aspect that is particularly relevant in the case of this registration: the Monastery of Santa Cruz de Ribas, also known as Santa Cruz de la Zarza, of XIIth Century Cistercian-early gothic style, is now a stable in ruins. Unfortunately, this is the destiny of many of these registered properties.

But here is another case. Today (this week) the Church auctions the rectory of Grijota, 6 km from here. The rectories were built by the towns and villages for the priest in the same way as they also built houses for the schoolteacher, the doctor, the secretary... The difference is that when the latter left the village they also left their houses but when the priests leave, the bishops sell the rectories because that is why they have registered them.

Now, the Diocese of Palencia wants to register the property of the Church of St Francis and its adjoining buildings, classified as being of cultural interest. It was the seat of the Parliament of Castile and a royal residence and has known since its construction in the XIIIth Century all kinds of different uses.

The appropriation of our historic artistic heritage is unceasing.

WE MUST DEFEND OUR HERITAGE AS PROPERTIES OF PUBLIC OWNERSHIP.