

(H. B. 2526)

(No. 299)

(Approved December 26, 2006)

AN ACT

To amend Section 3.7 and the first two paragraphs of Section 3.14 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico,” to empower agencies, in formal adjudicative procedures, to issue summary resolutions and orders in those cases in which there is no real substantial controversy over any material fact and in those cases in which remedies are to be provided as a question of law.

STATEMENT OF MOTIVES

The Uniform Administrative Procedures Act (UAPA), Act No. 170 of August 12, 1988, as amended, established uniform administrative procedures in Puerto Rico, with a body of minimal rules to impart uniformity to the decision-making process in public administration. Among its purposes is the establishment of a body of standards to govern the determinations of agencies in adjudicative processes when issuing an order or resolution that defines the legal rights and duties of specific persons.

The Statement of Motives of the UAPA consigns: “This Act is inspired on the purpose of providing public services of high quality, efficiency, care, promptness to the citizenry, and shall be applied and construed liberally to attain such purposes while safeguarding the basic guarantees of due process of law.”

Section 3.1 of this statute provides that when under provision of a law, rule or regulation an agency is to formally adjudicate a controversy,

procedures are to be governed pursuant to the provisions of Chapter III (Adjudicative Procedures).

Said Chapter III incorporates some minimal procedural safeguards which include the right to being timely notified of charges or complaints or claims against one party; to present evidence; to an impartial adjudication; and to receive a decision based on the record.

Notwithstanding the procedural guarantees contained in the Uniform Administrative Procedures Act and those of the public policy aimed at guaranteeing that said procedures are conducted promptly, fairly and economically, the truth is that in various adjudicative agencies there is a great case congestion, and many controversies take years to be settled. An example of this is the Appellate Commission of the Human Resources Administration System.

In order to expedite the procedures of these agencies, ease the congestion in the work agendas and make it feasible for cases to be resolved fairly, promptly and economically, it is necessary to empower these agencies to issue summary resolutions and orders when there is no real substantial controversy over any material fact and adjudicating the right is all that is left.

At the Court of First Instance, under the provisions of Rule 36 of the Civil Procedure Rules of 1979, a summary judgment may be rendered when it is shown “that there is no real substantial controversy over any material fact and that, as a question of law, a summary judgment should be rendered in favor of the complaining party.” The summary judgment can put an end to the proceedings or be interlocutory in nature.

The main purpose of Rule 36 is to promote a fair, prompt and economical solution to litigation by abridging the disposition of complaints

that, since they do not involve an honest controversy over the facts, renders a substantive trial unnecessary. *Padín v. Rossi*, 100 DPR 259 (1971). It has also been resolved that the summary judgment recourse should be ready and available in order to expunge frivolous suits from the courts of justice. *ACAA v. Travelers Insurance Co.*, 104 DPR 844 (1976).

It is in order to amend the UAPA, so that the agencies, when in formal adjudicative procedures, may issue summary resolutions and orders, whether final or partial, in those cases in which there is no real substantial controversy over any material fact, and applying the law is all that is left.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—Section 3.7 of Act No. 170 of August 12, 1988, as amended, is hereby amended to read as follows:

“Section 3.7.—Pre-Hearing Conference; Summary Resolutions and Orders.—

(a) If the agency determines that it is necessary to conduct an adjudicatory hearing, it may summon all the parties or their authorized representatives or intervenors, on its own initiative or by petition of one of the parties, to a pre-hearing conference, in order to reach a definite agreement, or simplifying the questions or the evidence to be considered in the hearing. Stipulations may be accepted, provided that the agency determines that this will serve the best public interest.

(b) If the agency determines, by request of one of the parties and after having analyzed the documents submitted together with the petition for summary resolution or order and the documents included with the motion in opposition, as well as those in the record of the agency, that it is not necessary to conduct an adjudicative hearing, the agency may issue summary resolutions or orders, whether final or partial, to resolve any

controversy between the parties that is severable from the controversies, except in those cases in which the Organic Act of the Agency provides otherwise.

The agency may not issue summary resolutions or orders in those cases in which (1) material or essential facts exist and are in controversy; (2) there are affirmative allegations in the complaint which have not been rebuked; (3) the very documents which accompany the petition give rise to a real controversy over a material and essential fact; or (4) it is not in order as a question of law.”

Section 2.—The first two paragraphs of Section 3.14 of Act No. 170 of August 12, 1988, as amended, are hereby amended to read as follows:

“Section 3.14.—Final Orders or Resolutions.—

A final order or resolution shall be issued in writing within ninety (90) days after the conclusion of the hearing or after the filing of the proposed findings of facts and conclusions of law, unless this term is waived or extended with the written consent of all the parties, or for just cause.

The order or resolution shall include and expound the findings of fact separately if they have not been waived, the conclusions of law that provide the grounds for the adjudication, and the availability of the recourse of reconsideration or review, as the case may be. The order or resolution shall be signed by the head of the agency or by any other official authorized by law.

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Section 3.—Agencies covered under Act No. 170 of August 12, 1988, shall proceed to conform their regulations and standards to the provisions of this Act, within six (6) months following the date of its approval.

Section 4.—This Act shall take effect six (6) months after the date of its approval, except for Section 3, which shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 299 (H.B. 2526) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 3.7 and the first two paragraphs of Section 3.14 of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico,” to empower agencies, in formal adjudicative procedures, to issue summary resolutions and orders in those cases in which there is no real substantial controversy over any material fact and in those cases in which remedies are to be provided as a question of law,

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

In San Juan, Puerto Rico, today 18th of June of 2007.

Francisco J. Domenech
Director