(S. B. 2290)

(No. 201)

(Approved August 22, 2003)

AN ACT

To enact the "Judiciary Act of the Commonwealth of Puerto Rico of 2003;" repeal the Reorganization Plan of Judicial Branch No. 1, of July 28, 1994, as amended, known as the "Judiciary Act of 1994;" the provisions in effect of Act No. 11 of July 24, 1952, as amended, and provide for the appropriation of funds, and for other purposes.

STATEMENT OF MOTIVES

The source of Judicial Power rests in the Constitution of the Commonwealth of Puerto Rico, approved in 1952, which created the Supreme Court of Puerto Rico as the Court of Last Instance and established a unified and integrated judicial system. In the constitutional order, the responsibility of maintaining the trust of the people and guarantee to each Puerto Rican the full enjoyment of their rights, as well as their responsibilities was given to the Judicial Power. After the Constitution of 1952, several laws were approved to enact the principles consigned therein.

The Judicial Branch has propitiated the studies and reforms needed to implement the Constitutional mandate and to achieve that the system of justice is of the best quality, speedy, economical, and accessible. Such studies have recommended the placement of the Judicial Branch at the forefront with the use of electronic technology, with optional methods for the solution of disputes, with diversion of cases from their contentious surroundings, the consolidation of sessions of the Court of First Instance, the provision of an opportunity for appellative justice, the expediting of the

management of cases, and the establishment of norms and standards of time for their processing.

It has also been emphasized that it is necessary to bolster the independence of the Judicial Power so that it is autonomous, independent and free from undue pressures. The need to establish an autonomous system to establish the seats of the Courts and create a merit system for the selection of judges has been indicated. This, along with the worldwide trends and of Puerto Rico that can be foreseen to affect the judicial system within coming years, among which are the aging of the population and the movement from rural to urban zones, shall continue to present challenges for the courts.

Transformations of the family unit, broader gaps between the rich and the poor, the drug economy and the clamor for the protection of the environment to be harmonized with economic development are some of the factors that shall bring about increased controversies and greater pressure on the courts.

Likewise, the globalization of information technology as a unifying force shall entail a restructuring of the economy that shall imply great changes in procedural law.

Even more shall also be demanded from the judicial system with the approval of laws with benefits for veterans, children, the elderly, and low-income persons, as well as the increase in antisocial behavior, the participation of the courts in the fight against crime and the criminalization of behavior.

In view of those facts, a transformation is necessary, as much for the judicial system, as that of its viewpoint and its effect on the citizenry.

It is the responsibility of all to propitiate a judicial system in which immediate and affordable access is provided to address the claims of the

citizenry that is sensitive to the specific realities of the various components of our society and that will inform the citizenry on its rights and responsibilities, as well as of all the aspects of the judicial process.

Therefore, it is necessary to provide the Judicial Branch with the mechanisms required to face these foreseen challenges. To such effect, this Act has the following purposes:

(a) Strengthen the Judicial Branch in all its dimensions, granting it power on the determinations of the seats and courtrooms of courts.

(b) Promote a prompt solution of cases and controversies by allowing the Chief Justice of the Supreme Court the review of the jurisdiction of each court, assigning and reassigning jurisdictions in the most efficient and equitable manner, addressed to a better distribution of the judicial burden, and also allowing it to designate judges to address special and high profile matters; as well as granting additional compensations to those judges that demonstrate their commitment in judicial service.

(c) Address the citizenry's clamor for a highly-qualified Judiciary system with the behavior and judicial temper required by the complex duty of administering justice; adopting of Judicial Canons of Ethics that reflect the expectations of society with regard to the Judiciary through the recognition of the judiciary relationship that must exist between the Judge and the community, and establish compulsory educational programs for the members of the Judiciary.

(d) Provide the Judicial Branch with the needed mechanisms to respond promptly to change and expedited judicial procedures, and institute alternate methods for the resolution of conflicts.

(e) Provide more effective access to the courts; acknowledge the need for legal representation by the judge for low-income persons; establish citizen education programs and orientation for the parties, through educational material that will expedite an understanding of legal controversies, and give orientation on the rights and responsibilities of the citizens.

(f) Adopt a clear and precise public policy that recognizes the need of an independent and efficient Judicial Branch, with a sensible and humanistic focus.

By virtue of this Act, it is hereby acknowledged and affirmed that the Judicial Branch shall be independent, accessible and shall render its services in an equitable, speedy, affordable and sensitive manner, with a humanistic focus. The Judiciary shall be highly qualified and shall provide the means for its continuing education. It shall also have strategic shared leadership that will allow the development of vigorous administrative designs and methods to respond to social changes, as well as an adequate infrastructure and advanced technology. It shall promote a society that is less litigious, encouraging optional methods for the resolution of controversies and a broad participation of all sectors in the country. The courts shall respond speedily and efficiently to the changes of the Puerto Rican society.

We deem it is necessary and convenient to approve this Act, which strengthens judiciary independence and at the same time, supports the legal system adopted in the constitution of the Commonwealth of Puerto Rico. Judiciary independence is a fundamental pillar of the judiciary system. The

challenges of the 21st Century require the strengthening of the judicial system in all its extent. This process of joint wills propitiates the changes to the judiciary system that the People of Puerto Rico need and deserve. We must ensure that the Judicial Branch remains autonomous and free from pressures. Likewise, there must be effective collaboration, genuine dialogue, sincere understanding and deep respect at all times between the three branches of government.

Therefore, this "Judiciary Act of the Commonwealth of Puerto Rico of 2003" is hereby approved and the "Judiciary Act of 1994," as amended, is revoked.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

CHAPTER 1

TITLE AND STATEMENT OF PRINCIPLES AND OBJECTIVES

Section 1.001.- Title of the Act

This Act shall be known and may be cited as the "Judiciary Act of the Commonwealth of Puerto Rico of 2003."

Section 1.002.- Statement of Principles and Objectives

It is hereby set forth as the fundamental principles and objectives of this Act, that the Judiciary Branch:

(a) Shall be independent and accessible to the citizenry; shall render services in an equitable and sensitive manner, with a scholarly focus, and shall operate under systems for the effective and speedy handling of cases, without impairing the substantive and procedural rights of the citizenry.

(b) Shall have a strategic leadership that will allow the development of swift designs and administrative methods, as well as an

adequate infrastructure and advanced and efficient technology to respond to social changes.

(c) Shall promote a less litigating society, encouraging other methods to resolve controversies and promote the ample participation of all the sectors involved.

(d) Shall establish and maintain an open relationship with the other branches of government and sectors of the civilian community that will allow and expedite collaboration for the development of a sound society.

(e) Shall maintain highly qualified judges and provide for continuing education methods.

CHAPTER 2

GENERAL COURT OF JUSTICE

Section 2.001.- The Judicial Power of Puerto Rico

The Judicial Power of the Commonwealth of Puerto Rico shall constitute a unified judicial system in what concerns jurisdiction, functions and administration. It shall be composed by the Supreme Court as the court of last resort, the Court of Appeal as the middle court, and the Court of First Instance, which shall jointly constitute the General Court of Justice.

The Commonwealth of Puerto Rico shall be constituted in one single judicial district, over which the General Court of Justice shall exert its power and authority.

The creation, suppression of courts and the determination of their jurisdiction and organization shall be carried out by the Legislature by petition of the Judicial Branch.

None of the provisions of this Act shall be interpreted as that the Legislature delegates, restricts, limits or conditions its constitutional powers

provided in Section V of the Constitution of the Commonwealth of Puerto Rico.

Section 2.002.- Power to adopt Rules

The Supreme Court shall adopt Rules of Evidence and of Civil and Criminal Procedure for the General Court of Justice, as well as Rules for the Administration of the Courts, as provided by the Constitution of the Commonwealth of Puerto Rico. The principles and objectives of this Act shall be taken into consideration in the adoption of said Rules. The Rules of Administration shall be subject to the laws regarding supplies, personnel, supervision and appropriation of funds, and to other laws generally applicable to the Government of the Commonwealth of Puerto Rico, all within the framework of the principle of judiciary autonomy.

Section 2.003.- Rules of Judicial Ethics

The Supreme Court shall adopt and implement Rules of Judicial Ethics that shall govern the conduct of the members of the Judiciary of Puerto Rico, which shall reflect the expectations of society with regard to the judiciary, establish the relationship of trust that should exist between the judge and the community, and serve as the basis for the selection and designation of the best candidates.

Section 2.004.- Legal Representation for Low-income Persons

Pursuant to the constitutional mandate that adequate and effective legal representation be provided to all persons charged of a crime, and within its powers to regulate the practice of law, the Supreme Court shall adopt regulations for the assignment of ex-officio legal representation to persons of limited resources in criminal cases, and establish objective criteria to identify those persons who swear under oath that they are indigent. The Bar

Association, school of law, and other related institutions shall collaborate with the Supreme Court in the creating and implementing such rules.

Section 2.005.- Judicial Conferences

The Supreme Court shall provide by special rule and order the holding of joint or separate conferences, as it may deem, of Judges of the General Court of Justice, members of the Bar, and citizens that are not attorneys at law, to consider the status of judicial administration, promote measures addressed to improve judiciary procedures, consider and recommend legislation regarding the adoption of rules of procedure, and in general, to address matters related to the judicial system, its improvement, and the effective administration of justice.

Section 2.006.- Judicial Education

The Chief Justice of the Supreme Court shall establish a judicial education system to promote the professional and intellectual improvement and the development of skills of the judges of the Court of First Instance and the Court of Appeals, as perceptive, fair and effective officials in the administration of practice. Among others, said system shall implement periodic educational programs for newly-appointed judges, as well as programs addressed to attending to the needs of continuing compulsory judicial education of all judges.

Section 2.007.- Sabbatical Leave

Upon addressing the needs of the service, the Chief Justice of the Supreme Court shall grant sabbaticals leave to the members of the Judiciary, to offer them the opportunity for professional improvement. The Supreme Court shall establish by regulation the conditions for the granting of said sabbaticals.

Section 2.008.- Orientations for the Community

The Chief Justice shall develop public education programs and materials, provide basic knowledge on the courts system, furnish on understanding of legal controversies, offer information on civil and criminal procedures, acquaint the citizens on their rights and responsibilities, as well as on the availability of optional methods for the solution of conflicts.

Section 2.009.- Chief Justice of the Supreme Court : administrative powers; assignment and designation of judges

The Chief Justice of the Supreme Court shall direct the administration of the General Court of Justice, shall be responsible for the efficient operation of the courts, promote the accountability of the judges in the execution of their judicial obligations, and shall see to their compliance with the principles and objectives of this Act.

Pursuant to the provisions of the Constitution of the Commonwealth of Puerto Rico regarding a unified judicial system, the Chief Justice shall assign the judges who shall hold sessions in the Court of First Instance, assign judges to the several panels of the Court of Appeals; may modify such assignments, as the need arises, and shall designate judges of one level, to exercise the competence of judges of another level, pursuant to the norms to be adopted to such effects, taking into account the ultimate goal of the courts, of resolving cases and controversies in a just, speedy, effective, and efficient way.

Administrative designations to hold office in positions as judges in courts of a higher hierarchy shall only be made in extraordinary situations and for a limited term, which shall not exceed an uninterrupted term of one (1) year pursuant to the needs of the judiciary system.

Section 2.010.- Designation of Administrative Judges; Additional Compensation

The Chief Justice of the Supreme Court shall designate the judges who shall administrate the judiciary regions of the Court of First Instance, and the Administrative Judge of the Appellate Court.

The Judges of the Court of First Instance designated to direct the judiciary regions and the Administrative Judge of the Appellate Court shall receive a special compensation, not subject to Section 177 of the Political Code, as amended, in addition to the salary to which they are entitled by law, and during the term of such designation. The Chief Justice shall establish through an order, the amount of this compensation, pursuant to the provisions of this Act. When establishing the compensation, the special working conditions, the administrative realities of the Judiciary Branch, the judiciary regional court or seat, the number of judges and employees under the supervision of same, the Compensation Plan in effect in the Judiciary Branch, the proportion of the compensation in comparison to the salaries of other officials and judges established by law, and any other pertinent factor, shall be taken into consideration.

Section 2.011.- Designation of Judges for Special Matters

The Chief Justice shall designate judges of the Court of First Instance to deal with assignments of a special nature. In the designation provided herein, the Chief Justice shall take into consideration, among others, those matters identified as complex civil litigation cases, or whose consideration provokes a delay in the adjudication of cases in the courts; the need to provide access to citizens during flexible hours; the assignment of judges to address problems of congestion in the diverse courtrooms; criminal or civil cases whose adjudication warrants expertise and special attention;

procedures in specific cases established through special laws and the commitment shown by the judges to be designated, to advance the principles and objectives of this Act.

The Chief Justice shall determine, by means of an order, the need of the special assignment, and compensation in addition to the corresponding salary.

Section 2.012.- Additional Compensation for Judges on Special Duty or of a Higher Rank

The additional compensation shall be granted as long as the judges designated to perform duties of a higher rank or the judges designated to execute special duties, perform such duties for a term in excess of thirty (30) days.

When establishing the additional compensation of the judges that perform special duties, the Chief Justice shall consider the nature of the special duties, the working conditions, and any other factors.

The additional compensation shall be a payment in addition to the salary that corresponds to him/her by law, shall be paid for time served, and shall be eliminated upon the termination of such functions of higher rank, or special duties.

Section 2.013.- Office of Courts Administration

In the administration of the General Court of Justice, the Chief Justice of the Supreme Court shall be assisted by an Administrative Director of the Courts, who shall also direct the Courts Administration Office. The Administrative Director of the Courts shall be an attorney admitted to the practice of law, designated by the Chief Justice, and shall perform his/her office at the discretion of said magistrate. The Office shall also have such Auxiliary Administrative Directors appointed by the Administrative

Director, with the approval of the Chief Justice, one of whom shall provisionally substitute for the Administrative Director in the event of his/her resignation, temporary absence, or disability.

The Administrative Director of the Courts, the officials and the employees of the Courts Administration Office, except the attorneys of said Office in matters relating to the performance of official duties or as notary, shall not perform the profession of attorney at law nor as notary while holding such office or employment.

If the appointment as Administrative Director rests upon a person who is holding office as Judge of the General Court of Justice, such person shall retain his office, condition and rights as Judge, for all pertinent purposes, while performing his/her functions as Administrative Director. During such term, he/she shall earn the salary corresponding to the position of Administrative Director, or the salary corresponding to his/her position as Judge, whichever is greater, and once he/she ceases in said office, he/she shall receive the corresponding salary that he/she would have earned if he/she had continued the duties as Judge of the General Court of Justice uninterruptedly. Such designation shall not affect the course of the term of the appointment corresponding to the office of Judge of the General Court of Justice he/she holds, nor the rights pursuant to the provisions of the Puerto Rico Judiciary Retirement System Act, Act No. 12 of October 19, 1954, as amended. The time served as Administrative Director of the Courts shall be accredited for retirement purposes.

The Office of Courts Administration shall perform such duties that will expedite judiciary processes, shall establish measures to achieve the evaluation, efficiency and excellence in the rendering of services and any

other similar duties directed by the Chief Justice, for the best functioning of the judiciary system.

Section 2.014.- General Powers of Judges

Every judges shall have the following powers:

(a) To keep and ensure order in their presence.

(b) To keep order in the procedures before their consideration, or before the consideration of any person commissioned by them to perform an investigation or judiciary procedure.

(c) To provide that the procedures before them, and those before their officials, shall be processed according to law.

(d) To enforce compliance with rulings, orders and decisions, as well as orders issued by any judge away from the bench, in pending legal actions or court procedures.

(e) To direct the conduct of their officials and of any person interested in any procedure before their consideration on any matter pertinent to such procedure, for the good of justice.

(f) To order the appearance of persons who shall render statements in a procedure before their consideration.

(g) To take oaths in procedures pending before them, and in all cases in which the exercise of their powers and duties requires it.

(h) To inspect and correct their decisions and orders to temper them to law and justice.

(i) To receive and certify evidence of compliance with the judgment or ruling of an court of law.

(j) To punish contempt of court.

(k) To exercise other powers pertinent to their office which are necessary and convenient for effective compliance of the duties of the office and those imposed by law.

Section 2.015.- Qualifications of the Judges; Prohibition on Exercising the Profession

In addition to any other requirement set forth in this Act, the designation of judges shall fall upon highly qualified persons who have a sound moral reputation, possess judiciary knowledge and capability, qualities such as integrity, impartiality and judicial commitment, and demonstrate their responsibility and ability to exercise judicial functions.

No judge shall exercise the profession of attorney at law or notary.

Section 2.016.- Expiration of Terms of Office

When a judge is re-nominated and confirmed, the term of the new designation shall begin from the date the previous term ended. If the redesignation is not confirmed, or is rejected by the Senate, the judge shall immediately cease his/her functions.

If the judge continues to exercise the functions of said office in violation of what is provided in this Section, all actions and rulings made by same in the illegal performance of his/her office shall be null and invalid, and said judge shall be subject to the sanctions provided by law.

CHAPTER 3

COURT OF LAST RESORT: SUPREME COURT

Section 3.001.- Nature and composition of the Supreme Court

The Supreme Court shall be the Court of last resort in Puerto Rico, and shall be comprised of the Chief Justice and six (6) Associate Judges. The number of judges can only be varied by law, by request of the Supreme Court itself.

Section 3.002.- Jurisdiction of the Supreme Court

The Supreme Court or each of its Courtrooms shall hear on the following matters:

(a) At first resort, on remedies such as mandamus, habeas corpus, quo warranto, restraining order, and any other legal remedy and cause determined by law. Likewise, each of the judges in said Court shall be able to hear in first resort, the remedies of habeas corpus and mandamus, but their rulings in such cases shall be subject to review by the Supreme Court, which, when so requested by the interested party, shall review the ruling of the judge in any of such cases within ten (10) days after being served, and shall pronounce judgment as appropriate.

(b) Through a remedy of appeal, the final judgment pronounced by the Court of Appeals in which the unconstitutionality of a law, joint resolution, concurrent resolution, rule or regulation of an agency or public instrumentality, or a municipal ordinance, has been determined under the Constitution of the United States or the Constitution of the Commonwealth of Puerto Rico.

(c) Through a remedy of appeal, when the existance of a conflict between the judgments of the Court of Appeals is stated in cases appealed before said Court.

(d) Through a writ of certiorari, to be issued discretionally, shall review the other judgments or resolutions of the Court of Appeals within the terms provided in the Rules of Procedure or in special laws.

(e) Through a certiorari, to be issued discretionally, motu proprio or at the request of a party, it shall be able to bring forth

immediately, to consider and to resolve any matter pending before the Court of First Instance or the Court of Appeals, when the existence of a conflict between previous decisions of the Court of Appeals is being established, or when new questions of law or of high public interest that include any substantial constitutional matter under the Constitution of the Commonwealth of Puerto Rico or the Constitution of the United States are being established.

(f) Through a writ of certification, it shall be able to take cognizance of any matter certified to it by the United States Supreme Court, a United States Circuit Court of Appeals, a United States District Court, or the highest court of appeals of any of the States of the United States, when thus requested by any of said courts, if there is any judiciary matter before the requesting court in which matters pertaining to Puerto Rican law are implicated that may determine the outcome thereof, and with regard to which, in the opinion of the petitioning court, there are no clear precedents in the jurisprudence of said Court.

(g) By means of a governmental recourse of a final qualification of a Property Registrar, denying the entry requested by the petitioner, pursuant to the terms and requirements in Act No. 198 of August 8, 1979.

(h) Of any other recourses or causes determined by special statute.

CHAPTER 4

INTERMEDIATE COURT: COURT OF APPEALS

Section 4.001.- Nature of the Court of Appeals

The Court of Appeals shall be an intermediate court between the Supreme Court and the Court of First Instance. It shall be a court of record and shall perform the functions set forth by law.

Section 4.002.- Purposes and Objectives of the Court of Appeals

The Court of Appeals shall meet the purpose of providing citizens with an appellate forum through which a panel of not less than three (3) judges shall review, as a matter of law, the final verdicts of the Court of First Instance, and in a discretionary manner, the final decisions of the administrative bodies and agencies and any other resolution or order pronounced by the Court of First Instance. The review of the final decisions of administrative bodies and agencies shall be performed as provided in Section 9.004 of this Act.

The Court of Appeals shall meet the objective of this Act, of giving the citizenry greater access to judiciary procedures. It shall offer easy, less costly and effective access to its procedures, eliminating obstacles and barriers that hinder the imparting of appellate justice to citizens with valid claims.

Section 4.003.- Judges, Their Number and Requirements

The Court of Appeals shall be composed of thirty-nine (39) judges, including the judges that belonged to the Circuit Court of Appeals, repealed by Section 9.002 of this Act, who shall be designated by the Governor with the advise and consent of the Senate, and shall hold office for a term of sixteen (16) years.

Only judges with ten (10) years of professional experience subsequent to being admitted to the practice of law in Puerto Rico, shall be appointed as a Judge of the Court of Appeals.

Section 4.004.- Procedures and Organization of the Court of Appeals

The Supreme Court shall approve the bylaws that shall govern the procedures and the organization of the Court of Appeals, which shall have as their main purpose the provision of easy, economic and effective access to said Court. The bylaws of the Court of Appeals shall contain rules, without being limited thereto, geared to reduce to a minimum the number of recourses dismissed due to defects of form or notice, rules that provide reasonable opportunity for the correction of defects of form or notice that do not affect the rights of the parties, and rules that allow effective appearance of the appellants *motu proprio* and in *forma pauperis*.

Section 4.005.- Judgments and Resolutions of the Court of Appeals

The judgments and resolutions of the Court of Appeals shall be well grounded, and publishable, and may be cited for purposes of expostulation.

Section 4.006.- Jurisdiction of the Court of Appeals

The Court of Appeals shall take cognizance of the following matters:

(a) A remedy of appeal of all total judgments pronounced by the Court of First Instance.

(b) By means of a writ of Certiorari issued at its discretion, of any resolution or order pronounced by the Court of First Instance.

(c) By means of an appeal for judicial review, which shall be taken as a matter of law, of the final decisions, orders and resolutions of administrative bodies or agencies. In these cases, the mere presentation of the recourse shall not stop the processing in the administrative body or agency, nor shall the appearance of the

Commonwealth of Puerto Rico before the appellate forum be compulsory, unless so determined by the court. The procedure to be followed shall be in agreement with the provisions of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico." The review of the final decisions of the administrative bodies and agencies shall be performed as provided in Section 9.004 of this Act.

(d) Any panel of the Court of Appeals may issue writs of habeas corpus and of mandamus. Likewise, each one of the judge of said Court may hear at first instance on the recourses of habeas corpus and mandamus, but their rulings in such cases shall be subject to review by the Court of Appeals, in which case, provided it is requested by an interested party within ten (10) days after being notified, the Chief Justice of the Supreme Court shall appointed a special panel of not less than three (3) judges, nor more than five (5) judges, which shall review the resolution of the Judge in any such cases, and shall pronounce judgment, as deemed fit.

(e) Any other matter determined by special statute.

Section 4.007.- Operation of the Court of Appeals

The seat of the Court of Appeals and its Office shall be located in the city of San Juan.

The Court of Appeals shall operate in panels of not less than three (3) and not more than seven (7) judges designated by the Chief Justice of the Supreme Court, whose sessions and hearings may be held in the Judicial Center of the corresponding region of the Court of First Instance where the

matter under consideration originated, or as determined by the Chief Justice of the Supreme Court.

The Chief Justice shall assign panels to deal with cases originating in the Judiciary Regions and may assign panels to address recourses by matter or characteristics.

Section 4.008.- Costs, Fees and Sanctions

In addition to the costs and attorney's fees which it is empowered to impose, the Court of Appeals may impose whatever economic sanctions it deems fit, when it determines that the recourse under its consideration is frivolous, or that it was filed to delay the proceedings, or if behavior consisting of delays, abandonment, obstruction or lack of due diligence in prejudice of the efficient administration of justice.

The funds from the imposition of economic sanctions may be covered into the General Fund of the Commonwealth of Puerto Rico, or appropriated to a party, its legal counsel, or both, at the discretion of the Court.

CHAPTER 5

COURT OF FIRST INSTANCE

Section 5.001.- Jurisdiction, Nature and Organization

The Court of First Instance shall be a court of original general jurisdiction, with authority to act on behalf of and by the authority of the Commonwealth of Puerto Rico, in every case or controversy which may arise within the territorial limits of Puerto Rico. Said Court shall be comprised of superior and municipal judges.

The Court of First Instance shall be a court of record by means of the mechanisms provided by the rules of the Supreme Court.

Section 5.002.- Judges, Numbers and Requirements

The Judges of the Court of First Instance shall be designated by the Governor with the advice and consent of the Senate. In the process for the selection of judges, the following principles and objectives of this Act shall be taken into account, so that the most highly qualified persons are selected for said office.

The Court of First Instance shall be constituted by two hundred fifty-three (253) Superior Judges and eighty-five (85) Municipal Judges.

Superior Court Judges must have seven (7) years of professional experience following their admission to the practice of law in Puerto Rico, and shall be designated and hold office for a term of twelve (12) years.

Municipal Judges must have three (3) years of professional experience following their admission to the practice of law in Puerto Rico, and shall be designated and hold office for a term of eight (8) years.

Section 5.003.- Jurisdiction of Superior Court Judges

Superior Court Judges shall exercise jurisdiction over all cases or controversies pursuant to the order set forth by the Chief Justice of the Supreme Court as the Administrator of the General Court of Justice, pursuant to the provisions of this Act.

Section 5.004.- Jurisdiction of Municipal Judges

Municipal Judges shall have the authority to consider, hear and resolve the following matters:

(a) In civil law:

(1) In procedures on provisional rule of law set forth in Act No. 140 of July 23, 1974, as amended, known as the "Controversies and Provisional Legal Status Act."

(2) In every involuntary commitment petition submitted pursuant to Act No. 408 of October 2, 2000, as amended, known as the "Mental Health Code of Puerto Rico of 2000."

(3) In every request for a protection order presented under Act No. 342 of December 16, 1999, as amended, known as the "Act for the Protection of Minors for the 21st Century."

(4) In every request for a protection order filed pursuant to Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act."

(5) In every request for a protection order filed pursuant to Act No. 284 Of August 21, 1999, as amended, known as the "The Puerto Rico Stalking Act."

(6) In every appeal for review for the issuing of an administrative traffic ticket pursuant to the provisions of Act No. 22 of January 7, 2000, as amended, known as the "Vehicle and Traffic Law of Puerto Rico."

(7) In repossessions under the provisions set forth in Act No. 208 of August 17, 1995, as amended, known as the "Commercial Transactions Act."

(8) In all civil matters in which the amount in controversy, legal claim, or value of the property in dispute does not exceed five thousand (5,000) dollars, not including interest, fees and attorney fees, including repossessions, chattel mortgage foreclosures, or of any other lien on personal property, whose amount does not exceed five

thousand (5,000) dollars, and claims under Rule 60 of the Rules of Civil Procedure, as amended.

(b) In Criminal law:

(1) In the determination of probable cause and the issuing of arrest or summons, and search and seizure warrants.

(2) In the adjudication of probable cause and the issuing of seizure or arrest warrants pursuant to the provisions of Act No. 88 of July 9, 1986, as amended, known as the "Minors' Act of Puerto Rico" and the Rules of Procedure for the Affairs of Minors.

(3) In the adjudication on the establishment and posting of bonds in felony and misdemeanor cases, in pre-trial procedural phases.

(4) In the issuing of orders of imprisonment of a person in the following circumstances:

(a) Preventive detention.

(b) Confiscation upon rendering ineffective a fixed bail bond.

(5) In issuing of release orders in cases of furnishing a fixed bail bond.

(6) In matters under Rule 22 of the Rules of Criminal Procedure, pertaining to procedures before magistrates.

(7) In procedures for receiving guilty pleas and to impose judgments for infractions of municipal ordinances.

(c) Arbitrators or mediators:

Municipal Judges shall participate as arbitrators or mediators in the solution of conflicts when certified to do so pursuant to the regulations approved by the Supreme Court.

Section 5.005.- Seats and Courtrooms; Sessions; Jurors

The Court of First Instance shall have seats and courtrooms and shall hold sessions in the following Judiciary Regions: San Juan, Bayamón, Arecibo, Aguadilla, Mayagüez, Ponce, Guayama, Humacao, Caguas, Aibonito, Utuado, Carolina and Fajardo. At the request of the Chief Justice, grounded on the purpose of providing more access to the citizenry and depend on an effective and speedy judiciary system, the Legislature may change the location of such centers.

The Chief Justice of the Supreme Court shall have the power to decide which municipalities shall be included in the Judiciary Regions that comprise the divisions of the Court of First Instance. The Court of First Instance shall hold sessions in each municipality in which a seat is established. The Chief Justice of the Supreme Court may establish municipal seats to hear matters from two (2) or more adjoining municipalities when the establishing a separate seat in each of said municipalities would result in under use of the resources of each one of said courtrooms.

Jurors for the several courtrooms shall be selected from the same municipalities that comprise the corresponding Judiciary Regions.

Section 5.006.- Procedures Before the Court of First Instance, recording and transcription.

The use of electronic recorders is hereby authorized in all procedures within the jurisdiction of the Court of First Instance of Puerto Rico. Likewise, the transcription of such recordings by the officials of said court

for purposes of reviewing the procedures of said court for any recourse before the Supreme Court or the Court of Appeals of Puerto Rico, and for any other use pursuant to law is hereby authorized.

The official who prepares the transcription of the recording of a certain case shall certify that same is a true and exact transcription of the recording, the date and location where the transcription was made, the caption number of the case, and the courtroom in which it was filed, and shall proceed to sign the certification that is issued.

The Chief Justice of the Supreme Court and the Director of the Courts Administration shall explore the methods and technology available for the transcriptions of procedures required by the parties can be provided in a speedy and efficient manner and at the lowest possible cost.

Section 5.007.- Norms applicable to transcription of records and fees

Any transcriptions of records which follow the system set forth in the preceding Section shall follow the norms established by applicable laws as if the transcription were made by a court reporter, for their final approval, except that the fees paid by the appellant parties for such transcriptions pursuant to the laws that govern the fees of court reporters, shall be for the benefit of the public Treasury.

Section 5.008.- Procedural Efficiency

In order to guarantee a fair, speedy and economical solution, in all civil procedures before the General Court of Justice, the Secretaries of the Courts shall notify the Administrative Judge of the list of cases that have not received a final ruling within a term of two (2) years of being filed, and the justification of the judge or panel for the delay in their resolution. The Administrator Judge shall issue the necessary orders for the fair, speedy and efficient resolution of such cases.

CHAPTER 6

JUDICIARY DISCIPLINE AND SEVERANCE FROM SERVICE

Section 6.001.- Behaviors That Entail Disciplinary Measures

A Judge shall be subject to disciplinary measures who:

(1) Incurs violations of law, Judiciary Ethics, Professional Ethics, or applicable administrative regulations, upon a final ruling by a competent forum.

(2) Manifests gross professional negligence, ineptitude or incompetence in the performance of their judiciary duties.

Section 6.002.- Disciplinary Measures

Prior to the corresponding procedural actions, the Supreme Court may impose one or several of the following disciplinary measures on the judges:

(a) Removal from office;

(b) Suspension from employment and salary;

(c) Limitations to exercise the legal profession, including disbarment;

(d) Censure;

(e) Admonition; or

(f) Any other remedial measure.

Section 6.003.- Removal from office due to Mental or Physical Health Condition

Every judge whose mental or physical health condition, whether temporary or permanent, adversely affects the performance of his/her judiciary duties shall be subject to the procedure of removal from service.

When the Supreme Court determines that a judge is undergoing the physical or mental condition referred in this Section, it may, after the

corresponding legal procedures, order a temporary or permanent removal from office.

The permanent removal of a Judge shall be deemed as a voluntary resignation for all legal purposes, and shall not affect the his/her rights under Act No. 12 of October 19, 1954, as amended, known as the "Judiciary Retirement Act."

Section 6.004.- Impeachment Process

The judges of the Supreme Court shall only be removed from office through the impeachment process established in Section 21 of Article III of the Constitution of the Commonwealth of Puerto Rico.

Section 6.005.- Committee for the Hearing of Matters of Discipline or severance from Office Cases

The Supreme Court shall designate a Committee to collaborate with it in matters of discipline or severance from office of the judges of the Court of First Instance and the Court of Appeals. The Committee shall be empowered to hold hearings on the alleged conduct or health condition and to make recommendations to the Supreme Court. The requirements that the members of the Committee must meet shall be established by the regulations of the Supreme Court.

Section 6.006.- Disciplinary Procedures and Severance from Office

The disciplinary procedure or request for severance from office shall be governed by the provisions in the rules approved by the Supreme Court to such effect. These rules shall guarantee due process of law to the accused judge.

The disciplinary procedure or request for severance from office filed against any Judge of the Court of First Instance or the Court of Appeals shall commence upon the submission of a complaint sworn under oath before the

Administrative Director of the Office of the Courts Administration. In every legal disciplinary procedure, no final ruling shall be issued without having given the accused the opportunity to state his/her position on the imputed actions or conduct.

The Chief Justice, any Associate Justice of the Supreme Court, or the Administrative Director of the Office of Courts Administration, *motu proprio*, may order that an investigation be made of the conduct or fitness of any judge.

Section 6.007.- Provisional Measures

The Chief Justice may suspend a judge from office with pay when a charge has been filed against him/her imputing the commission of a crime, or may suspend him/her from him/her functions with pay, or impose any other provisional measure before an extraordinary situation that adversely affects such functions while the investigation of the conduct or condition proceed, or until the disciplinary or severance procedure concludes.

CHAPTER 7

SALARIES AND ADDITIONAL COMPENSATIONS

Section 7.001.- Salaries of Judges

Judges shall earn:

(1) The annual salary of the Chief Justice of the Supreme Court shall be one hundred twenty-five thousand (125,000) dollars.

(2) The annual salary of the Associate Justices shall be one hundred twenty thousand (120,000) dollars.

(3) The annual salary of the judges of the Court of Appeals shall be ninety thousand (90,000) dollars.

(4) The annual salary of the Superior Judges of the Court of First Instance shall be eighty thousand (80,000) dollars.

(5) The Municipal Judges of the Court of First Instance shall earn an annual salary of sixty thousand (60,000) dollars.

Section 7.002.- Amount of the Additional Compensations

Subject to the provisions in this Act, and upon prior ruling by the Chief Justice, the judges that shall direct the judicial regions, the judges who perform functions on special matters, or functions of higher authority shall earn an additional compensation of up to six (6) percent over the salary corresponding to their position as judges.

CHAPTER 8

TRANSITORY PROVISIONS

Section 8.001.- Creation of Positions of Judges of the Court of Appeals and Superior Court Judges, and Reduction of Positions of Municipal Judges

Upon the effectiveness of this Act, six (6) additional positions of Judges of the Court of Appeals are created for a total of thirty-nine (39), as previously provided. In addition, thirty (30) additional positions of Superior Court Judges are created for a total of two hundred and fifty-three (253),as previously provided.

The positions of Municipal Judges shall be reduced to eighty-five (85) as of October 1, 2004, according to the vacancies in positions that arise by virtue of the expiration of the designated term of the municipal judges, or due to resignation, retirement, death or removal.

CHAPTER 9

FINAL PROVISIONS

Section 9.001.- Appropriation of Funds

The sum of nine million, five hundred thousand dollars ($9,500,000) is hereby appropriated from unencumbered funds of the State Treasury, to comply with the immediate goals and purposes of the Judiciary Act of 2003.

Section 9.002.- Repealing Clause

The Reorganization Plan of the Judiciary Branch No. 1 of July 28, 1994, as amended, known as the "Judiciary Act of 1994," is hereby repealed, as are the provisions in effect of Act No. 11 of July 24, 1952, as amended, which remained provisionally in effect, as well as any other act whose provisions are in contravention to this Act.

Section 9.003.- Severability Clause

If any Section of this Act were found unconstitutional, in whole or in part by a court with jurisdiction, its unconstitutionality shall not affect, impair or invalidate the remaining provisions of such Section, nor of this Act.

Section 9.004.- Effectiveness of the Act

This Act shall take effect ninety (90) days from its approval, except for Section 8.001, which shall take effect immediately after the approval of this Act.

Nor shall Sections 4.002 and 4.006 (c) shall have immediate effectiveness with regard to the review of administrative determinations. The effectiveness of said Sections in this regard, shall depend on the subsequent amendment of the Uniform Administrative Procedures Act, to conform to this language. Meanwhile, the judicial reviews of the determinations of administrative bodies and organisms before the Court of Appeals shall be made discretionally through a Writ of Certiorari.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 201 (S.B. 2290) of the 6th Session of the 14th Legislature of Puerto Rico:

AN ACT to enact the "Judiciary Act of the Commonwealth of Puerto Rico of 2003;" repeal the Reorganization Plan of Judicial Branch No. 1, of July 28, 1994, as amended, known as the "Judiciary Act of 1994;" the provisions in effect of Act No. 11 of July 24, 1952, as amended, and provide for the appropriation of funds, and for other purposes,

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

In San Juan, Puerto Rico, today 27th of October of 2004.

Elba Rosa Rodríguez-Fuentes
Director