

(S. B. 59)

(No. 277)

(Approved December 22, 2006)

AN ACT

To amend Section 4.2 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” to provide that if the date in which the copy of the notice of an order or final resolution is filed in the records of the agency or of the corresponding administrative appellate body is different from the mailing date of said notice, the term to file a petition for review before the Court of Appeals shall be calculated as of the mailing date thereof.

STATEMENT OF MOTIVES

The “Uniform Administrative Procedures Act,” as amended, was created in 1988 in order to advance the informal solution of administrative controversies so as to make the formal solution of matters submitted before the agency unnecessary, thus allowing the agencies to establish the rules and procedures conducive to the informal solution of the matters submitted before their consideration, but without prejudice to the rights guaranteed by the law.

The Law, among others things, regulates the procedure to be followed when a party adversely affected by the final order or resolution of an agency, or of the corresponding appellate body, wishes to resort to a judicial review. At present, said affected party has a term of thirty (30) days to file a petition for review before the Court of Appeals, which begins to count from the filing in the record of a copy of the notice of the order or final resolution in controversy.

The Law also allows for the notice of the final order or resolution to be sent by mail. However, it does not establish when the term to petition for a judicial review begins to court if the date of the filing of a copy of the notice of the order or final resolution is different from the mailing date of said notice.

To prevent depriving citizens from their right to petition for a judicial review, when circumstances beyond their control cause a delay in the mailing of the notice of the final order or resolution, the Legislature of the Commonwealth of Puerto Rico is interested in amending Section 4.2 of the Uniform Administrative Procedures Act.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 4.2 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” is hereby amended to read as follows:

“Section 4.2.- Review – Time to file

Any party which is adversely affected by a final order or resolution of an agency and who has exhausted all of the remedies provided by the agency or by the corresponding administrative appellate body may file a petition for review before the Court of Appeals within a term of thirty (30) days from the date the copy of the notice of the order or final resolution was filed in the record of the agency, or from the applicable date of those provided in Section 3.15 of this Act when the term to petition for judicial review has been interrupted by the timely filing of a motion to reconsider. The party shall serve the filing of the petition for review to the agency and all the parties within the term to request such review. The notice may be sent by mail. Provided, that if the date in which the copy of the notice of the order or final resolution is filed in the record of the agency or the corresponding

administrative appellate body is different from the mailing date of said notice, the term shall be calculated as of the mailing date thereof.

In the case of a challenge of a bid award, the party adversely affected by the order or final resolution of the agency, or the appellate entity for bids, as the case may be, may present a petition for review before the Court of Appeals within a term of ten (10) days from the filing of a copy of the notice of the order or final resolution of the agency or appellate entity, or within ten (10) days after the expiration of the term provided by Section 3.19. The mere filing of a petition for review under this Section shall not have the effect of estopping the adjudication process of the challenged bid.

The recourse of judicial review shall be addressed by the Panel or Panels designated to hear matters that originate in the Judicial Region or Judicial Regions corresponding to the place where the activity or incident that led to the controversy is taking or has taken place, or the place of the processing and adjudication of a bid, or by the Panels designated to hear recourses due to their matter or nature, pursuant to the provisions in the Regulations of the Court of Appeals.

An order or interlocutory decree of an agency, including those that are issued in procedures that are developed in stages, shall not be directly revisable. The interlocutory decree of an agency may be subject to a writ of error in the motion to review the order or final decision of the agency.

The judicial review provided herein shall be the exclusive proceeding to review the merits of an administrative decision submitted under this chapter, whether adjudicative or informal in nature.”

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 277 (S.B. 59) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 4.2 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” to provide that if the date in which the copy of the notice of an order or final resolution is filed in the records of the agency or of the corresponding administrative appellate body is different from the mailing date of said notice, the term to file a petition for review before the Court of Appeals shall be calculated as of the mailing date thereof,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 27th of June of 2007.

Francisco J. Domenech
Director

