



**Judicial Branch**  
of Puerto Rico

EDUCATIONAL GUIDE:

# **OUR GOVERNMENT AND COURT SYSTEM**



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# INTRODUCTION

Under Law No. 201-2003, known as the *Judiciary Act of the Commonwealth of Puerto Rico of 2003* (Judiciary Act of 2003), the Judicial Branch of Puerto Rico must “[promote] a less litigating society.” To do that, the Judicial Branch has several divisions, among which is the Office of Education and Community Relations (EduCo). This office is tasked with “developing, applying, and managing education and community liaison programs to encourage a greater understanding by the community of its basic rights and responsibilities, as well as of the court system and how it works, and to foster community participation and integration with the Judicial Branch.” *Mission and Functions of the Press Office and the Office of Education and Community Relations, as reorganized under Administrative Order OAJ-2014-027, Circular Letter No. 8, Fiscal Year 2014-2015.*

To comply with this task, EduCo has prepared this educational guide with basic information on the Constitution of the Commonwealth of Puerto Rico, as it is the basis of the republican form of government, where the organization and functions of the Legislative,

Executive, and Judicial Branch are established. Moreover, this document includes information on the government system, which is essential to understand the role of the Judicial Branch in society. Lastly, it addresses the topic of the Court System. This basic content may be used as a reference to develop and apply community education and orientation strategies on these topics. Consequently, the information provided seeks to offer basic, yet comprehensive knowledge on topics mentioned, organized in a question-and-answer format. Furthermore, it includes several graphs illustrating some of the information gathered here. This educational guide does not aim to be, neither should it be deemed as an exhaustive presentation of the above-cited topics, and thus, there is space for supplementary and additional reading.

This educational guide will be revised periodically. Therefore, individuals interested in submitting questions, comments, or suggestions regarding the information contained here may do so by writing to: [educ@ramajudicial.pr](mailto:educ@ramajudicial.pr).

# THE CONSTITUTION OF THE COMMONWEALTH OF PUERTO RICO

## WHAT IS THE CONSTITUTION AND WHAT DOES IT PROVIDE?

The Constitution of the Commonwealth of Puerto Rico is the supreme law, as it prevails over every other Puerto Rico law. Therefore, if a law is contrary to the Constitution, it is considered invalid and may be declared unconstitutional.

The Constitution provides how the Government of the Commonwealth of Puerto Rico is established, defines the responsibilities of each of the three branches of the Government, and includes a Bill of Rights, which lists the rights that all persons in Puerto Rico have before the State or Government.

The Constitution is divided into Articles, which in turn, are divided into Sections. These are:

- Art. I The Commonwealth**
- Art. II Bill of Rights**
- Art. III The Legislature**
- Art. IV The Executive**
- Art. V The Judiciary**
- Art. VI General Provisions**
- Art. VII Amendments to the Constitution**
- Art. VIII Senatorial and Representative Districts**
- Art. IX Transitory Provisions**



Display case exhibiting the original document of the Constitution of the Commonwealth of Puerto Rico, at the Capitol.

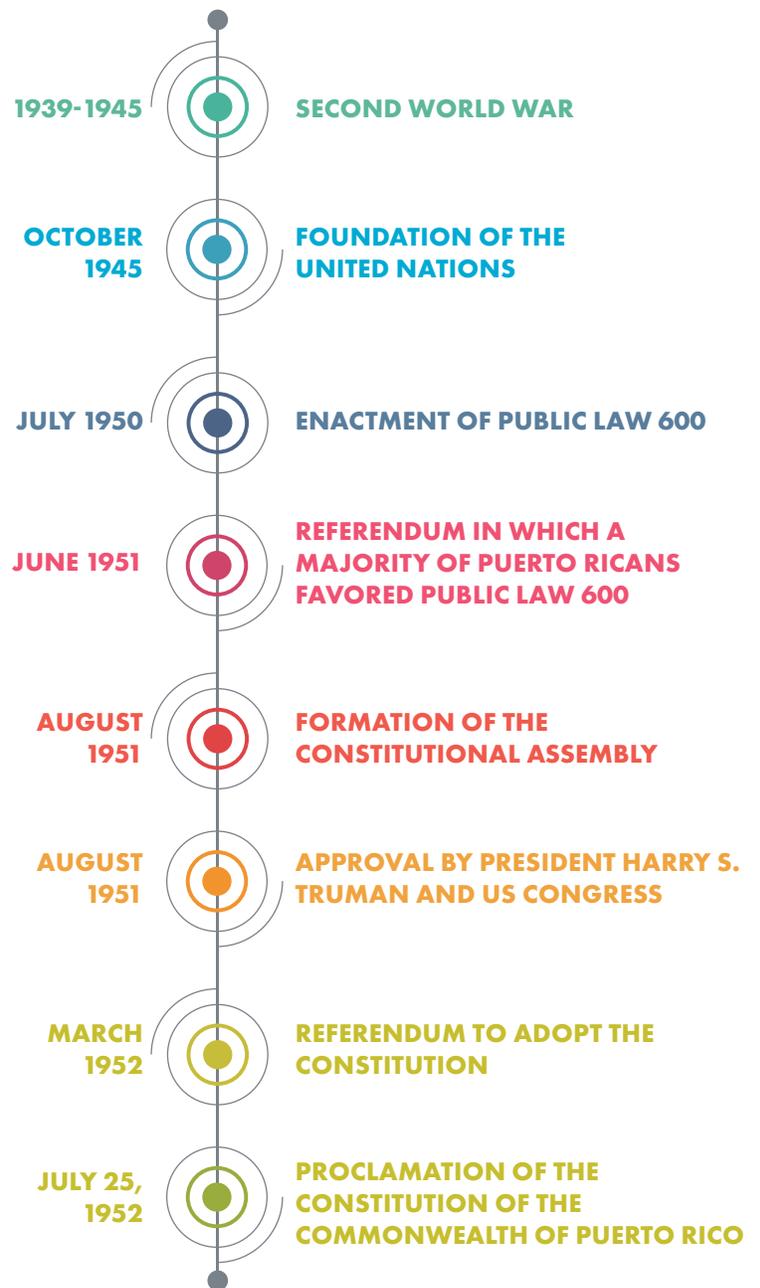
## WHAT WAS THE HISTORICAL CONTEXT IN WHICH THE CONSTITUTION WAS ADOPTED?

After World War II (1939-1945), in October 1945, the United Nations (UN) was created in order to maintain peace and promote international cooperation. This international organization establishes that its member states possessing territories or colonies had to inform the UN of the measures that they would take to allow these territories or colonies to develop their own governments.

In response to the UN's directive, on July 3, 1950, the United States Congress approved Public Law 600, allowing the People of Puerto Rico to organize their own government by means of a Constitution. This process required holding a special election called a "referendum," where the people of Puerto Rico were asked if they agreed with drafting a Constitution of their own. On June 4, 1951, a majority of people with the right to vote in Puerto Rico agreed with Public Law 600. As a result, the Legislative Assembly was authorized to call a constitutional convention which would be in charge of drafting the Constitution.

On August 27, 1951, the Constitutional Assembly was organized, comprising ninety-two members. These individuals were tasked with creating the draft of the Constitution, which had to fulfill two requirements: (i) it had to establish a republican form of government, that is, a government in which power is divided among three branches, and (ii) it must include a Bill of Rights.

Pursuant to the provisions of Public Law 600, once the draft was prepared, it had to be approved by the President of the United States and by Congress. President Harry S. Truman approved the proposed draft in its entirety, but the Congress did not agree with Section 20 of the Bill of Rights. That Section recognized to Puerto Ricans the rights included in the Universal Declaration of Human Rights, such as the right to health, food, housing, medical assistance, and social protection for the unemployed, sick, and elderly, among other rights. Congress removed Section 20 and approved the remainder of the Constitution.

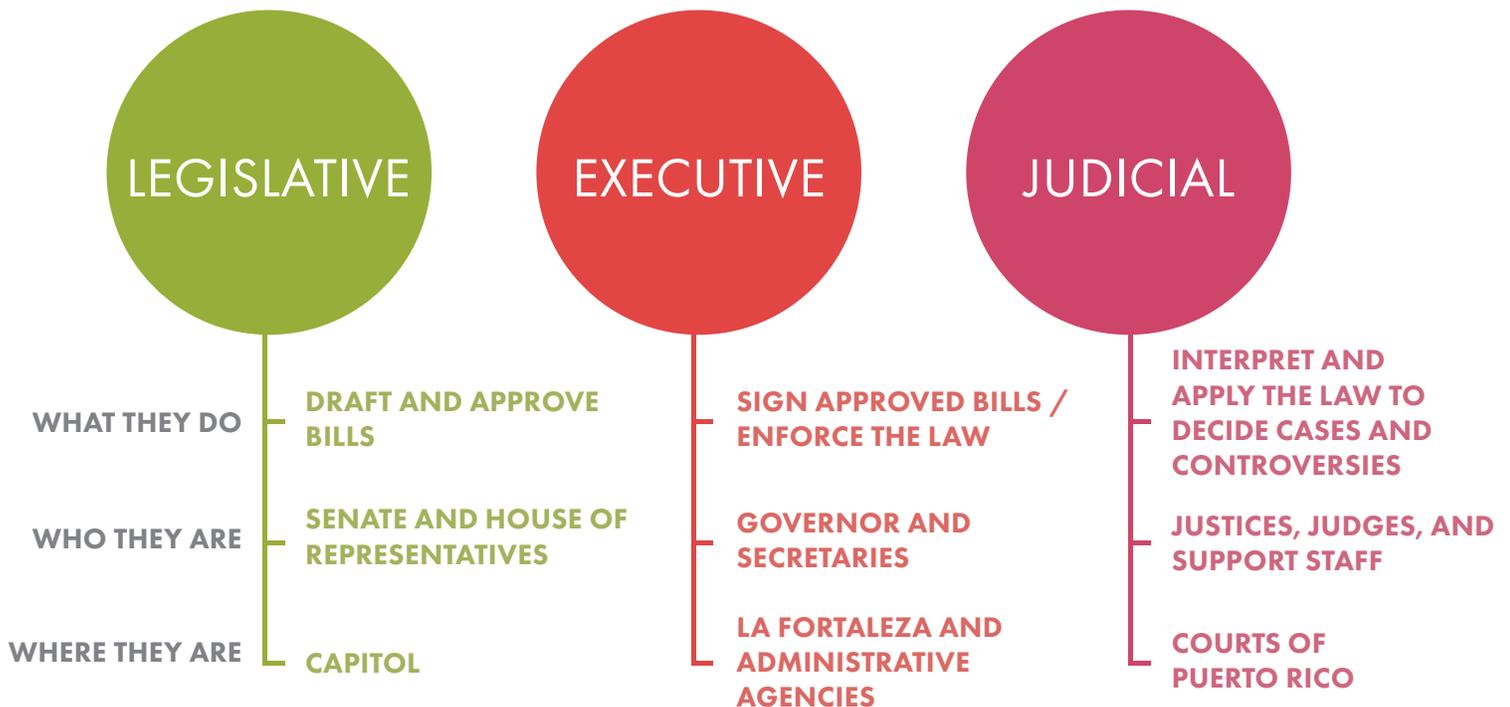


On March 3, 1952, the People of Puerto Rico approved the document by holding another referendum. On July 25, 1952, in a public act in San Juan, the first governor elected by the People of Puerto Rico, Luis Muñoz Marín, proclaimed that the Constitution of the Commonwealth of Puerto Rico was in effect and officially raised the Puerto Rican flag for the very first time.

# PUERTO RICO GOVERNMENT SYSTEM

## HOW IS THE GOVERNMENT OF PUERTO RICO ORGANIZED?

The Constitution of the Commonwealth of Puerto Rico defines the form of government that will exist in Puerto Rico. Specifically, Article I of the Constitution creates the Commonwealth of Puerto Rico and states that “[i]ts political power emanates from the people and shall be exercised in accordance with their will, within the terms of the compact agreed upon between the people of Puerto Rico and the United States of America.” Moreover, it explains that the Government of Puerto Rico will have a republican form of government and will be divided into three Branches of Government: (1) Legislative Branch, (ii) Executive Branch, and (iii) Judicial Branch. This is known as the doctrine of “separation of powers;” each Branch of Government has different responsibilities, powers, and functions. This separation brings forth a balance, also known as the “system of checks and balances,” where power is divided among the three Branches of Government to prevent any of them from becoming too powerful.



# LEGISLATIVE BRANCH

## WHAT IS THE ROLE OF THE LEGISLATIVE BRANCH?

The main function of the Legislative Branch is to establish the rules for peaceful coexistence, generally through the drafting and approval of legislative bills, which become law with the Governor's signature.

## HOW IS THE LEGISLATIVE BRANCH ORGANIZED?

The Legislative Branch is composed of two chambers: the House of Representatives and the Senate. Both chambers comprise the Legislative Assembly. It is important to mention that the Legislative Assembly establishes the annual budget that the Executive Branch uses to run the Government, while the Senate approves or rejects the Governor's appointments of judges.

The Senate and the House of Representatives are divided into committees. A committee is a small group of legislators assigned to one or several topics of interest, for instance, the Committee on Health and the Committee on Women's Affairs. Their duty is to organize work pertaining to the study of bills or measures concerning such topics of interest. This includes examining bills or measures that have been introduced and holding public hearings. Finally, committees submit a report to the appropriate legislative body recommending the adoption or rejection of a bill or measure.

## WHO COMPOSES THE LEGISLATIVE BRANCH?

Members of the Senate are known as senators, and members of the House of Representatives are known as representatives. They are all legislators.

## HOW MANY SENATORS AND REPRESENTATIVES ARE THERE?

The Senate is composed of twenty-seven senators, whereas the House of Representatives has fifty-one

representatives, except when the number is increased to add minority members. In other words, if after a general election more than 2/3 of the members of either legislative chamber are elected from the same political party or single ticket, the number of members of the minority parties are increased to nine in the Senate and seventeen in the House of Representatives. The purpose is to guarantee minority party representation in the legislative chambers.

## WHAT ARE THE REQUIREMENTS TO BE A LEGISLATOR?

To be a legislator, a person must: (i) have lived in Puerto Rico at least two years immediately before the date of the election or appointment; (ii) be a citizen of Puerto Rico and of the United States; (iii) be able to read and write any of the two official languages of Puerto Rico: Spanish and English; and (iv) as for age, the person must be thirty years old to be a senator and twenty-five to be a representative.

## HOW ARE LEGISLATORS ELECTED?

In Puerto Rico, members of both legislative chambers are elected by individuals who are eighteen years old as of the day of the election and meet the requirements to exercise the right to vote in general elections. These are held every four years.

## HOW MANY TIMES A YEAR DO THEY MEET?

During the four years of their mandate, each legislative chamber meets in seven regular sessions. Every year, there are regular sessions from January to June and from August to November. On an election year, there is no Regular Session from August to November. If necessary, however, the Governor may call for special sessions to consider only those matters specified in the call or special message. These sessions shall not continue for more than twenty days.

## WHAT IS A LAW AND WHAT IS ITS PURPOSE?

Laws are rules that foster the common good by establishing the minimum standard of behavior necessary to promote justice, safety, freedom, and other important social values at a given time. In other words, laws provide the manner in which people must behave or act, both in regard to other members of the community and with regard to the State.

Their purpose is to maintain order in daily life. To such ends, laws are of general application, that is, they must be applied to all persons equally. They are also published and disclosed among the people so they may be known and observed. Anyone who fails to obey the law may be subject to consequences like fines, civil actions, and criminal proceedings.

## HOW IS A LAW ENACTED?

For bills or measures to become law, they must be printed, read, and referred to a committee of the House of Representatives or the Senate. As a general rule, the committee must study the bill and deliver a written report with a recommendation to the House of Representatives or to the Senate to adopt the text submitted with or without amendments, or to reject it. Nonetheless, the legislative chamber where the bill was introduced may vote on the bill directly, without a committee investigation and report. This is known as “discharging” the committee from considering the bill.

Once the corresponding committee report is received, or if the appropriate chamber proceeds to vote on the bill without the committee’s recommendation, the legislative chamber where it was introduced will take it to a vote, and it is approved by simple majority of the members. This means half of the members plus one. For instance, the Senate has twenty-seven members. A simple majority is thirteen plus one, which means fourteen senators.

After its approval, the bill is submitted to the other legislative chamber for consideration, where the topic is studied and is taken to a vote. If the bill is approved without amendments, it is referred to the Governor. If the bill is approved with amendments, it is remanded to the legislative chamber where it originated, so that the legislators may vote on the amendments. Should they concur (agree with the amendments), the bill passes to the Governor for consideration. Should they not concur, a Conference Committee is created with members from both legislative chambers to clarify doubts and correct deficiencies in the text in question. The Conference Committee presents a report before both chambers with the amended bill and the voting process is repeated. If the report is approved in both chambers, it passes to the Governor’s consideration.

The Governor approves the bill by signing it. If he or she does not agree with the text, the Governor may prevent it from being enacted into law, and as a general rule, must notify the Legislature. This is known as a “veto.”

The Governor has ten days from the date the bill is received to consider it. If it is not approved in those days, the bill automatically becomes law. If, on the other hand, the Governor has been referred the bill for consideration and the session of the Legislative Assembly ends before the ten-day period expires, the Governor does not have to state the objections thereto to veto the bill. If this occurs, the bill will only be enacted into law if the Governor signs it within the thirty days from the date the bill is received. If the Governor does not sign it, the bill will be understood as vetoed without the need to state the reasons therefor. This is known as a “pocket veto.”

Another type of veto that the Governor may use is the “line-item veto,” applicable only to resolutions on budget allocations that have more than one budget item. In these cases, the Governor may reduce the allocated

sum sticking though the original amount and writing in by hand the reduced amount. The Governor cannot increase it.

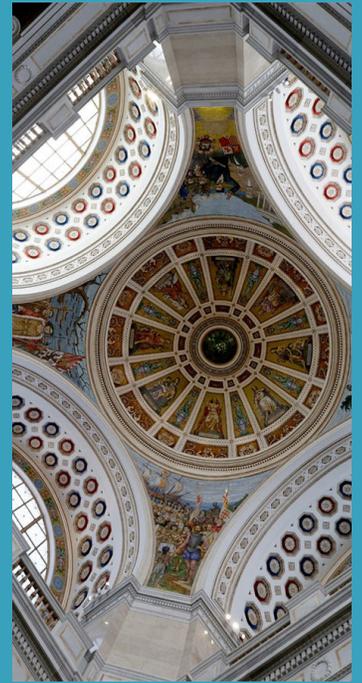
The Legislature can bypass the Governor's veto and enact a law with the vote of two thirds of the members of each legislative chamber.

In addition to laws, the Legislative Assembly approves three types of legislative measures: (1) joint resolutions with limited application, like budget allocations, extending regular sessions, and others; (ii) concurrent resolutions, which are statements issued by both

legislative chambers that do not require the Governor's signature, and (iii) resolutions approved by one of the legislative chambers to convey congratulations, order studies or investigations, and other matters.

## WHERE IS THE LEGISLATIVE BRANCH?

The seat of this branch of government is the Capitol of Puerto Rico, located in Puerta de Tierra, in the north part of the San Juan islet, on Avenida Constitución [Constitution Avenue].



# EXECUTIVE BRANCH

## WHAT IS THE ROLE OF THE EXECUTIVE BRANCH?

The Executive Branch renders the public services offered by the Government. For instance, this branch of government is in charge of administering the budget or money allocated by the Legislative Branch to offer the following services: education, health, and others. It is also the branch of government that executes and enforces the laws approved by the Legislative Assembly.

## HOW IS THE EXECUTIVE BRANCH ORGANIZED?

The Governor is the head of the Executive Branch and has the authority to sign or veto the bills passed by the Legislative Branch.

This branch of government is divided into departments that address different issues. Some are created under the Constitution, while others are established by the Legislative Assembly, as it can create, reorganize, and consolidate certain executive departments of the government and administrative agencies. The departments created under the Constitution are the Department of: State, Justice, Education, Health, Treasury, Labor, Economic Development and Commerce, Agriculture, and Public Works.

Of these departments, the Department of Justice is tasked with investigating and charging persons suspected of committing crimes. Prosecutors work for the Department of Justice and represent the People of Puerto Rico in criminal cases and in some civil and administrative cases.

They are also the Government's legal representative in cases filed by or against the Commonwealth of Puerto Rico.

An essential department that belongs to the Executive Branch, but is not listed in the Constitution, is the Police of Puerto Rico, which is directed by the Police Commissioner. This department is tasked with preventing crime, as well as investigating and prosecuting persons suspected of committing a crime.

Each of these executive departments, created under the Constitution, has a Secretary who is a member of the Cabinet and is appointed by the Governor with the "advise and consent" of the Senate. This means that the Governor submits the person's appointment to the Senate's consideration, where the senators hold public hearings to interview the person nominated for the position and learn of the appointee's opinion on the relevant aspects concerning the agency or department that the person would be heading. The appointment is taken to a vote and must be approved by the majority of the members of the Senate. Those who are interested in the public hearing may visit the Capitol to witness the process.

## HOW ARE THE GOVERNOR AND OTHER MEMBERS OF THE EXECUTIVE BRANCH ELECTED?

The powers of the Executive Branch are exercised by a Governor, elected by direct vote of the people who can vote in general elections in Puerto Rico. This person

holds the office for a four-year term, from January 2 of the year following the election until a new Governor is elected and assumes office.

As we mentioned, aside from the Governor, the Executive Branch includes Executive Department Secretaries. For some of these offices, the person must be appointed by the Governor, with the Senate's advice and consent, while others requires the advice and consent of both the Senate and the House of Representatives.

Should the office of Governor become vacant, the office and its responsibilities will pass to the Secretary of State, who will perform the duties of the office for the remainder of the term, until a new Governor is elected and assumes office. This Secretary will also be the Governor's substitute in his or her absence.

## WHAT ARE THE REQUIREMENTS TO BE GOVERNOR? WHAT ARE THE REQUIREMENTS TO BE AN EXECUTIVE DEPARTMENT SECRETARY?

The requirements to be Governor are: (i) being thirty-five years old as of the date of the election, and (ii) having been a resident and citizen of Puerto Rico and of the United States for the five years immediately preceding the election. These are the same requirements for a person to be appointed Secretary of an executive department. Once elected, they must reside in Puerto Rico.

## WHERE IS THE EXECUTIVE BRANCH LOCATED?

The Executive Branch maintains its seat at Palacio de Santa Catalina, commonly known as "La Fortaleza," located in Old San Juan. The departments and administrative agencies have offices in different locations in Puerto Rico.



# JUDICIAL BRANCH

## WHAT IS THE ROLE OF THE JUDICIAL BRANCH?

The Judicial Branch is the branch of government that interprets the laws and decides cases or controversies (situations) that people or public or private organizations bring to the attention of the courts. The Judicial Branch also guarantees the protection of the rights that stem from the Constitution and from other laws.

Its duty is to decide cases quickly, efficiently, sensibly, impartially, and fairly, in accordance with the evidence presented and the laws or rules that apply to the case; not by external factors or pressures. This is known as “judicial independence” and it allows for the effective and impartial dispensation of justice, as well as building the people’s trust in the judicial system.

For instance, to resolve a situation, a judge must examine the evidence that the parties to the case presented, examine what the current law provides as to the matter at hand, as well as the rules established by cases previously decided by the Supreme Court of Puerto Rico. A judge may not be swayed by what is said publicly about the issue.

## HOW IS THE JUDICIAL BRANCH ORGANIZED?

In general terms, pursuant to the Constitution and the Judiciary Act of 2003, the Judicial Branch is organized as a **court system**. As part of this system, the Judicial Branch is divided in two areas: judicial and administrative. Below is a brief explanation of the court system, its members, and how it works, among other aspects.

## COURT SYSTEM

Just like the other branches of government, the Judicial Branch is created in the Constitution, which provides that the powers of the Judicial Branch are exercised by a

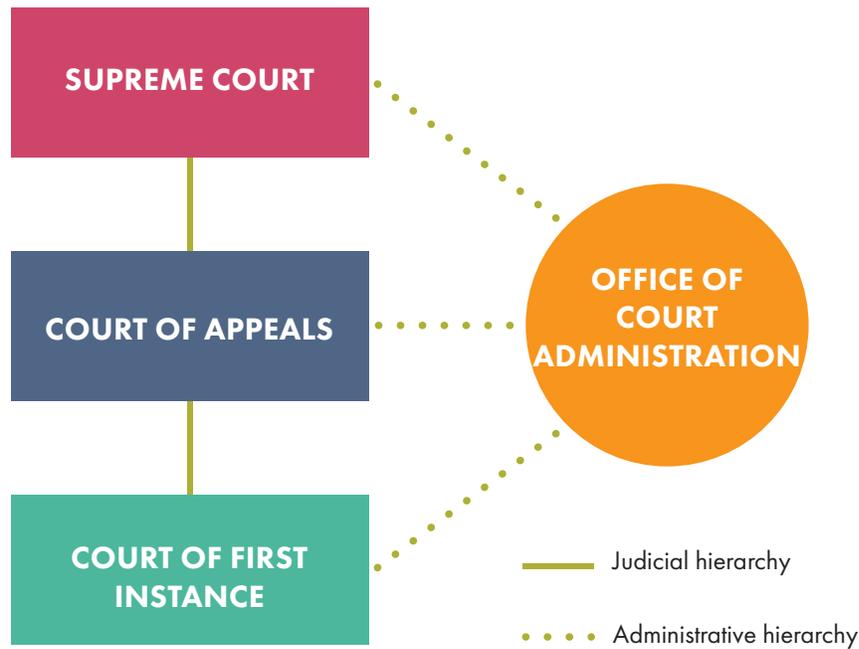
Supreme Court and those courts established under the laws of Puerto Rico. The Judiciary Act of 2003, precisely, establishes these other courts. The entire set of courts is called the General Court of Justice, which works as a unified court system regarding jurisdiction, operation, and administration. Jurisdiction refers to the court’s power to hear an issue and render a decision that all parties to the case must follow. In turn, this Court System is what comprises the Judicial Branch. Therefore, when referring to the Judicial Branch, we are referring to the Court System.

## WHAT IS THE COURT SYSTEM?

As mentioned above, the Court System is an organizational structure of the Judicial Branch comprising two areas: judicial and administrative. On the one hand, the judicial aspect refers to the organization and composition of courts in Puerto Rico. On the other hand, the administrative aspect deals with the operation and administration of the Judicial Branch.

In sum, the Court System includes the Court of First Instance, the Court of Appeals, the Supreme Court, and the Office of Court Administration. Each one of these units of the Judicial Branch is further explained in this educational guide.

To illustrate, the following organizational chart of the judicial and administrative areas of the Court System.



### WHAT IS A COURT?

A court is the place where people go to when they have not been able to resolve their problems directly anywhere else or when they want to assert a right.

The judges work at the courts. They decide the cases and controversies brought to their attention by the applying and interpreting the laws. These court officials are appointed by the Governor with the Senate's advice and consent. This means that, after the Governor makes the appointment, the Senate evaluates the appointee and the senators vote to confirm whether the person will or will not be a judge.



## WHAT KINDS OF CASES MAY BE BROUGHT TO A COURT?

Courts hear civil and criminal cases. Civil cases include inheritances, damages, family matters (adoption, custody, child support, etc.), debt collection, mortgage foreclosures, corporate matters, and many more.

In criminal cases, the Prosecution (that is, the State, or the People of Puerto Rico, represented by prosecutors) commences a case against one or several individuals. The objective of a criminal case is to punish the person suspected of committing an act that is prohibited by law and which is considered a crime. For this, the Prosecution must prove that the person did it beyond reasonable doubt.

On the other hand, the legal system provides a special proceeding to prosecute minors who commit faults or offenses. A "fault" is an act that, if committed by an adult, would be considered a crime.

Moreover, the Court System has Specialized Courts, which focus on certain topics. Examples of these are the Drug Courts and the specialized courts that hear cases of domestic or gender violence.

## HOW MUST WE BEHAVE IN COURT?

In a court, there are several rules that must be obeyed to maintain order, ensure the solemnity of the proceedings, and avoid distractions and interruptions, so as to better serve the people. Appropriate behavior, including speaking softly, must be observed at all times and in all areas of the court. Marshals will make sure that these rules are obeyed. Some of the rules of etiquette that you must observe when visiting the court are:

- Do not speak at the top of your voice.
- Do not smoke in courthouse.
- Do not read newspapers and magazines inside the courtroom.
- Do not enter the courtroom with food or chewing gum.
- Do not make comments in favor or against what is said in the courtroom.
- No pets are allowed, unless it is a service dog for the blind.
- Dress appropriately.

## WHO WORKS AT THE COURT?

- **MARSHAL** – This official is assigned with maintaining security, keeping order in the court, and enforcing orders. For instance, each court of the General Court of Justice has marshals to maintain order. The Marshal also enforces a judge's orders outside the court.
- **CHILD SUPPORT EXAMINERS** – These court officials have a license to practice law. They are the first to hear and examine child support cases and make recommendations to the judges. They also hold hearings, weigh evidence, and render a report to the court with their recommendations to fix or modify child support.
- **JUDGE** – They decide the cases and controversies brought before the court.
- **COURTROOM CLERK** – This person makes an audio recording of everything that goes on in the courtroom (using the court recording equipment) and takes notes of what happens during the hearings. Afterwards, this person drafts a document known as a "record of hearing," setting down everything the parties stated in the Court.

- **ASSISTANT CLERK** – This person receives the petitions and motions filed with the court, in addition to notifying the orders and judgments issued by the Court.
- **COURT SOCIAL WORKER** – This professional advises and works as an expert witness for the court in certain cases. In other words, by having specialized knowledge, he or she makes recommendations to the judge. This professional collaborates with the judge to help discharge the judge’s functions in the administration of justice. Furthermore, the social worker offers social advice on issues related to family and underage offenders referred to them by the family and minors court judges. Likewise, through a Forensic Social Report, this professional recommends the measures that the judge should consider in order to decide the case, and supervise the minors under court supervision pursuant to the Minors’ Act.
- **MEDIATOR** – This person is a Judicial Branch official who is duly licensed to act as an arbitrator or impartial intermediary in the resolution of conflicts and controversies. These officials offer their knowledge and help people reach agreements that satisfy all parties involved, without favoring any. They work at the Judicial Branch Mediation Centers located in the thirteen Judicial Regions.

### WHICH OFFICIALS FROM OTHER GOVERNMENT BRANCHES PARTICIPATE IN COURT PROCEEDINGS?

- **PROSECUTOR** – This person is an attorney with the Department of Justice. This official is in charge of investigating and pressing charges and bringing evidence in the case against a person suspected of committing a crime. This person represents the People of Puerto Rico in criminal cases.
- **POLICE OFFICER** – This is a member of the Police of Puerto Rico whose role it is to ensure that the

people obey the laws of Puerto Rico and to help maintain public order. Many times, the police officer is the one who files the complaints and appears as a witness at all stages of the criminal proceeding.

- **ADVOCATE FOR MINORS’ AFFAIRS** – This person is an attorney with the Department of Justice whose role it is to enforce the Minors’ Act and investigate complaints filed by the Police where a person under the age of eighteen (18) is charged with committing a fault or offense. There are cases in which minors are tried as adults. However, these cases are exceptional and take place only under certain circumstances provided in the law.
- **FAMILY ADVOCATE** – This person is an attorney with the Department of Justice who represents minors and persons with disabilities in family proceedings (child abuse, adoption, and others) or the State in civil cases.

### WHO ELSE MAY PARTICIPATE IN A CASE WITH A PARTICULAR ROLE OR FUNCTION?

- **ATTORNEYS** – These are individuals who have studied Law, are licensed to practice in Puerto Rico, and are tasked with representing their clients. There are attorneys who have offices or firms and offer their professional services to the person who hires them directly. The person who retain an attorney’s services will be responsible for paying his or her fees. On the other hand, there are attorneys who work for an office that gives free legal services to persons who meet certain requirements. The Legal Aid Society and the Puerto Rico Legal Services, Inc. are examples of such offices. The court may also appoint an attorney to represent clients who cannot pay for said professional services. The latter are known as “court-appointed attorneys.” They are attorneys who have an office and the court assigns them a case pro bono from a roster of attorneys.

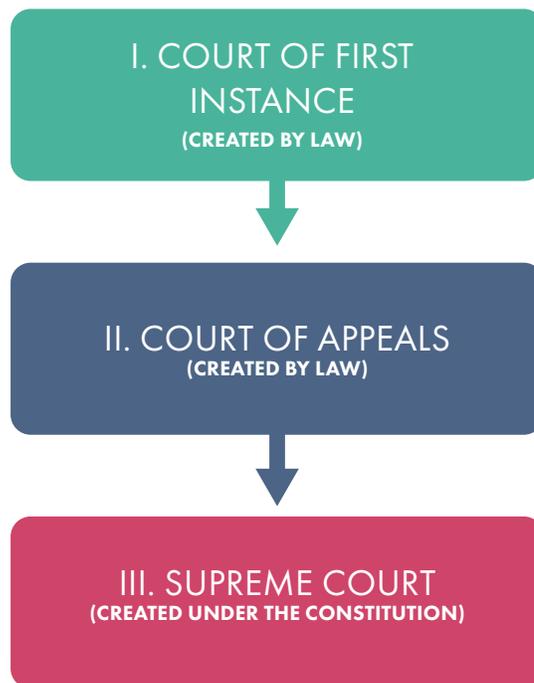
- **JUROR** – This is a person who is selected randomly from a registry to comply with their duty to serve as such in a trial. Some of the requirements to be a juror are:
  - 18 years old or older
  - Be able to read and write Spanish
  - Be physically and mentally able to serve as a juror
  - Be a legal resident of Puerto Rico for a year and 90 days before the trial.

The people who constitute the jury are representatives of the community, and in Puerto Rico, are chosen to render a verdict in a criminal case after the evidence is introduced in court.

- **WITNESS** – This person has personal knowledge of facts that are important to decide a case and is summoned to the court to state what they know of these facts.
- **EXPERTS** – These individuals have expertise in different areas of knowledge, who due to their studies, experiences, and mastery of a subject matter, are hired to appear as witnesses and offer their professional opinion on the particular matters being examined in the trial.

## HOW ARE COURTS ORGANIZED IN PUERTO RICO?

El Sistema de Tribunales de Puerto Rico está compuesto por tres niveles de tribunales:



Of these courts, the highest-ranking court is the Supreme Court of Puerto Rico and is the only one created under the Constitution. The other two courts are created by the Legislative Assembly.

As for the administrative aspect, the Constitution provides that the Chief Justice of the Supreme Court may appoint an Administrative Director of the Courts to assist with the administrative duties. In addition, the Judiciary Act of 2003 establishes the Office of Court Administration (OCA) as an office that aids the Administrative Director of the Courts in such a task. The Office of the Administrative Director of the Courts is in charge of providing programmatic support to the Judicial Regions, divisions, and judicial programs (among which is the Office of Education and Community Relations).

The Chief Justice and the Administrative Director of the Courts also have an Advisory Council comprised by the Administrative Judges of the thirteen Judicial Regions and

the of Court of Appeals. This council collaborates in enforcing the Judicial Branch’s public policy.

To better administer justice, the Judicial Branch has thirteen Judicial Regions throughout Puerto Rico. Each Judicial Region comprises several municipalities. The thirteen Judicial Regions are:

North: Arecibo, Bayamón, San Juan, and Carolina.

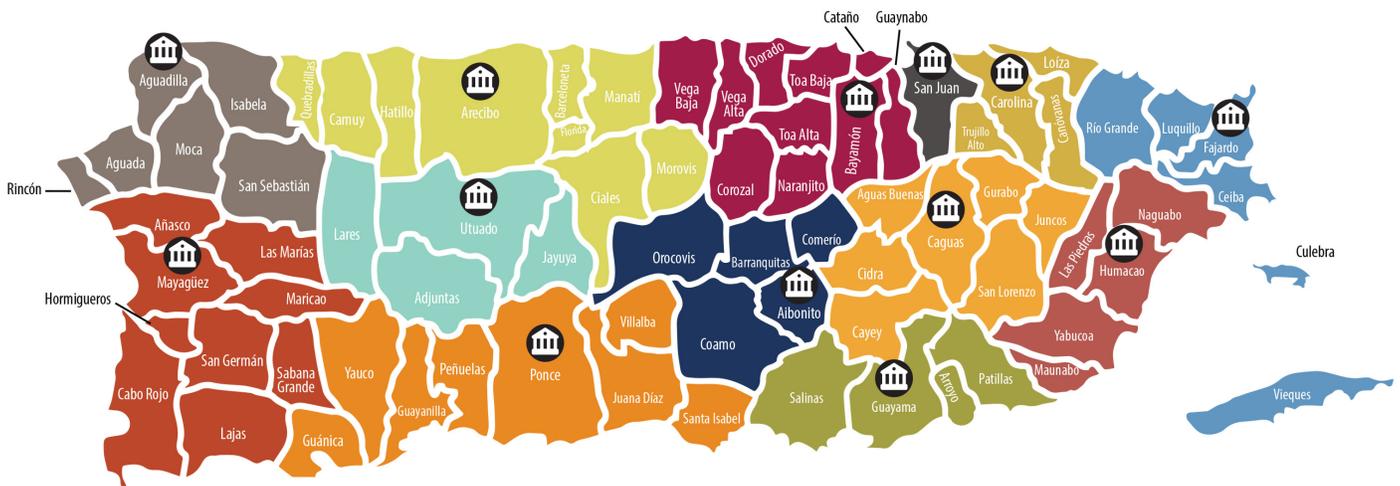
South: Ponce and Guayama.

West: Mayagüez and Aguadilla.

East: Humacao and Fajardo.

Center: Utuado, Aibonito, and Caguas.

There are rules that state in which Judicial Region to file a case. This is called “venue” and it provides the way in which cases are distributed among the different courtrooms and courts throughout Puerto Rico. This may vary in accordance to the nature of the case. For instance, if residents of Bayamón have a discrepancy as to where each other’s land ends, they must bring their case to the Bayamón Judicial Center. If a person commits a felony in San Lorenzo, the case will be heard in the Caguas Judicial Center. Below is a map of Puerto Rico with the Judicial Regions in different colors.



# COURT OF FIRST INSTANCE

## WHAT IS THE COURT OF FIRST INSTANCE?

This court is created by law and is the first step in the court system. It is where individuals who have not been able to resolve their problems or controversies directly with the other party may physically go to or where they may go to when they want to assert a right.

The Court of First Instance is a court of general jurisdiction with the authority to act in any case or controversy that may be decided, and which arises within the territorial limits of Puerto Rico. Jurisdiction refers to the court's power to hear an issue and render a decision that the parties to the case must follow. Audio recordings are made of the hearings in a case, and these recordings are preserved, and their contents are transcribed. A case file is kept for each case.

The Court of First Instance has courthouses and parts, and hearings are held by two types of judges: superior court judges and municipal judges.

## WHAT IS THE DIFFERENCE BETWEEN A SUPERIOR COURT JUDGE AND A MUNICIPAL JUDGE?

The difference lies in the kind of cases that they may hear. Superior court judges may hear any case or controversy, as provided by the Chief Justice pursuant to the Judiciary Act of 2003, while municipal judges may hear a limited amount of cases or controversies, such as protection orders, involuntary commitment cases, probable cause hearings to issue a warrant for arrest or summons, among other proceedings.

## HOW MANY JUDGES WORK AT THE COURT OF FIRST INSTANCE?

The Court of First Instance is composed of two hundred fifty-three superior court judges and eighty-five municipal judges.



## WHAT ARE THE REQUIREMENTS TO BECOME A SUPERIOR COURT JUDGE?

Superior court judges must have seven years of professional experience after taking the oath as an attorney and are appointed and discharge the office for a sixteen-year term. When their term is over, they may be nominated again by the Governor and confirmed by the Senate.

## WHAT ARE THE REQUIREMENTS TO BECOME A MUNICIPAL JUDGE?

Municipal judges must have three years of professional experience after taking the oath as an attorney and are appointed and discharge the office for a twelve-year term.

## WHERE IS THE COURT OF FIRST INSTANCE?

There are courthouses and parts of the Court of First Instance throughout the thirteen Judicial Regions.



# COURT OF APPEALS

## WHAT IS THE COURT OF APPEALS?

The Court of Appeals is created by law and is a second step or level in the courts of Puerto Rico, as it is an intermediate court between the Court of First Instance and the Supreme Court. Its purpose is to serve as an appellate forum where parties who do not agree with the result of a decision made may present their position in writing before a panel of at least three judges. This panel will review the decisions of the Court of First Instance and of administrative bodies and agencies. To do this, the Court of Appeals it is presented with all the documents that are part of the record of the case. The parties do not visit the court physically to state their points of view. However, the Court of Appeals may hear oral argument, in which case the attorneys visit the court physically to present and explain their cases before the judges of the Court of Appeals.

## WHICH CASES OR CONTROVERSIES ARE BROUGHT TO THE COURT OF APPEALS?

The Court of Appeals reviews the final judgments of the Court of First Instance that are brought to its attention, that is, those judgments that finally resolve to a controversy and leave no additional issues to decide on. These requests for review are filed by way of a petition for appeal.

The Court of Appeals is not required to review any other decision, resolution, or order issued by the Court of First Instance, such as those that decide issues pertaining to the proceeding but do not give a final resolution to the

controversy. These requests for review are filed by way of a petition for certiorari.

There is another type of decision that the Court of Appeals may review: final decisions issued by administrative bodies and agencies. There are administrative agencies under the Executive Branch that are authorized by the law to hear controversies in their area of expertise or specialty. When a decision is made, the party may request the agency to reconsider its decision, after which the party may seek review of the agency's decision with the Court of Appeals. An example is the Department of Consumer Affairs (DCA), which hears complaints related to the issues delegated by law to this agency. These requests for review are filed by way of a petition for judicial review.

Once the issue brought to its attention is reviewed, the decision of the Court of Appeals may affirm (agree with the previous decision), reverse (disagree and entirely change the previous decision), or modify part of the previous decision.

The judgments and resolutions of the Court of Appeals must offer reasons for the decision reached, and they are published so they can be cited in other cases as persuasive arguments, even though these decisions are not binding on other courts. This means that the judgments and resolutions of the Court of Appeals do not force other courts to decide a same issue in a similar case in the same manner, but they allow people to understand what the judge thought of the controversy and how judges might decide similar cases in the future.

## HOW MANY JUDGES WORK AT THE COURT OF APPEALS?

The Court of Appeals has thirty-nine judges, and they are organized in panels of three. This number may change, but no more than seven judges may sit in a panel.

## WHAT ARE THE REQUIREMENTS TO BECOME A JUDGE OF THE COURT OF APPEALS?

Becoming a judge of the Court of Appeals requires ten years of professional experience after taking the oath as an attorney. Once appointed, they discharge the office of judge of the Court of Appeals for a sixteen-year term.

## WHERE IS THE COURT OF APPEALS?

The Court of Appeals and the Clerk's Office are located on Ave. Muñoz Rivera in Hato Rey.



# SUPREME COURT

## WHAT IS THE SUPREME COURT?

As the name suggest, this is the highest-ranking court and the court of last instance in Puerto Rico. The Supreme Court is the only court created by constitutional mandate. Its main function is to interpret the Constitution and the laws of the Commonwealth of Puerto Rico. It also examines the constitutional validity of the laws enacted by the Legislative Assembly and the official actions of the other branches of government.

The Supreme Court is the third step or level in the court system. It is an appellate court where all documents included in the record of the case that has already been heard by the Court of First Instance and Court of Appeals. In other words, the parties present their position in writing. As a general rule, they do not visit physically to verbally express their position, unless the Supreme Court convenes to hear oral argument. It is also important to note that the parties cannot include evidence that they had not introduced before the Court of First Instance or additional averments among their documents, unless an exception applies. This is the final state option that individuals have after the Court of Appeals.

Another function of the Supreme Court is to safeguard the ethical practice of the legal profession and impose disciplinary measures on judges of the Court of First Instance and the Court of Appeals and on attorneys who commit ethical misconduct. Furthermore, the Supreme Court also has power to issue rules and regulations are drafted and approved by the Supreme Court and are presented to the Legislature for review, if any, through law. For examples, rules of evidence, civil and criminal procedure, and rules for the administration of the courts. It also has the inherent power to regulate the practice of law in Puerto Rico. Accordingly, the Supreme Court has adopted the Canons of Professional Ethics and Canons of Judicial Ethics, both of which are rules of professional conduct for attorneys and judges respectively.

## WHICH CASES OR CONTROVERSIES ARE BROUGHT TO THE SUPREME COURT?

The Supreme Court is required to entertain petitions for appeal to review final judgments rendered by the Court of Appeals which rule that a statute, joint resolution, concurrent resolution, regulation of a public agency or instrumentality, or municipal ordinance is unconstitutional under the Constitution of the United States or the Constitution of the Commonwealth of Puerto Rico. It must also entertain petitions for appeal that show that there are conflicting judgments of the Court of Appeals that pertain to the case appealed before the Supreme Court.

On the other hand, the Supreme Court has discretion to decide whether to entertain petitions [for certiorari]. In other words, it does not have to hear petitions to review the judgments or resolutions of the Court of Appeals.

The Supreme Court does not have to wait for the Court of Appeals to issue a decision in order to review a case decided by the Court of First Instance. To this end, it may issue a writ of certification and bring the issue immediately to its attention when there exists a conflict between previous decisions of the Court of Appeals, when the matter deals with new questions of law (that have not been decided before) or of high public interest that include an important constitutional question. It may also answer questions of law referred by federal courts. This happens when a federal court is examining a case that includes matters of Puerto Rican law and has doubts as to how to apply the laws of this country.

When deciding a case, the Supreme Court may issue a judgment that only applies to the parties to the case and is not be binding upon similar cases. If the Supreme Court wishes that its decision apply to similar cases, it will issue an opinion. Accordingly, "caselaw" refers to the decisions issued by the Supreme Court of Puerto Rico as opinions. Caselaw establishes a rule or standard that is applicable to other similar cases or similar controversies

that can come about among other people afterwards. As caselaw lays down the rule to be followed, they are always published. Judgments are published when ordered by the Supreme Court. The Supreme Court itself establishes when a final decision in a case is either an opinion or a judgment.

If a person does not agree with the decision reached by the Supreme Court, he or she may present a maximum of two motions for reconsideration. If unsuccessful, the party must respect the decision, as it is final. If the decision is contrary to any federal law, the Constitution of the United States, or any treaty the United States has signed, the person may take the case to the Supreme Court of the United States.

### **HOW MANY JUDGES WORK AT THE SUPREME COURT?**

Judges of the Supreme Court are called Justices. The Constitution establishes that the Supreme Court will be

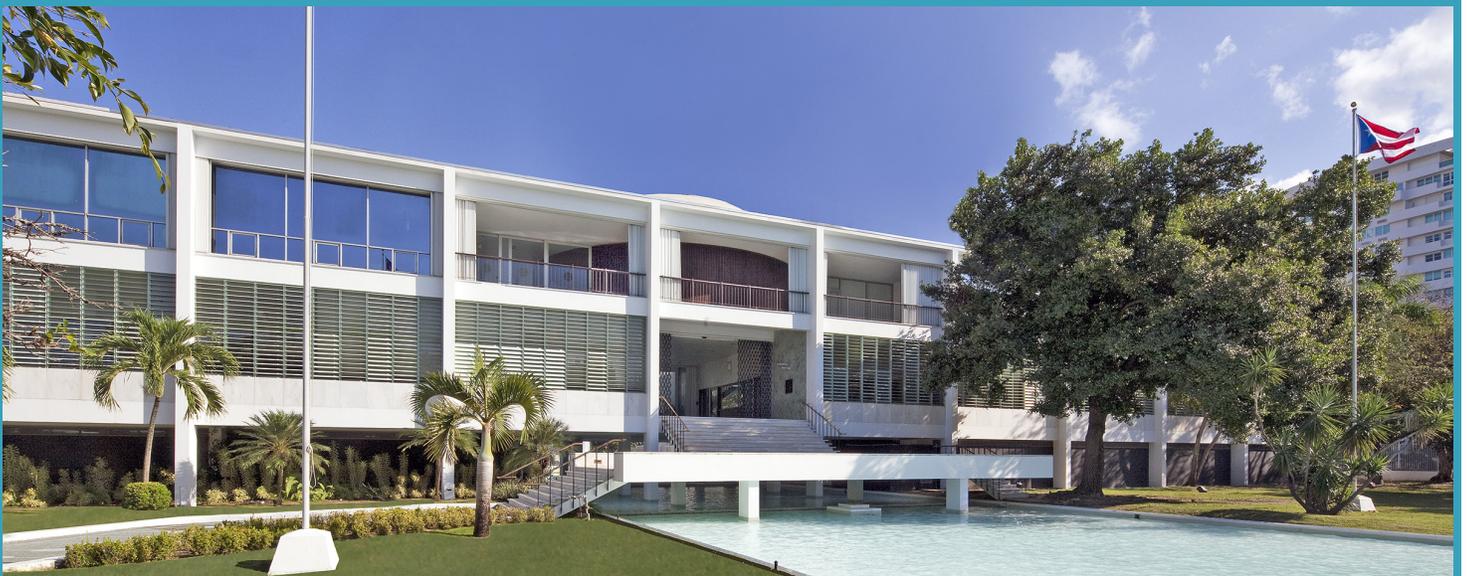
composed of a Chief Justice and four Justices. However, it also provides that the number of justices may be modified by law, at the request of the Supreme Court itself. In 2003, through the Judiciary Act of 2003, the Legislative Assembly decided that the Supreme Court would be composed of a Chief Justice and six Justices. In 2011, the number of justices was further increased from seven to nine.

### **WHAT, IF ANY, ARE THE REQUIREMENT TO BECOME A JUSTICE OF THE SUPREME COURT?**

To become a Supreme Court Justice, a person must: (i) have taken the oath as an attorney in Puerto Rico at least ten years before the appointment; (ii) be a citizen of the United States and of Puerto Rico; and (iii) have lived in Puerto Rico for the five years immediately prior to the appointment. The appointments are for life or until the person reaches the age of seventy, which is the mandatory age of retirement.

## **WHERE IS THE SUPREME COURT?**

The Supreme Court is located on Ave. Juan Ponce de León, Puerta de Tierra, in San Juan.



# FEDERAL SPHERE IN PUERTO RICO

## AT WHAT LEVEL IN THE COURT SYSTEM IS THE FEDERAL COURT?

At none. The United States federal courts are a court system that is organized in a manner that is similar to the one describing our Court System. In other words, there is a federal court system, with the following order and hierarchy:

**I. UNITED STATES DISTRICT COURT:** A court separate from the state court with original and limited jurisdiction. Cases involving the application of federal laws may be heard in this court. (This court would be the federal equivalent to the Court of First Instance of the Judicial Branch of Puerto Rico). The decisions of the United States District Court for the District of Puerto Rico may be reviewed by the First Circuit of the United States Court of Appeals.

**II. UNITED STATES COURT OF APPEALS:** It is the intermediate appellate court that comprises thirteen judicial circuits. The First Circuit in Boston, MA, is assigned to hear federal cases coming from Puerto Rico. This court reviews the decisions reached by federal district courts.

**III. SUPREME COURT OF THE UNITED STATES:** It is the court of last resort for matters dealing with federal issues. This court has jurisdiction to review, among other things, the decisions issued by the highest-ranking state court in cases concerning controversies related to federal law. In Puerto Rico's case, these would be the decisions issued by the Supreme Court of Puerto Rico.

## WHAT TYPES OF CASES DOES THE US DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO HEAR?

As a general rule, the Federal Court does not review the decisions of local or state courts. As an exception, the Supreme Court of the United States could voluntarily decide to hear a matter that was before the Puerto Rico Supreme Court if any of the parties takes the case to it, arguing that the decision of the Puerto Rico Supreme Court intrudes an issue that is regulated or defined by the Constitution of the United States, a federal law, or a treaty the United States has signed and applies to Puerto Rico.

The District Court of Puerto Rico is a court with original and limited jurisdiction. This means that it can only hear specific cases, including controversies where matter is between states or between citizens of different states or when a party argues that there has been a violation of:

- the Constitution of the United States
- a federal law
- a treaty signed by United States that applies to Puerto Rico
- maritime law (regulate issues of occurring in open water)

As an exception, a person may request to remove of a case brought before the Judicial Branch of Puerto Rico when it concerns a federal matter and there is a law that allows for removal.

On the other hand, federal courts, that is, the Supreme Court of the United States, the United States Court of Appeals, and the United States District Court, may request an interjurisdictional certification from the Supreme Court of Puerto Rico. This petition is used when a case in a federal court hinges on a question of Puerto Rican law that may solve the case or controversy, and there is no clear application concerning this aspect in the decisions of the Supreme Court of Puerto Rico.

The following illustrates the relationship between the General Court of Justice of Puerto Rico and the federal courts.

