

OFFICIAL GAZETTE

STATE ORGAN

PmMA, RDEPANAMA WEDNESDAY, AUGUST 2, 2000

N "24,109

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LEGISLATIVE ASSEMBLY

LAW N * 38

(From July 31, 2000)

"WHICH APPROVES THE ORGANIC STATUTE OF THE ARMINISTRATION ATTORNEY'S OFFICE,
REGULATES THE GENERAL ADMINISTRATIVE PROCEDURE AND PROVISIONS

SPECIAL. " ~. "..... ~ ~ 35 35~ ~ 35 ~, 35 ~P.,1

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NOTICES AND EDICTS

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LEGISLATIVE ASSEMBLY

LAW NP 38

(From July 31, 2000)

@ approves the Organic Statute of the Attorney General's Office, regulates
the General Administrative Procedure and dictates special provisions

THE LEGISLATIVE ASSEMBLY

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DECREE:

Unique Title. Organic Statute of the Attorney General's Office is adopted and the
General Administrative Planning, and SQ Jictan special provisions, whose texts are

I swear first

ORGANIC STATUTE OF THE ADMINISTRATIVE OFFICE OF THE ATTORNEY

Unique Title

Of the Organization

Chapter 1

General disposition

Article 1. The Procuradurh de la Ahinistración is the institution, integrated into the Ministry
Pul ~ lico, which exercises its powers throughout the national territory.

This institution has functional, administrative and budgetary independence,
defined in the Political Council and the law, for the fulfillment of its purposes.

Article 2. The actions of the Public Prosecutor's Office extend to the scope administrative law of the State, excluding jurisdictional, legislative and, in

general, the special powers that other official bodies have.

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OFFICIAL GAZETTE

STATE ORGAN

Founded by Cabinet Decree No. 10 of November 11, 1903

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MANAGING DIRECTOR,

LICDA. YEXENIA I. RUIZ
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Panama & Republic of Panama
LAWS, NOTICE4 EDICTS AND OTRG
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Direcch General de In m
AMOUNT OF SUBSCRÊIONS
Minimum 6 Meecs in the Republic: B / . 11.00
One year in the Republic B / . 36.00
Abroad 6 mew B / . 18.00; m & por & open
One year abroad; B / , 36.00, mb postage \$ & eo

All advance payment.

Article 3, The Office of the Procurator of the Administration has as mission:

- 1, Promote and defend the **rule** of law, overseeing compliance with the Constitution. Policy, laws, court decisions and provisions administrative;
- two. Help the Public Administration develop its management with strict adherence to IOS principles of legality, quality, transparency, efficiency, effectiveness and morality in the provision of public services;
- 3, Defend national and municipal interests;
- Four.** Serve as advisor and jurkika advisor to administrative public servants;
- 5, Develop alternative means of resolving conflicts that arise within the Public Administration;
6. Provide orientation and administrative legal training to public servants and the citizen in the informal education modality;
7. Promote the organization of programs to strengthen and improve the management public;
8. Receive and deal with complaints against actions of public servants; Y
9. Design your organizational structure according to modern quality trends, flexibility, horizontality and agility for the provision of Jt: its services.

*

Article 4. The Public Prosecutor's Office will attend and ensure citizens the legitimate exercise of the following rights:

1. Know, at any time, the status of the process, query or complaint in which

accredit the condition of interested party;

two, Receive, at the time of presentation of the documents, a duly **stamped** copy ,
where the time, date and name are stated in pareunti que rtrclbe;

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3. The return of the documents provided to the file, once the
breakdown and be replaced by a certified copy;
- Four. Receive orientation and timely information regarding requirements and actions
legal that are supplied in the institution; Y
5. Any other that the Political Constitution, laws and regulations recognize.

Chapter II

Features

Article 5. The Attorney General's Office shall exercise the following functions:

1. Intervene alternately with the Attorney General of the Nation,
in the following constitutional control processes:
to. ., In the objections of unenforceability that it presents, the Executive Organ against
draft laws, considering them unenforceable;
b. the claims of unconstitutionality against laws, decrees, agreements,
resolutions and other acts contested as unconstitutional, by any
citizen, for reasons of substance or form; .- * '
c. In the consultations, ex officio or warning of an interested party, formulate
before the Plenary of the Supreme Court of Justice the officials in charge of
impart justice + an &; 'e'ii a concrete case, ... assumes that it is available or
Applicable provisions may be unconstitutional for reasons of substance or of
fo rina,
two. Represent the interests of the national, municipal, autonomous entities and, in
General, of the Public Administration in contentious-administrative processes, which
originate in claims of full jurisdiction and compensation, initiated before the Chamber
Third of the Court, S, supreme of Justice. However, the municipalities and the other
Autonomous administrative entities may constitute proxies who may well have
to defend their .. respective interests in said businesses, but such proxies
quedar1n sujetos to the advice and guidelines that the Attorney General gives them 0 cl
Attorney for the Administration.

When in a process of those mentioned have opposite interests the Nation and
the municipality or any autonomous state entity, the Procurator or the Procurator of the
Administración dcbe defend the interests of the former. In this case, the

Representative or the Municipal Personnel will defend the interests of the municipality, if it is, kste
 he has not constituted a special attorney-in-fact. The respective autonomous entity must appoint
 a special attorney-in-fact and, if he is not available, he should act in his
 representation a -Fiskal or a Judicial District Attorney.

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- CW & in a process of 10s' mentioned in this numeral, two entities
 autonomous, two municipal or, in general, two state entities, have interests
 opposed, the Procurator or the Procurator of the Administration must act in
 in && of the law and each entity must designate its own special attorney;
3. Inkmenir in the interest "of the law, in contentious-administrative nullity proceedings,
 Protection of ios human rights, interpretation and validity assessment,
 That they be supplied before the Third Chamber of the Supreme Court of Justice;
 - Four. Intervene in the interest of the law, in contentious-administrative processes of full
 jurisdiction in ios that challenge resolutions that have decided processes in via
HJ ~ Mativa, in the which has been controversy between individuals because of their
 Own interests. In these cases, the transfer must be made to the counterpart of that party.
 that he has appealed before the Third Chamber of the Court;
 5. Act in the interests of the law, in appeals, third parties, incidents and cx @ pChnes that
 are promoted in the processes of the coercive jurisdiction;
 6. Promote contentious-administrative actions in which the Nation is a party, when
 mlbr orders and instructions of the (Executive Irgan0 for this:
 7. Intervening in the interest of the law, in the contentious- administrative proceedings
 promote before the Third Chamber of the Supreme Court of fusticia, Bn dO! 'W de budos
 arbitrations that fw ~ iv8ih labor contrwences between the AmicM Jd Cflnal de
 Panad and IUS workers;
 - 8,
 - 9.
 - 10,

Atikulo 6. Cotr ~ put to the Office of the Attorney General:

- 1, Serve as legal counselor to the administrative public servants who consult their
 seem rtz \$ Rsto a certain interpretation of the law or the procedure that is due
 Continue on a specific 6eXsO .

The consultations must be accompanied by the respective legal criteria, except

help from institutions that do not have a legal counsel;

- two. Coordinate the legal advisory service of the Public Administration , through its respective addresses and legal departments;

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3. Settle, by means of a preliminary ruling, the differences of legal interpretation that submit two or more administrative entities to its consideration;
- Four. Issue an opinion regarding the conclusion of international loan contracts in which the State is a party, when so requested or contemplated within the respective contract;
5. Offer information, guidance and administrative legal training, through prevention programs and development of procedures, to improve the quality of public management;
6. Monitor the official conduct of public officials and ensure that all perform their duties, without prejudice to the competences that in this matter state the law;
7. Attend to prevention, complaints that are presented against public servants, ensure that the causes that motivate them cease, provided they are well founded, and exercise the corresponding actions; To do this, it will execute all the procedures and measures it deems appropriate;
8. Sistematizar, collect and analyze, through data banks, the legislation that issues the Legislative Organ, as well as the general regulations, issued by the State institutions in the exercise of the administrative functions inherent to each of them. For, the @ r% ontStA with 18 collaboration of the \$ other entities public; Y
9. Organize, with the necessary technological instruments, the tasks referred to in the previous numeral; and issue the certifications of the validity of the legal regulations of the country .

In order to comply with what is described in numbers 8 and 9, the Attorney General's Office Administration will dictate the necessary regulation.

Article 7. The Attorney General's Office will plan, design, develop and evaluate administrative legal training plans on an ongoing basis.

Article 8. The Office of the Public Prosecutor for the Administration shall coordinate and execute training for legal advisers from the State and municipalities.

Article 9. The Attorney General of the Administration 'will promote and strengthen mediation as alternative means for the resolution of conflicts, which may arise in the administrative field, for the purpose of reducing litigation.

Chapter III Administrative organization

Article 10. The administrative authority of the institution will be in charge of the Attorney or of the Attorney, who will exercise their legal representation and will be responsible for issuing the policies and manage guidelines. It will exercise its powers with the support of the those responsible for the secretariats and directions of the institution, of in accordance with the Political Constitution, this Law, the regulations and resolutions internal. You may partially delegate your powers to other officials of the Attorney General, in accordance with the respective regulations,

Article II. To be a Procurator or Procurator of the Administration, it is required:

1. Be Panamanian or Panamanian by birth;
- two.** Have reached thirty-five years of age;
3. Mallarse in full enjoyment of civil and political rights;
- Four.** Have a university degree in Law, registered in the office that the law skiale; Y
5. Have completed a period of ten years, during which they have exercised regardless of the profession of lawyer or lawyer, any position in the body Judicial or Electoral Tribunal that requires a university degree in Law, or to have been a professor of law in a university teaching establishment.

The same requirements must be met by the alternates of the Procurator or Procurator of the administration.

The verification of the suitability of the Procurator or Procurator and their alternates is he will do it before the Executive Branch.

Adculus 12. The Procurator or Procurator of the Administration shall have two alternates, who will replace him, in the order of his appointment. in **absolute, temporary** absences , accidental and incidental while filling the vacancy.

Article 13. The Procuradora or the Procurator of the Administration and their alternates will be appointed for a period of ten years, by Agreement of the President or the President of the Republic and the Cabinet Council, subject to the approval of the Legislative Organ.

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Article 15. The vacations and licenses of the Attorney General or the Attorney Administration will be granted by the President or the President of the Republic, conformity with what the law establishes.

Article 16. The Procurator or Procurator of the Administration will have the same category, remuneration, guarantees, prerogatives, restrictions and prohibitions that the Magistrates and the Magistrates of the Supreme Court of Justice.

Article 17. The Procurator or Procurator of the Administration shall have the following attributions:

1. Set salaries and emoluments, appoint, remove, transfer, promote and apply disciplinary sanctions according to the law and the regulations issued in this regard;
Prepare, together with the heads of the secretariats and the directorates, the manuals and regulations for the operation of the institution, its modernization and administrative adequacy;
Be responsible for the execution, and rationalization of the budget;
Approve the organization and internal restructuring of the Attorney General's Office Administration, subject to service needs, budget availability and to the economic possibilities of the kstadb;
Ensure that the Agents of the Public Ministry who are subordinate to him, comply properly with SU & attributions; Y
6. Any other that the law seals,

Article 18. The Procurator or Procurator of the Administration ~ 610 may be suspended and / or removed from office for failure to comply with their duties and obligations contained in the Political Constitution, in this Law, or due to physical, mental or administrative incapacity duly verified.

It will correspond to the Supreme Court of Justice its judgment. The instruction of the Summary will correspond to the Attorney General of the Nation.

Article 19. The Secretary. or the Secretary General is the immediate official Procurator or the Procurator of the Administration, in charge of supporting the Procurator or the

Procurator in his tasks; participates together with the heads of the secretariats and directions in the coordination of the activities of the various administrative units; guides and supervises the activities of the secretariats and other units of the organization, conformity with the directives emanating from internal regulations.

ARTICLE 20. To be Secretary or General Secretary of the Office of Administrac; & is required:

1. Be of Panamanian nationality;
- two. Have a university degree in Law;
3. Have reached thirty years of age;
- Four. Be in full enjoyment of civil and political rights; Y
5. Comply with me; ' the necessary requirements to exercise the position of Mzigistrate or Magistrate of the Superior Court of the Judicial District.

F--- Article 21. In absolute, temporary, accidental and incidental absences of the Secretary or of the General Secretary, while the appointment is being made, the official designated by the Attorney or Attorney DC Administracibn and retina requirements required in the previous article,

Article 22, The Secretary or the General Secretary of the Attorney General's Office will have the same privileges and considerations enjoyed by the Magistrates and the Magistrates of the Superior Courts of the Judicial District, regarding salary, expenses representation & right to retirement and the exemption contemplated in article 65 of the Code Judiciat.

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Item No. The Administration Attorney's Office will be divided into secretaries and directorates, whose internal organization and specific attributions will be established in the Ot @ zacibn and Functions and in the Positions Manual, and will be regulated% through the Regulation Internal of the institution.

Artkub 24. Those responsible for the secretariats and addresses will have the same prerogatives, rights, privileges and considerations enjoyed by Judges and the Circitiito fuetss del Chgano Judicial and Agents of the PGbJico Ministry of the same level _hierarchical.

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Article 25. To develop this Law, the regulations, manuals and resolutions that support the administration of the internal organization and human resources, which will be published in the Official Gazette and in internal bulletin boards,

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Article 26. The Attorney General's Office will have a human resources system based on the following principles:

1. Recognition of merit and equal opportunities;
- two. Stability in office, conditional on the competence, loyalty and morality in the service;
3. Equal remuneration according to the assigned levels of responsibility;
- Four. Professional excellence based on training and professional development permanent; Y
5. Respect for intersex relationships.

Article 27. The administrative acts of appointment and dismissal of the Attorney General's Office Administration, will conform to the law and internal regulations.

Chapter V.j
Financial Gestion and Patrimonial Regime

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Article 28. To comply with the responsibilities of its financial management, the Attorney General of the Administration will have the administrative structure that guarantees efficient management financial management, complying with the Regulations that emanate from the institution in charge of the Inspection of public goods.

Article 29. The assets of the Attorney General's Office are made up of the facilities that currently occupies, its equipment and those acquired in the future by reason of its needs and the fulfillment of their functions.

Se recognizes its current headquarters as part of the Historic heritage of the city of Panama.

Article 30. The following are resources of the Administration Attorney's Office:

1. Those that the State transfers to it, indispensable for its operation, respecting the constitutional principle that guarantees the justice system the percentage to which Article 211 of the Political Constitution refers;
- two. Donations in your favor;
3. Income generated from non-repayable loans;

Four. Non-budgetary income generated by institutional management activities; Y

5. 011-0s assigned by law.

Article 31. The Office of the Public Prosecutor for the Administration will prepare its preliminary draft budget, which will be timely forwarded to the Ministry of Economy and Finance, for its

THE GENERAL ADMINISTRATIVE PROCEDURE

Title I Of the General Disposition

Article 34. Administrative actions in all public entities will be effected **with** according to Informality rules. impartiality, uniformity, economy, **speed and efficiency**, ensuring timely realization of functions administrative, **without** menacerbo **dál due** p & ho IV @, with integrity and adherence to the principle of strict legality. The Ministers and the **Minim de llist & o**, the Directors and **IPO Directors of decentralized entities**, **130bermdores and Gobem & doras, Mayors and Mayors ~ ss and demk Heads and Heads of Dwpcho** watch & mpecto **of** laa units to direct, compliance with this dispmicidn.

hs W & aclorm of priblleoa servers should be presided over by the principles of loyalty to the State, honesty and efficiency, and they will be obliged to **dtiSerr the rnhxh ~ de! m** mpacldader **B la Mor** assiglula.

Article 35. In the decisions and den & acts that the% entities pronounce, celebrate or adopt public, to the hierarchical order of the provisions that must be applied will be: the Constitution Policy, laws & decrees with the value of law and regulations.

At the municipal level, the order of priority of the legal provisions will be:
Political Constitution, laws, decree laws, cabinet decrees , decrees

executive & cabinet resolutions, municipal agreements and mayoral decrees.

At the level of communal boards and local boards, the following order should be applied

jerarquico: Constitucih Policy, laws, decrees , laws, decrees of Gabinote, decrees

ejecutiva, resolutions of Cabinet, municipal agreements, **decrees** alcaldicos and regulations dictert **the** community boards,

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II

Article 36. No act may be issued or celebrated in violation of a legal norm in force, even if it comes from the same authority that dictates or celebrates the respective act. No authority may celebrate or issue an act for which it lacks the competence of in accordance with the law or regulations,

Article 37. This Law applies to all administrative processes that are carried out in any state agency, whether of the central, decentralized or local administration, including state-owned companies, unless there is a special rule or law that regulates a procedure for specific cases or matters. In the latter it was supposed \$ o . , if such laws Special features contain gaps on basic aspects or important procedures contained in the present Law, such gaps must be overcome by applying the norms of this Law.

Article 38. When public entities have to resolve a large series of files IwmogGneos, will establish a summary management procedure through printed forms and other documents that allow the rapid dispatch of matters, and can be used, when the motives and grounds of the resolutions, types or series of these are identical, provided that the basic motivation for the decision is exposed, the guarantee of the due process of law and the free practice of law.

Article 39. In those cases in which the petitions must be resolved prior to the intervention of another public entity, a single file will be instructed and a single resolution will be issued. In these cases, the procedure will be initiated before the public entity that has the most specific in relation to the matter in question. In case of doubt, the matter will be resolved by Minister or the Minister of the Presidency.

Article 40. If the petition is formulated based on the constitutional right of request, the following rules will be followed:

1. The authority to whom the petition is directed must issue the resolution corresponding, within thirty days after its presentation, except for the exceptional cases established in the law;
- two. When a request, query or complaint is received that must be obj, subject to a certain

special administrative or jurisdictional procedure, the petitioner will be notified within a term of eight days, counted from the receipt of the request, with express indication of the procedure that corresponds according to the law, measure that mediantc will adopt a reasoned resolution; Y

3. If the authority to which a request is made, considers **that it lacks the competence** To resolve, it will forward it to the one it considers competent, and will communicate such circumstance to the petitioner, after an inhibitory resolution, in which he will express the norm or norms laws on which the declination of jurisdiction is based and the administrative entity or jurisdictional that, in his opinion, is the competent one.

When a positive or negative conflict of competence occurs , between authorities .which belong to the same ministry, decentralized or local entity, will be resolved by the hierarchical superior of both authorities; if they belonged to ministries, entities decentralized or different local entities, the conflict will be decided by the Minister or the Minister of the Presidency, who to do so must consult with the Attorney General's Office.

Article 41. Any request, query or complaint addressed to the authority for reasons of social, or private interbs , must be presented in a respectful manner, **and may not be used**, in the respective writings, indecorous, offensive or disrespectful expressions,

The authority in charge of resolving, at any stage of the process, may provide that Ostensibly indecent, offensive, or disrespectful expressions are crossed out , without prejudice of the correctional or penal sanctions that merit, The respective resolution that orders the erasure or cancellation, is of mere obedience,

The Secretary of the Office or whoever acts in their stead, upon receiving the written, you must ensure compliance **ds** till diaporleibn and communicate to the authority They must decide, to proceed in accordance with the provisions of the previous paragraph. '

Article 42. The funeral before whom a request, consultation or request is made, will be Obligation to certify, in the copy of the respective memorial, the date of its presentation or receipt of (81st, and after the end for your resolution or response, dsbarl. certify, in the same copy, **that** the petition, query or complaint has not **been resolved within** said term.

Take the copy and IF I certify, mentioned in the previous paragraph, the petitioner may collecting **of the** official concerned the imposition of the corresponding sancibn,

Article 43, To the public servant **violating** the provisions on fundamental right

Upon request, the following sanctions shall be imposed, ex officio or at the request of a party:

1, Written warning, the first time;

two. Temporary suspension of the position for ten business days, without the right to pay, in case of recidivism during the same year;

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3. Dismissal, in case of committing the disciplinary offense again; Y

Four. Dismissal, if the official incurs in violation of the provisions of this article in three different occasions, regardless of the year in which the offense is made.

The aforementioned sanctions are imposed by the hierarchical superior, respecting the due process and by reasoned resolution that must be added to the personal file of the sanctioned official.

Article 44. Any person who has presented a petition, query or complaint has the right to know the status of the process, and the corresponding public entity is in the obligation to inform the pertinent thing within the term of five days, counted from the date of its presentation. If the entity could not resolve the request, query or **complaint within** of the term indicated in the ICC, the responsible authority must inform the interested party of the status of the processing, which will include⁴ a presentation to the interested party, stating the reasons for the delay.

Arikulo 45, The petitioner, without prejudice to the responsibility that corresponds to the public servants due to the procedural impulse, has the duty to carry out the process steps that to IZI correspond according to the law, to promote the development of process .

When a process is paralyzed for a term of three months or more due to non-compliance of the petitioner, the instance will expire and the process will not may be reopened within the year following the date on which the resolution that thus declares it. The expiration of the instance may be declared ex officio by the office respectivo or at the request of an interested party. ' ,

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Article 46. The orders and detnris administrative acts on behalf of the Central Government or Decentralized entities of an individual nature have immediate binding force, and srrin applied while their effects are not suspended, they are not declared contrary to the Political Constitution, the law or the general regulations by the competent courts.

The decrees, resolutions and "other regulatory administrative acts or ay, l3elos that contain rules of general effect, they will only be available from their promulgation in the Gazette

Official. Unless the operative instrument establishes its validity for a later date,

Article 47. It is prohibited to establish requirements (3 procedures that are not provided for in the legal provisions and in the regulations issued for its due execution. Constitutes lack

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disciplinary violation of this precept and the Head of the
Respective office,

Artfcub 48. Public entities will not initiate any material action that **affects**
legitimate rights or interests of individuals, without having previously adopted the
decision that serves as a legal basis. Whoever orders an act of physical execution,
will be in the obligation, at the request of a party, to inform the affected party of the act **that**
authorize the corresponding administrative action.

The violation **of** what is established in the prmente, article generate & according to the characteristics
and seriousness **of the** case, dissimilar, criminal and civil responsibility, for which the
the respective investigations or processes.

Article 49. It is the responsibility of the Administration and, in a special way, **of the** Chief or the Chief
of the respective Office and of the official in charge of processing the process,
0 this. Therefore, both officials will be jointly and severally responsible for ensuring that the process is
develop in accordance with the principles established in this Law and other pertinent regulations.

Unjustified delay in carrying out a procedure in charge of the Administration,
corWituir8 impediment **of** the authority to continue knowing the process. l \$ l impact & r; Se
The challenge **must** be presented to the respective hierarchical superior, who must decide
in a term not exceeding three days ago, starting from the date that remains in this &
Do decide: The decision that resolves the incident does not admit any recourse.

If the reuse incident is successful, the appointing authority will designate the authority
ad hoc to egnooer and decide the process.

If, within the course of a year, prospwqn days or more incidences of recusal against a
authority pw the cause instituted in this article, the sentence will be the dismissal of the law.

The above is without prejudice to the 14 complaint that the affected person may present cwW @ el
defaulting employee.

Article 50, To intervene in administrative proceedings, the Peruvian authorities shall
use the services of a lawyer when required by law.

ARTICLE 51 m Loa Act One administrativoa not podrh anulrrrr by cauw diatintar gives lar canra @ radar taxatIvamenta in the Ioy, When IB presents a recrIto or *Incldecrnte* quo pntnrda the annulment of an act by a cma dhtlnta da Iar mrnclunadar tin ortho Title, the wutorldud

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competent authority will return it to the interested party, advise him of the reason for its return and grant him a term of eight business days so that, if you see fit, present the corrected writing. A Once that term has expired, it will preclude the opportunity to repeat the same management.

The other irregularities of the process, which the law does not establish as grounds for nullity, are will be considered healthy if they are not claimed in a timely manner through legal resources,

Article 52. A vice of absolute nullity is incurred in the administrative acts issued, in the following cases:

1. When this is expressly determined by a constitutional or legal norm;
- two. If they are dictated by incompetent authorities;
3. When its content is impossible or constitutes a crime;
- Four. If they are issued with the absence or absolute omission of fundamental procedures that involve violation of due process of law;
5. When taxed, convict 9 penalties for a tax tribute, charge or cause other than those that were formulated to the interested party.

Article 53. Outside of the assumptions contained in the previous article, it will be merely voidable, in accordance with the rules contained in this Title, any act that incurs in any infringement of the jukko, ilící ' ; IG EI X & ;' k'i & í order of power.

Article 54. The official who knows about a process and who, before issuing a resolution or If failing, I will observe that there has been a valid cause of nullity, will order that she be informed of the parties, so that within three days following your notice, you can ask for the cancellation of the action.

When the cause of nullity is observed in a collegiate body and the process estuvicre para jillar, Ic corresponde " ~ l stistanciador bring it to the knowledge of the parties.

Article 55. The nullity will be decreed to avoid defenselessness, affectation of rights of third parties or to restore the normal course of the process.

Article 56. The partial invalidity of an administrative act will not imply that of the other parties

of kstc that are independent of that one.

Article 57. The authority that declares the nullity of actions will always provide the conservation of those acts and procedures, whose contents are not affected by the nullity.

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Against the kvo & toria decision or annulment, the interested party may file, within of the corresponding terms, the resources recognized by law.

The power to revoke or annul an administrative act ex officio does not prevent any interested third party may request it, based on legal cause,; when the body or official administrative has not done so.

Article 63. Neither may administrative acts issued to give compliance with an order of a court or an apncia of the Public Ministry.

Title IV

D-the beginning of the processes

Article 64. The initiation of administrative processes may originate ex officio or stakeholder instance,

The initiation occurs ex officio when it originates by disposition of the office corresponding administrative; and at the request of the party when accessing the request, consultation or complaint of the person or persons who are holders - of a subjective right or an interest legitimate.

Article 65. Without prejudice to the provisions of the previous article , any person must denounce, before any public entity, the commission of acts that affect or injure the public interest, or the performance of illegal acts whose knowledge corresponds to that, without that the complainant is obliged to verify the. facts reported. This complaint It may be presented verbally or in writing, by telegram, fax or other suitable means, with the condition that the complainant properly identifies him.

It is the duty of every Panamanian citizen, or foreigner residing in the country, Report the commission of facts or acts that harm the public interest or that violate the rules current legal regulations. ,

1 ~ criminal liability that the complainant may incur in case of falsehood in the complaint.

Article 66. To be part of an administrative process and to act as petitioner or adjuvant, or to oppose the claim of the first, it is required to have affected or compromised a subjective right b a legitimate interest. i

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Artiquh 67. All the terms of days and hours that are subtle in the processes manage # you, always! 'Kjer &' J only the skilled ones, unless a no ~ nra cspecl provide otherwise and so be consigned to the r @ eplscir @ respwtiva.

Loo l & rminors of months and years s (f will adjust to the cpmfin calendar.

the t \$ rmiws of hours will elapse dsr & the following from here in which 64 raoti @: or at person interested &; those of days, from the next s the one in which said pottery occurred; aeión.

months, \$ however, when the last day \$ the period corresponded to a non-working period, here sg snfier & extended until the next business day,

pw @ a afwter 113 honor or the prestige of the interested parties.

For the purposes of this Act, confidential or access information is understood re-constricted, here & what for reason? dr inter & pJblho o particular no pusclr sor **dlf'unJiJa**, because it could cause serious damage **to the sob! @ad, the State or the pwsonn r @ bspwtlva**, as is the case concerning the negotiations **of international** treaties and agreements,

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national security, health situation, political ideas, marital status, sexual orientation, criminal and police records, bank accounts and others of a similar nature, qwtengan that character according to a legal provision.

When it comes to obtaining copies of documents or certifications that relate to * confidential information, those will be issued only at the request of the authority of the Public Ministry, the courts or any state agency that certifies that the required to process or resolve matters within its competence, in which case said authority must take care that the information is handled with the same character.

Article 71. The persons authorized to have access to the file may only do it within the office in which the respective process or action is based. Is responsibility of the Secretary or the Secretary of that office or the official who makes In turn, take care of the integrity of the file to prevent it from being stolen, destroyed or alter documents, evidence or other effects of importance for the decision of the process,

Article 72. Files may only leave the office in cases where they are required. for the practice of evidence, at the request of a superior who must know and decide process related to the facts wbre \ p \$ -which concerns its-Contents; a jurisdiccional tribunal o Agent of the Public Ministry, and in the case of request for copies, when the office do not count -with the means suitable for this purpose.

Article 73. The authority that notices or to which one of the parties advises that the norm legal or regulatory that must apply to resolve the process has vices of unconstitutionality, formulate, within, the following two days, the respective consultation before the Plenary of the Supreme Court of Justice, unless the legal or regulatory provision has been the subject of a ruling by said Court.

Likewise, when the authority or one of the parties warns that the regulation or rules reglamentacias or the administrative act that should apply to 'resolve the process, has vices of illegality, within the following two days, will submit the query

respective before the Third Chamber of the Supreme Court of Justice, except that the legal provision or act has been the subject of a pronouncement by this Chamber.

In either case, the authority will continue to process the process until it is placed in state of decision, but it will only be issued once by the Plenary of the Supreme Court of Justice or the Third Chamber, have ruled on the respective consultation.

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Article 77. The presentation of complaints and complaints before the Public Administration does not require special or strict formalities, by what may be submitted verbally (in which case the corresponding act will be drawn up and signed by the complainant or complainant), in written form, by telegram, by fax and any other suitable means to inform the Public Administration of the facts and reasons that the originated.

Article 78. Any query made to an entity of the Public Administration must be presented in writing, the consultant stating the facts and the causes that generate it.

Article 79. Proxies can transmit writings, memorials and petitions by telegraph, facsimile or other technological means, in processes in which said proxies have been admitted as such, on condition that the entity that provides the public service certifies the respective shipment.

The filing date will be considered the one on which the document is received in the Secretariat of the corresponding office.

Capitulo II
Processing of Consultations, Complaints
and Administrative Complaints

Article 80. Any inquiry, complaint or complaint that is presented to an authority administrative, must be processed in accordance with the rules of this chapter.

Article 81. The administrative authority before whom a query is submitted, must check whether or not it is competent to absolve it, and whether the query complies with the provisions of Article 74 of this Law; otherwise, must inform the consultant that he lacks power to absolve it and indicate the competent authority to do so. If the query does not comply with the requirements set forth in article 74 of this Law, you must notify the the consultant to correct the deficiency.

Article 82. Any consultation made before the competent authority that complies with the CSI requirements; established by this Law, it must be acquitted by the competent authority, within thirty business days following its presentation, by note, official letter or resolution, in the that SC will present the grounds of the respective opinion or opinion.

The authority must inform the consultant of the act by which acquits the query, either by personal delivery of the respective document, or by sending by mail, fax, LI telegram, another suitable means for this purpose.

Article 83. For the purposes of the previous article, the consultant must indicate the address of your home address, postal address, telephone or fax number, if you have one of the last three media. "

Article 84. The authority to whom an administrative complaint or complaint is filed, -you must determine whether or not you are competent to know about it and process it; otherwise, It should be sent to the competent authority for that purpose, who should decide on it. extreme.

Article 85. The official who declined knowledge must inform the complainant or the complainant, as appropriate, of the above measures within the following eight days on the date on which the knowledge of the complaint or complaint was declined.

Article 86. Upon acceptance of the complaint or complaint, the authority shall initiate an investigation on the facts and causes' that motivated it, for which it will issue a resolution ordering it. In this resolution, which is mere obedience, the main procedures and tests that must be carried out and practiced in the course of the investigation.

In this resolution it will be ordered to adopt all the measures that, according to the law, are necessary according to the legal situation verified in the investigation respective; which includes the application of disciplinary sanctions, reporting to the Public Ministry of the facts that make up or may make up a crime and others that order the law.

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Article 87. Copy of the resolution referred to in article, or above, must be made knowledge of the complainant or complainant within eight business days following the date of its issuance, by any of the means or forms indicated in this chapter.

Article 88. Any investigation by complaint or complaint must be exhausted in a term not older than two months, counted from the date of your presentation

The resolution in which it is resolved on the basis of a complaint or complaint, must be issued within thirty days from the date the respective investigation.

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Title VII

Of the Notifications and Summons

Chapter 1

Notifications

Article 89. The resolutions that are issued in a process in which individually there are intervened or should be forced a private, must be notified to this.

Resolutions of mere processing or procedural impulse must be notified within of the two days following the date on which they were uttered; and those that put an end to a instance of the process or who decide an appeal, within the five days following the date dc his expedition.

In the case of resolutions that put an end to an instance or that decide a recourse, the proceedings for notification must be initiated, at the latest, within the five days after the date of issue.

Article 90. Notifications to the parties must always be made by means of an edict, except in the cases that are expressed below. The edict will contain the expression of the process on which the notification must be made, the date and the operative part of the resolution that must be notified. It will be fixed the day after the resolution is issued and its fixation will last one day. This edict will be added to the file \$ cg. @ & Presibn def date and time of its fixation and removal. From the date and time of its removal, the notification will be understood to have been made.

The edicts shall be carried; in a continuous enumeration and with copies of each of them will form a notebook that will be kept at the secretariat. The originals will be added to the cspediente,

Article 91. Only the following will be notified personally:

1. The resolution in which the transfer of all petition is ordered, the correction of the petition and, in general, the first resolution issued in any process;
- two.** The resolution in which a person is summoned to render a declaration of part, to recognize a document, to give testimony and that in which the demand for counterclaim;

3. The resolution in which SC informs a party of the withdrawal of the process of the contrary, and the one pronounced in cases of illegitimacy of personality, to the misrepresented party or its legitimate representative;

Four. The first resolution issued in a process that has been paralyzed for a month

0 11151s;

5. The one decided by an instance;
6. Others expressly ordered by law.

Article 92. Personal notifications will be made by making known the resolution or act of the official, to those who must be notified, through a diligence in the that will be expressed, in letters, the place, hour, day, month and year of the notification, the one that they will smoke, the notified or a witness by him, if he cannot, does not know or does not want to sign, and the Secretary or the Secretary or an official authorized by the office, who will express, under his / her signature, your position.

Article 93. When a party has a constituted attorney in the process, it has been the respective notifications, unless the law provides that they be made to the party itself.

When it has several proxies, the notification may be made to any of them.

Officials will also be obliged, whatever the attorney-in-fact may request. a file for examination, to notify you of the resolutions of all the processes that are pending personal notification, in which said attorney acts,

When the individual has the right to free legal assistance, this will be provided, with subject to Title XIII of the Second Book of the Judicial Code, II, __ 3,

Article 94. If the party to be notified personally is not found within hours working in the office, room or place designated by it, on two different days, it will be notified by edict, which will be posted on the door of said office or room and evidence in the file of said fixation, signed by the Secretary and the notlfrador or whoever takes his place. Once these procedures have been completed, the notification, and it takes effect as if it had been made personally.

The documents that need to be delivered in the act of notification will be posted in the mail the same day the edict is issued, a circumstance that will be recorded with receipt of the respective mail administration.

Article 95. Notifications made in a way other than those expressed in this Law are void,

However, whenever the file shows that the party has had knowledge of the resolution that motivated it, this will be considered as notification and will have SUB effects since then,

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Article 96. In the notification of <the resolution that resolves an instance, the resources and the term to file them. The omission in the indication of resources that proceed, will be corrected by the filing of these by the interested party, or by the acceptance or agreement of the interested party with the decision.

Article 97. The locations do not require publication in the Official Gazette; it will be enough with publish them, in a national newspaper, three consecutive times.

Article 98. When the person who must be notified personally does not reside at the headquarters of The public entity that issued the act, will be commissioned for it, by telephone. or facsimile, to the competent public entity in the place of residence of the interested party or the closest place **this**. If there is no such entity, the Mayor of the District will be commissioned c to the Corregidor or the Corregidora of the respective Police.

IXI telegram or facsimile must contain the designation of the authority that issued it, the place and date, as well as an extract of the operative or deciding part of the act that must be notified, with precise instructions to the authority commissioner to do knowledge of the notified said extract and, failing that, the remedies against the act proccden in governmental way and the term to lhterpose them.

A1 * title 99. The commissioned official, once the notification has been made, will return the action to the administrative office of origin, by certified mail, which will be incorporated into the CXpCdiClik.

Chapter II Citations

Article 100. The summons of witnesses, experts or physicians to appear before the authority that knows the process, it will be verified by means of a ballot signed by it or by the Secretary or the Secretary of the Office or whoever takes their place, which will express the number that corresponds to it, the identification or number of the file, if it is the case. the day, the hour and the

place where they must appear and the object of the summons. This will be done by goalkeeper 0 the concierge, by an agent or a police agent or other person designated for that purpose, who

He will transfer the original of the ballot to the person named, and will require him to sign the proof copy if this formality has been complied with and that you write down the impediment that you have in case of not be able to attend. If you do not want or can not sign, the person in charge of the summons will make a witness or a firm witness for whom he refuses or cannot do so.

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Article 101. A copy && file will be added to every issued citation ticket, and a Once the summons procedure has been completed, the copy received by said Q must be inserted, in his defect, the respective secretary1 report of the person in charge of the diligence, which contained a succinct list of the facts or reasons that prevented its execution, if & a does not it would have been perfected.

Article 102. Everyone who is summoned by the competent authority, as a witness, expert or optional, must appear to render the statement or opinion or to practice the diligence that is required. If he does not do so or if he appears and refuses to testify or render an opinion once accepted the charge, without legal excuse, will be sanctioned with a multa of twenty balboas (S /. 2Q.00) to fifty balhsla (EV. S0.00) or arrest for up to two days, each re & incurred in this disrespect.

Article 103. The following are excepted from the previous provisions: the President of the Republic, the Ministers of State, the members of the Legislative Assembly, In addition, the Comptroller General of the Republic, the heads8 of the autonomous, semiautonomous and decentralized institutions, **Magistrates and Magistrates** of the Supreme Court of Justice, the Magi.st.radas.y: J #, Magistrates of the Electoral Tribunal, the Magistrates and Magistrates of the Superior Courts, Judges and Judges of Circuit 10s Jue and Ias ~ ea ~ Municipal Judges, Attorney or Attorney General Nacih, the Procurator or the Procurator of the Administration, the **Delegated Prosecutors and the** Delegated Prosecutors, Prosecutors and Special Prosecutors of the Attorney General Gerwstal of the NacZm, the Prosecutors and the Special Prosecutors in Drug-Related Crimes, the Fkal or The Special Superior Prosecutor, the Prosecutor or the Auxiliary Prosecutor of the Republic, the Prosecutors and the Supetiorw iJc District Prosecutors, the Prosecutors and the Circuit fkales , the Prosecutor or the Prosecutor Ekctoral, the Personeros and the Municipal Persons, the Director or the General Director of the Jqkial Technical Police, the Defender or the Ombudsman, the Recto = and the Rectors of Ias universities State, the Representatives and Kcpresentantes of States and international organizations and, in accordance with what is established by the

international conventions, Archbishops and Catholic Bishops, the Director or the Director General of the National Police, the Director or the Director of the National Maritime Service and the Director or the Director of the National Abreo Service.

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Any of these officials who refrains from giving or delaying the certifications to that is obliged, will fail to fulfill its duties and, therefore, to make the responsibility, the authority, if it is not competent to hear the causes against said officials, will inform the authority in charge of judging them, in order to that the corresponding correctional sanction applies, without prejudice to the fact that the certificate and be added at any stage of the process or procedure.

Article 104. If the proponent of the evidence requests it, the witnesses may be summoned by Recommended correspondence, by telegram, facsimile or by any other viable means, to judgment of the Secretary of the Office.

A ~ * liculo LOS, If the purk 110 requests that the witness be named by the Office, it will be cntender8 1111 assumed that the load dc lixerlo appear.

Article 106. To the Kerepresentantes and the Representatives of States. as Ambassadors and Ambassadors, Ministers, Ministers or Diplomatic Agents, whose testimony is requested, are I will pass on a pleading note accompanied by a copy of the interrogations and cross-examination; and if the Agcntc, Minister or Minister as well. cited agrees to declare, liaTrí for written certification.

This provision includes the persons of the entourage and those of the family of the Ambassadors and Ambassadors, Ministers, Ministers or Diplomatic Agents.

When the testimony requested l'l1crc: cl of a worker or domestic worker of such diplomatic officials shall be processed in the ordinary way. prior authorization of the respective official.

Both in the case of the previous paragraph and in the beginning of this article. the note that they speak will be directed through the Ministry of K ~ laciunes Esteriores.

Certificates will be made on common paper.

Chapter 1

Common Provisions

Article 107. In administrative processes, the presentation of incidents is feasible for raise accessory questions to the main process, provided that budgets or requirements indicated in this Law.

Article 108. From the moment the petition or request that gave rise to the process is admitted by the respective authority, the petitioner and **other** persons admitted in the process as parties, they may present incidents up to the date they collect the t & mino to practice tests.

Article 109. . All e cusion leads to an administrative process, which requires special pronouncement, will be processed **as an incident and will be subject8 to the rules contained in** this Chapter, if it was not indicated by the law and a special procedure.

Article 110. They constitute questions or articles of prior and special pronouncement that They can be seen through 14 incident routes , the following:

1. The lack of competence of the authority that apprehended the knowledge **of the process**;
- two. The nullity of the action;
3. The expiration of the instance;
- Four. The exception of res judicata transaction or withdrawal of the claim;
5. The challenge of the authority that has apprehended the knowledge of the process; Y
- 6, The details established by law, "

"13; ~ *

Article 111, The questions of prior and special pronouncement that one of the parties to the DSBA enforce, you must raise them all in a single incident with due separation and justification, so that the claim (s) are clearly intelligible.

Article 112, The writing in which an incident is filed does not require formality but should clearly contain what is intended, the facts or reasons it is substantiated and the evidence presented or proposed.

If there is a counterpart, it is applicable to the brief answering the incident as established in this article.

Article 113. Any incident that is based on events prior or contemporaneous with the

initiation of the process must be submitted within two business days after the notification of the resolution that admitted the petition and, if applicable, within two days following the resolution that ordered the transfer of the petition to the counterpart or counterparts, in the event that this or these exist.

When the incident is based on events subsequent to the initiation of the process, must be promoted within two business days following the date on which such events came to the notice of the party presenting the incident,

Article 114. When an incident of nullity of the action occurs, this must be done within two business days from the date the filing party had knowledge of the facts on which it is based.

Article 115. The incident that occurs after the expiration of the terms indicated in the previous articles, will be rejected outright by the competent authority, by resolution motivated that will be irrecoverable in the governmental way.

Article 116. Every incident will be transferred to the counterpart for three business days. and, if there are tests to be taken, a term of eight business days will be granted for this.

Once the transfer has been answered, when the point is of pure right or the term for testing, the officer will decide the incident within three business days following.

To ~ article 117. Of any incident in which questions of prior and special pronouncement, a separate notebook will be formed, in which all the documents and actions related to it, including the resolution that decides it and the respective notifications.

Chapter II

Impediments and Challenges

section the

Impediments

Article 118. The authority in charge of deciding the process may not hear a matter in which it is impeded. The following are grounds for impediment:

1. The relationship, within the fourth degree of consanguinity or second of affinity, between the official in charge of deciding or, his spouse and one of the parties;
- two. Have a personal interest in the process, the official in charge of deciding it, your spouse

or any of his relatives in the degrees expressed in the previous numeral;

3. Be the authority in charge of deciding the process or your spouse, adopter or adoptee of any of the parties; or financially depend one of the parties on the authority;

Four. Be the official in charge of deciding, your spouse or a relative of these within of the fourth degree of consanguinity or second degree of affinity, partner of one of the parts;

5. The authority in charge of deciding, their spouse or one of their patients within the indicated degrees, et-s the process, as an officer in charge of msolvef, Agent of the Ministry of Foreign Affairs, witness, attorney-in-fact or advisor, or have ruled in writing regarding the events that gave rise to 4s ~;
6. Inhabiting the authority in charge of resolving, your spouse, your parents or your children, at home of any of the parties, or eat regularly at the table of said party, or be lessor or lessee of her;
7. Be the authority in charge of deciding or their parents or spouse or one of their **children**, debtor or creditor of any of the parties;
8. Be the authority in charge of deciding or your spouse, curator or guardian of any of the parts;
9. Have received the authority in charge of deciding, your spouse, one of your parents or of their children, donations **or** valuable services of any of the parties within the afro prior to the process or after it started, or be established as an heir or legatee by either party, or their spouse or any of their ascendants, descendants or hetmanocp;
10. Having received authority, his spouse, one of his parents or his children, offenses tax on either party, within the two years prior to the initiation of the pPOWS0:
11. Have any of the parties proceeds, denouncement or accusation pending or have had it Within the future children, the authority that decides the process, its **c & tyugo, gw wcendhtm, descendi @ M @ o hwmarws;**
12. H&QP has the authority to decide on the execution of the act or you business object of the process;
13. **& tap ~ imhda Ia awwidadkwqps dc% d ~ bdi ~ can one of the prtw, pr relacion @ s** legal entities that may be affected by the decision;
14. be the authority in charge of deciding and some of the parties, members of the same

- secret society;
fifteen. The manifest **enmity** between the authority in charge of deciding and one of the parties;
- 16, & r el ~ up & r, spouse or relative within the fourth degree **of comanguinity 0**
second of afkdad, of the inferior whose decision he has to review;
- 17, Have the augority in charge of deciding pending litigation in which the
cuertibn same **juridical** that 61 to decide; Y
- 18, The **provisions in articles 49 and 193 of this Law**

Article 119. The cause of impediment subsists even after the cessation of marriage, adoption, guardianship or conservatorship.

Article 120. The official in charge of deciding shall not declare himself impeded in the following cases:

1. The one enshrined in numeral 7 of article 118, in relation to parents, spouse or children of the public servant who must resolve the process, if the fact that serves as foundation has occurred after the initiation of the lawsuit and without intervention of the person in charge of deciding, and provided that he or she exercises the position when the fact verificb;
- two. On the basis of numeral 9 of article 118, in the part relating to the institution of heir or legatee of any of the persons designated in that numeral, when such institution consists in the will of people who have not yet died, or when, even if they have died, the inheritance or legacy has been repudiated or is repudiated;
3. In the case of numeral 11 of article 118, when the lawsuit referred to in it has been promoted after the process to which the disabled person is related has been initiated; but it is It also requires that the official in charge of deciding to whom the impediment is refers, you are already learning about this same process when said subsequent lawsuit is promotes. However, if the respondent official has agreed on the facts to that the claim is founded, or being the executive, the order is executed payment, the official must state the impediment.

Article 121. The official in charge of deciding, in whom one or more of the causes expressed in article 118, he must declare himself prevented from hearing the process within two days following the entry of the file to his office, stating the fact or the facts constituting the cause.

Received the file by the hierarchical superior to whom the qualification corresponds,

The latter will decide, within the following three days, if the impediment is legal or not. In the first case. The disabled official will be declared separated from knowledge and SC will provide the

conducive to the continuation of the process. In the second case, the file will be returned to you so that said official continues to know him.

In those cases in which the authority in charge of deciding is a collegiate body, know of the impediment of one or some of its members, the rest of the members of said organism.

Article 122. It corresponds to the immediate superior to qualify and decide the declaration of impotence formulated and the incidents of rowsacion presented against the authority that must t3w4x and & cide a process.

Article 124. § i the fuwímario in whom wnwrr ~ some ww1 of impediment does not manifest within the legal term, the party interested in your separation may challenge it in any state of the respective instance, up to two days after the expiration of the last procedure.

The challenge that is not based on one or more of the 5 causes of article 118, will be rejected outright.

The challenge will not be admissible if the promoter has made some action in the process des @ 5 ck Inkisdo ti. ak ~ w \$ wbs ~ cael invwda is known in advance a day ge5tibri.

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know the corresponding impediment,

If the alleged cause enters the law, proceed as follows: his authority to

question, and it corresponds to know the incident, requested a report 01 ~ isaFp ~ i ~ I " & G & ~ -8 the **truth** of the fact5 on which the objection was based and I will put the written respective, evacuated the report, which should be within three days, 5i sn 41 the recusal in the truth of the mentioned facts, 5e declare him8 5 separated from the knowledge if I could fulfill the obligation crudol.

Otherwise, a term of three to eight business days will be set to practice the evidence adduced and, once this has expired, it will be decided within the following three days whether or not proven challenge.

The recusal incident will be handled without the opposing party in the process.

Article 128. The process is suspended, without the need for resolution, once the official challenged the corresponding report, until the incident is decided, with the Exception of the proceedings or procedures initiated.

Article 129, When the manifestation of impediment or the incident of challenge must the establishment of the impediment, or the challenge to the court, the establishment of a only member of & e.

The resolution that admits the incident will be dictated by the substantiator; Nevertheless, To reject it, the resolution issued by the rest of the members of the body will be required collegiate, who must know of the impediment or the incident of challenge.

Article 130. The official in charge of deciding, whose impediment or challenge has been declared legal, it is definitively protected from the knowledge of the respective process. Do not may intervene in said process, even if the cause disappears later.

Article 131. In recusal incidents, all resolutions will be irrevocable.

Article 132. When the challenge is based on any of the causes of enmity or lawsuit pending, the power to challenge corresponds only to the party to which the causal.

Article 133. If the alleged ground for disqualification is based on a fact

, criminal that is not proven, the party that promoted the challenge will be sentenced, in addition, to the payment of a fine of fifty balboas (B/. 50.00) five hundred balboas (B / . 500.00)

in favor of the National Treasury.

Article 134. The following are not impeded or objectionable:

1. The official or public entity to whom it corresponds to know of the impediment or challenge;
- two. The official or public entity to whom it corresponds to settle the conflicts of competence; Y

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3. The official or commissioned public entity.

Article 135. The official in charge of resolving may also declare himself disabled or be challenged in the actions subsequent to the decision of the process, but only for reasons supervening parties and while the corresponding final resolution has not been issued.

Article 136. The provisions of this chapter, on impediments and challenges to the official or members of a collegiate body responsible for deciding, it is also applicable to whom or who should supply them, and to the Secretaries or Secretaries and those who make ^{sus} times.

Of the incident of challenge of a Secretary or a Secretary or whoever makes their Sometimes, he will meet⁶ the superior of the official in charge of deciding the process, requirements established in this Law.

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Article 137. What is said in this Chapter of the parties on impediment and objections, It is understood also said of the proxies.

I

Article 138. Prior to the opening of the trial period, the official who instruct the process, summon the petitioner and the other persons who appear as a party, **in** for the sake of simplification of the process, to consider:

1. The convenience of clarifying and simplifying the controversial points;
- two. The need or competency to send the submitted documents;
3. The sanitation of the procedure until that moment;

- 4, The possibility that the Public Administration admits facts and documents that make the taking of certain tests unnecessary;
5. The limitation of the number of experts; Y
- 6, Another thing that they could contribute to make more useful 13 framing the process,

Article 139. The authority that knows the article, received the authorization in fe8. ' (e8tablrcerP the período cie pnreba, which will not be less than eight nor greater than twenty dB, ' c

Article 140. Documents, testimony, official inspection, exhibiting actions, expert opinions, reports, evidence, the media scientific documents, photocopies or mechanical reproductions and documents sent by facsimile and any other rational element that serves to form the conviction of the official, provided that they are not expressly prohibited by law or contrary to the moral or public order.

In the case of the facsimile evidence and the copies, the respective public entity must ensure their authenticity by checking them against their original within a reasonable period after of its receipt, or by any other means that it deems appropriate.

It is also allowed to establish whether or not an event could be carried out in a certain way. mode, proceed with its reconstruction.

Article 141, in the case of the testimonial pkeba, if the opposing party, if there is If you were in the office, you can question the witness directly about what he knew on the controversial facts.

If the party that the witness adduced does not attend the diligence or has not scrutiny, the relevant authority may question the witness in accordance with the main facts of the petition and its statement.

Article 142. Before testifying, witnesses must take an oath or affirmation of no, laltàr to the truth, under penalty of perjury; For this, the person in charge of the diligence must read and explain, in an understandable way to the witness, the provisions on false testimony contained in the Criminal Code.

Activity1110 **143.** The competent authority shall evaluate the evidence that the parties have proposed and presented, to the clauses to decide which are admissible and curíles are not, in Orrlen íl your driving or misconduct, respec ~ or clic the I ~~ hos that must be checked,

as well as should take into consideration the legal norms that govern the evidentiary matter,

Article 144. The parties and their attorneys have the obligation to collaborate in the practice of the decreed tests. The competent authority will notify the interested parties, in advance sufficient, the place, date and time in which the test will be practiced, with the warning, if applicable, so that the interested party may appoint a proxy or experts to assist him.

Article 145. The tests will be appreciated according to the rules of sound criticism, without this exclude the documentary solemnity that the law establishes for the existence or validity of certain acts or contracts.

Article 146. The petitioner shall reasonably expose in the decision the examination of the evidence and the merits that correspond to them, when it must be motivated according to with the law.

Article 147. In addition to the evidence requested, and without prejudice to the provisions of other provisions of this Law, the official of first instance shall order the practice of all those tests that it deems conducive or appropriate, to verify the statements of the parties and the authenticity and accuracy of any public or private document in the process; and the second will practice those that are necessary to lighten dark spots or doubtful of the process.

Article 148. The means of proof not specifically provided for in the law, shall be governed by the provisions of those that are similar or, failing that, in the manner established by the civil servant, provided that they do not eat ^{e.4 - % . SW} prohibich or do not affect morality or public order.

Article 149. The parties have the right to examine the documents that contain the public offices and that relate to the controversial issue, provided they do not confidential or reserved information .

Article 150. It is incumbent on the parties to prove the facts or data that constitute the alleged day fact of the norms that are favorable to them.

The facts affirmed by one party and admitted by the opposite do not require proof, for which the law does not require specific proof; the notorious facts; those who are protected by a presumption of law, and the written law that governs the Nation or the municipalities.

Y y prohibits the Pbblca Administration from requesting or requiring from the petitioner documents that rest, for whatever reason, in their files, and that the interested party invokes oomo basis for your request.

Article 151. There will be no reservation of the evidence, the Secretary or the Secretary or whoever makes their Sometimes, you must show to either party, whenever requested, the evidence of the contrary and also those that have been evacuated at the request of the applicant.

Article 152. Once the stage for the practice of evidence has concluded , the file will be available to interested parties within the office, without prejudice to requesting copies of this, so that within a common period of five days they can present their allegations by written.

Title X
Of the Termination of the Process

Article 153. The following will end the process: the resolution, the withdrawal, the transaction, the acceptance of the claim, the waiver of the right on which the instance is based and the declaration of expiration.

In the case of transaction, withdrawal or acceptance of the claim, in which a state authority intervenes as a party, the constitutional norms and legal requirements that require compliance with special requirements for such measurements.

Article 154. The resolution that decides an instance or an appeal, will decide all the questions raised by the interested parties and those other derived from the file, which are indispensable to issue a legally appropriate decision. _ _ _

The acceptance of reports or d && Í-tene ~ s & will go from motivation to resolution, when are incorporated into the text of IU her.

Article 155. They will be, motivated, with succinct reference to the facts and grounds of law, the following & acts:

1. Those that affect subjective rights;
 - , 2. Those who resolve appeals;
- Those who separate from the criteria followed in previous actions of identical

ARTICLE 156, when it is challenged some petition a public BSTA entity fails to notify his decision within the period of two months, the interested party may denounce the delay, If two months from the date of submission of the petition, the interested party may consider it rejected, for the purpose of deducing, in the face of this alleged refusal, the corresponding administrative or jurisdictional appeal, as appropriate, or wait for the express resolution of your petition.

The same option will assist, without the need to report the delay, the interested party who has filed any administrative appeal, understanding then produced its Presumed dismissal for the mere passage of a period of two months from its filing.

Both terms will elapse when the competent authority does not adopt measures of procedural activity, tending to issue the corresponding decision.

Article 157. ' Silence will be understood as positive, without a default complaint, when establish by express provision. If the provisions do not establish a special period, this it shall be two months, counted from the date the petition or appeal was presented.

Article 158. Any interested party may withdraw their request, instance or appeal, or waive their right, except in the case of inalienable rights according to the constitutional norms and legal,

If the process has been initiated by the management of two or more interested parties, the withdrawal or the resignation ~ 610 will affect those who made it.

Article 159. Both the withdrawal and the resignation may be made orally or by written. In the first case, § 8 will be formalized, knappearance of the interested party before the official in charge of the investigation, who, together with the former, sign4 the corresponding act, that must be endorsed by the Secretary of the Office or whoever makes their times.

When such procedures are carried out in writing, the interested party must present it personally or authenticate your signature before a Notary or Notary Public or other competent authority.

Article 160. The Administration will accept the withdrawal outright as long as it is

viable, or the resignation, and will declare the process concluded, except that, having interested third parties, urge its continuation within a period of ten days; counted from the

date on which they were notified of the withdrawal or resignation.

If the question raised involves general interest, it may be convenient to substantiate it in order to its definition and clarification, the Administration may limit the effects of the withdrawal to interested and will follow the procedure.

Article 161. Paralyzed a process for reasons attributable to the managed, the Administration will immediately warn you that, after three months, it will expire, with archive of proceedings.

The expiration did not produce, the prescription of the action of the individual will go by itself, but expired processes will not interrupt the statute of limitations. Declared the expiration of the instance, the process may not be reopened, but after a year has elapsed, counted from the expiration date.

Title XI
Of the resources

Chapter 1
Common Provisions

Article 162. Appeals may be based on any violation of the law.
legal, including misuse of power.

For the purposes of this Law, deviation of power is understood to be the issuance or celebration of an administrative act that appears to be bound by law, but which has been adopted for reasons or for purposes other than those indicated in the law.

The vices and defects that make the act voidable may not be alleged by their causative.

Article 163. The resolutions that decide the process on the merits and those of mere procedure that, directly or indirectly, entail the same, ^{*} dedt \$ ion or put an end to it. process or prevent their cantinuaciUn, they will be susceptible to be challenged by the people affected by they, based on the instiluctive resources in this Chapter,

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It will be subject to appeal. the resolution in which the authority of first instance denies the practice or admission of evidence presented or proposed by the parts; resource that will be granted in return effect. If the second instance authority revoke the resolution and decree the test, the inferior may indicate a probative term additional, up to ten days to practice it.

The filing of an appeal may be made in the act of notification of the decision or by writing, within the term granted for this purpose.

Article 164. The authority decide how many resource issues are raised in the process, have been alleged by the interested parties. In this last case, the authority will hear first.

Article 165. The document formalizing the appeal must contain:

1. The public authority to which it is addressed;
- two. The act that is appealed and the reason for its challenge;

3. The name and address of the appellant, unless stated in the file and so indicated expressly;

Four. Place, date and signature;

5. The other requirements established by the legal provisions.

The error in the qualification of the resource or when expressing the title or name of the authority to which it is addressed, by the appellant, will not prevent its processing, provided that the document, in its true character, can be deduced and the authority to which it goes can be identified and managed.

Article 166. The following remedies are established in the governmental route, which may be used in the cases provided for in this Law:

1. The reconsideration, before the administrative official of the first or only instance, to clarify, modify, revoke or annul the resolution;
- two. The one of appeal, before the immediate superior, with the same object;
3. In fact, before the immediate superior of the authority that denied the granting of the appeal or that it was granted in an effect other than that which corresponds, to grant the appeal that was not granted or to be granted in the effect that the law indicates;
- Four. The administrative review against resolutions or decisions that exhaust the process of government, to achieve the annulment of the respective resolution, based on any or some of the following causes:
 - a. If the decision has been issued by an authority lacking competence;
 - b. When a person is ordered to comply with a tax benefit or economic, or a sanction for a charge or cause that has not been formulated;
 - c. If a person is sentenced to comply with a tax or economic benefit, or

a sanction for a charge or cause other than that or that which was

formulated;

- d. When the person appealing has not been given the opportunity to present, propose or practice evidence;
- and. If two or more people are serving a sentence or sanction for an infraction or fault that could not have been executed by more than one person;
- F. When the decision is based on documents or other evidence later declared false by means of a final judgment;
- 6, If after the decision, decisive documents are found that party could not have contributed or introduced during the process, due to

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force majeure or by work of the favored party;

- h. When the resolution has been obtained by virtue of bribery, violence LI other fraudulent machination, or when the resolution has been based on a expert opinion rendered for bribery or bribery, in the event that these facts have been so declared in a final judgment;
- i. When a party affected by the decision was not legally notified or summoned in the process, provided that in both cases *there was* no express or tacit ratification of said part, nor the object or matter has been debated in the process; Y
- j. In accordance with other causes and assumptions established by law.

A ~ icicle 167, It is the power of the appellant to file the appeal for reconsideration or appeal directly, provided that this last resort is also feasible.

Chapter II Appeal for Reconsideration

Arthlo 168. The appeal for reconsideration may be filed within five days habiles, counted from the notification of the resolution of the first or only instance.

As long as IW exists confr \$ par \$ e in the process, the authority will decide the resource
For what CDBW air: i'w ~ S, I suggest that there are laf & w 0 dark points that result
i & isfwwMes a & rar p, for the purposes of the Jcclision to be adopted, in which case the authority

or & n & i that is prw \$ iqwi the pw & m txmducer'rtei 0 mi2 pr, @ sito, within a terra \$ m that it will not exceed fifteen business days.

Article 170. The appeal for reconsideration, once filed or proposed in time opportune and by person authorized to do so, it will be granted in suspensive effect, unless exkta a special rule that provides that it be granted in a different effect,

Capftrrlo III Appeal

Article 171. The appeal shall be filed or proposed before the authority of

first instance in the act of notification, or in writing within the term of five days habiies, counted from the date of notification of the resolution or contested act. If he Appellant intends to use new evidence in the second instance of those allowed by law For that procedural stage, you must indicate this in the act of filing or proposing the resource.

Article 172. The authority of first instance will be competent to decide whether the appeal filed is viable or not, for which it must determine whether the appellant is legitimized legally to appeal; if the resolution or contested act is subject to appeal; and if this It was filed in a timely manner.

If the appeal is granted, the authority must indicate the effect in which it is granted; and, otherwise, must state in the respective resolution the cause or causes for which did not grant the appeal.

Article 173. The appeal must be granted in suspensive effect, except that there is a special rule that assigns it a different effect.

Article 174. Once the appeal has been granted, if no new ones have been announced tests to be carried out in the second instance, the first instance authority will grant a give the appellant five days to support the appeal in writing, and five days

subsequent to the expiration of the previous term so that the counterpart of the appellant, if it exists, object to the appeal.

Article 175. The provisions of the previous article are without prejudice to the parties making or comply with such procedures before the aforementioned terms are indicated, in which case they will have the respective writings duly presented.

Article 176. The authority that must know and decide in second instance, will fix the resource on the list for a term of five business days for the appellant to support his claim, in case of

"This has not happened before the authority of first instance, according to the article

immediately preceding. In the same resolution, the counterparty will be granted the term of five business days following the expiration date of the term to support it, so that the former may raise objections to the support or rule on the appellant's claim.

Article 177. If the appellant has announced that he will use new evidence in the second instance, A term of five business days will be set for the appellant to present and propose the tests you intend to use. In the same resolution, the counterpart will be granted a term of five days, subsequent to the previous one, for it to present and propose counter-evidence.

Article 178. In the second instance, only the following tests that presented or proposed by the parties, without prejudice to the power granted to the authority by the Article 147 of this Law:

1. Those that have the character of proofs;
- two.** Those that, having been adduced in the first instance, have not been practiced, if whoever adduced them presents a written document to the authority, at the latest at the time said purpose, in which it expresses the impossibility to do so and the reasons that mediated for this, or those stopped by the office without fault of the proponent;
, -: Lj I., ..., _
- 3- . Dwun ~ ntus ptihkos ;, which must be presented during the term to adduce pruchas;
- Four. Reports.

Article 179. Once the phases established in the previous articles have been completed, the authority of first instance will issue a resolution of mere obedience, ordering the sending of the actions to the hierarchical superior so that the second instance is supplied .

Article 180. The authority that must know and decide the second instance, will go on to decide the appeal. if no tests have been announced to be practiced in that instance. The CII decision shall be adopted a tt3-min no longer than fifteen days, ibilcs, counted from of the date the file was entered into the respective office.

Article 181, Once the proposal and presentation of evidence have been completed, the authority shall decide which evidence to admit and which not to, for which it must take into account established in the law on feasibility of evidence.

Article 182. The second instance authority shall be empowered to order that do those other tests? that are indispensable or necessary to clarify the fundamental facts for the decision to be made.

Chapter IV Resource of Fact

Article 183. The factual appeal must be filed and supported in writing, within the term of five business days, counted from the date on which the Secretary of the authority that denied the appeal or granted it in an effect other than that indicated by the law, deliver to the affected party the authenticated copies of the documents that in article next are pointed out,

Article 184. The person who actually tries to appeal must request in writing, within the term of five days following the date of notification of the resolution that denied the appeal or that granted it in an effect other than that indicated by law, to the authority of first instance or to the Secretary of the latter, authenticated copy of the resolution appealed, its notification, the act of filing or proposing the appeal, of the resolution that denied the concession of the resource or that granted it in an effect other than indicated by law, and notification of this last resolution.

Article 185. The competent authority to hear and decide the appeal in fact, once filed by a person entitled to do so and in due time, will decide on the Appellant's claim for the record. This decision is irrevocable.

Article 186. When the authority finds that the appellant's claim is well founded, revoke the resolution of the authority of first instance that denied the appeal or that

granted in an effect other than that specified by law; in the same way, it will grant the appeal that had been denied or will grant it in the corresponding effect, as the case may be. In the same resolution, will order the inferior to send the respective file, if the appeal is grants in suspensive effect, or authenticated copy of the pertinent procedural pieces, if the a, peeling is granted in a different effect.

In the latter case, obtaining and certifying the respective authenticated copies
It will be in charge of the interested party.

Article 187. Once the provisions of the previous article have been fulfilled, the authority that knew of the de facto appeal will assume the competence to process and decide the second instance of the process.

Chapter V
Administrative Review Resource

Article 188, The administrative review appeal must be filed or proposed by written by the person affected or aggrieved by the resolution being challenged and, in the same act, the appellant's claim must be sustained, invoking one or more of the causes established in paragraph 4 of article 166 of this Law.

The administrative review appeal will be filed within a month, counted from the date of notification of the resolution that exhausted the governmental process, when one or some of the causes indicated in literals a, b, c, d of the Article 166 of this Law.

When the appeal is based on one or more of the causes indicated In literals f, g, h, i of article 166, the appeal must be filed within the term two months. This term will be computed from the date on which it became aware or should, the affected person have knowledge of the final judgment, in the cases of Articles 1 'and h of Article 166; counted from the date of the appearance of the decisive documents, in the case of literal g of the referred article; and counted from the date on which the affected party became aware of the resolution that challenges, in the case of literal i of that article.

In the case of the literal 'c, it will not be subject to term.

Article 189. It will be optional for the aggrieved person to use the appeal for review. administrative when this sc based on literals a, b, c, d of article 166, or exercise the action or appeal of full jurisdiction in the contentious-administrative route. Used a way or resource, the use of the other will be excluded in the cases referred to in this article.

When the appeal for review is based on the grounds indicated in literals f, g, h, i

of Article 166 of the Law. It can be filed in parallel or after the appeal or action etc full jurisdiction.

Article 190. The appeal for review must be filed with the highest authority of the dependency in which the contested resolution was issued. In the central administration, that It will be filed before the minister of the respective branch; in state entities autonomous, before the president or the president of the board of directors or the collegiate body to act in his place or exercise the highest authority in the respective state entity.

Article 191. The brief filing the appeal must be presented to the Secretary or the Secretary of the authority that must know and decide it or before an official or official of the

office of Me, who will be obliged to put a presentation note in the respective writing and to record this in the copy of the document that the appellant must present for this purpose.

The official who receives the writ of appeal must inform the competent authority to file the appeal, within two days following the date in which the writing was received.

With the appeal filing document, the appellant must submit a copy authenticated of the resolution that challenges, with certification and evidence of the Secretary or Secretary of the respective Office, stating that said resolution is firm, and any document in the possession of the appellant that proves, even summarily, the causal or causal invoked by him. If the appellant has requested these documents and they have not been delivered, you must enclose a copy of the document in which the corresponding request, with proof of having been presented, In the latter case, the appellant may ask the authority to request said documents or evidence from the respective office , for the purposes of admitting the appeal.

Article 192. The appellant, in addition to the evidence referred to in the preceding article, I must present and propose, in the filing document. all those tests that resultn conducive to the verification of the facts and I-1 which is based on the cause or causes invoked by him.

Article 193. The competent authority to decide shall designate a Secretary or a Ad hoc secretary to intervene in the substantiation and decision of the appeal and, if deemed necessary If necessary, you may designate a legal advisor or consultant to assist you in such action. No official or person who has intervened may be appointed to these positions in the process in which the implied resolution was issued.

Article 194. The authority before whom the appeal was filed, once it has verified that the appeal was filed by a person entitled to do so; that the appellant's claim is based on any of the grounds established in number 4 clcl article 166 of this Law; That have accompanied the documents mentioned in article 191 and an authenticated copy of the contested resolution, will admit it and order to substantiate the respective action. In case Otherwise, it will reject it outright or order the appellant to correct the writing or present the o the documents, for which it will grant an indefeasible term of eight business days, Once the writing has been corrected or the omission mentioned within the term in reference has been overcome, the appeal will be admitted and will proceed to substantiate it in accordance with the rules that follow; in otherwise, it will be rejected outright.

Article 195. Once the foregoing has been fulfilled, the substantiating authority will pronounce on the admissibility of the evidence presented and proposed by the appellant and, if eho is appropriate, it will indicate a term, not less than eight business days nor more than twenty days skillful, to practice the admitted tests.

Article 196. Once the appeal is admitted, it will be transferred to the counterpart of the appellant who it appeared as such in the respective process, so that it is present in the process. To such In effect, it was granted a term of five business days, counted from the date of the notification.

Article 197. The counterpart is empowered to present and propose the resulting evidence conducive to the verification of the facts that he invokes in his favor, which will be practiced within the term established in article **195** of this Law.

Article 198. Once the term for the testing practice has expired, in the event that it is indicated, the appellant and the counterparty may formulate in writing the allegations that Please have, within the following three Business days.

Article 199. Once the procedures indicated in the preceding articles have been completed, action provided as a result of the SC review appeal will be transferred to the Attorney General's Office Administration to issue concept, for a non-extendable term of eight days, counted from the date on which SP delivers the respective file or action to said dependence of the Public Ministry.

Article 200. The governmental means shall be considered exhausted when:

1. The period of two IIICSCS elapses **without** any decision on any request that is addressed to an official or authority, provided that such request is those that give rise to **recurring acts before the contentious-administrative jurisdiction**;
2. Once the appeal for consideration or appeal, indicated in article 166, will be filed, understands denied, because a period of two months has elapsed without a decision about 61;
- 3, Ne w allow the creating directory etl to make a request (l interpon ~ tl the rkxurw clti reeut ~ iduruciiitl 0 to rpslwAh, wfiihhd on rrrthln 166, hoecha que dulwrtl ncr ctr ~ nprc ~ lradc ~ lhwrttnunt8;

Four: Filed the reconsideration or appeal, as appropriate, or both, & have been resolved.

Title XIII
From the Glossary

Article 201, The following terms used in this Law and its regulations, must be understood according to this glossary:

1. *Administrative act.* Declaration issued or agreement of will entered into, as to law, by an authority or public body in the exercise of a function administrative authority of the State, to create, modify, transmit or terminate a relationship Legal that in some aspect is governed by Administrative Law.

All administrative acts must be formed respecting its essential elements: jurisdiction, unless this is delegable or the substitution is appropriate; object, which must be illicit and physically possible; purpose, which must be in accordance with the order legal and not to cover up other public and private purposes other than the declaration legal in question; cause, related to the facts, antecedents and law applicable; motivation, comprehensive of the set of factual and legal factors that they justify the decision; procedure, which consists of compliance with the procedures provided for by the ordinance; \$ dico and those that arise implicitly for its issue; and form, must be in writing, except for the exceptions of the law, expressly indicating the place of issue, date and authority that issues it.

- two. Performances.* Set of acts, proceedings and procedures that make up a file, lawsuit or process in the governmental sphere. Also known as performances to all the procedures that constitute the pieces of the expediente, drawn up during the

process development.
3. *Actr racihl dc oficio*. The one carried out by the authority itself, by virtue of the position, without need dc instance dc part.

Four. *Ad ~ ti ~ listrucid ~ l cmtrul*. The one integrated exclusively by the set of all ministries of the State, directed by the Presidcnl; the Prqirlc ~ lc of the Republic, of the that are also part of the Vice-Presidents or Vice-Presidents of the Reptública.

5. *At the instigation of pureo*. Action ordered by the authority to be promoted or requested by the party or parties in the process.

6. *Decentralized administration*. Set of state entities with personality legal and autonomy, created by law, to assume administrative functions originally assigned to the central administration. They are part of the administration decentralized, autonomous and semi-autonomous entities and state enterprises.

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7. **Local Management.** Set of administrative **bodies** or entities that exercise its functions in one area to cater to the local communities of which they are part municipalities, community boards and local boards.
8. **Public administration.** From the objective point of view, it is the set of activities heterogeneous that aim to achieve social welfare, such as the provision of public services, measures to stimulate social activities and measures of brakes on such activities. From a subjective point of view, it is the set of State agencies or agencies that are part of the Executive Branch, whose activity is aimed at achieving social welfare. Within this Organ of the State, government activity is excluded, which is a purely political activity.
9. **Warning of illegality.** Observation made by one of the parties to the authority that he knows of an administrative process, about alleged vices of illegality that attributed to an administrative act that must be applied to resolve this process.
10. **Allarlantierito on request.** Conformity or voluntary acceptance, express and without conditions or reservations made by the party against whom the request is directed.
- eleven. **Appeal to the rcsuluckh.** Act of conforming to the decision that resolves the administrative process, at the time of notification, in separate writing or by the fact of not return within the respective term,
12. **AIHUI-WVISC or pasau te,** Dependent of a lawyer or lawyer who, in representation, carries out procedures of interest to him, which do not imply the practice of law, such as They are: obtaining information, obtaining copies, presentation of documents and other Similar.
13. **Attorney.** Natural or legal person empowered to practice law in the Republic, which aculates in the name and representation of the parties or interested third parties,

within the administrative process, by virtue of power or mandate discerned according to the respective norms of the Judicial Code.

14. ***Appreciation of the test.*** Act by which the authority in charge deciding a process, at the time of issuing the resolution on the merits, the motivating part of the decision. about the ethics of the evidence provided by the parties or brought to the record, to form your conviction about the existence or nonexistence of the controversial facts in the process. It is the mental operation of intellectual property carried out by said competent authority to determine the evidentiary force relative value of each of the means of proof, according to the system of healthy review,
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16. ***hkf, ta de citucih.*** Document issued or issued by the authority that knows the process 0 by the Secretary or the Secretary, through which the appearance of a person to the office for the practice of a diligence related to the administrative matter being aired.
17. ***Expiration of the irtstartciu.*** Extraordinary means of termination of the process, due to of the inactivity of the petitioner after the respective legal deadline, by resolution that declares it.
18. ***Cifaction.*** Requirement of the competent authority for a person to appear to the office, in order to fulfill an official diligence.
19. ***Advocate,*** Person who intervenes in a process to contribute to the petitioner or with its counterpart, for the achievement of the respective purposes,
- twenty. *Comisih,*** Official order made by the authority that knows a process administrative authority to another public authority, so that it can carry out certain procedures that first you cannot perform directly, because they must be fulfilled outside your area competition or other similar causes. Once the respective diligence of commission, the commissioned authority must return the action to the commissioning authority for it to be added to cars.
- twenty-one. ***Gerrzpererrcia.*** Set of attributions that the Political Constitution, the law or the regulations assign a dependency @ tata1, or a public office,
22. ***Conflict of jurisdiction.*** Also known under the name of questions of competition, is the lack of agreement between two or more public authorities, regarding which of them corresponds to know and decide a certain administrative matter. Of In this way, a positive conflict arises when two or more authorities declare that they are competent to know,, of ,, a matter; while there is conflict of

negative competition, when said authorities declare that they lack competition to know the case.

2. 3. **Procedural record.** Each of the documents, tests and pieces that, in general, make up the file raised during an administrative process.

24. *corl.wltn.* Like the petition and the administrative complaint, it is part of the right constitutional petition and consists of the question or questions directed by an individual to the competent authority, for it to give its opinion in relation to a matter that interests the consultant or a plural number of people. The consultation, to be done by written, in accordance with the requirements established in this Law, must be resolved in a period of thirty days, by means of a note, official letter or resolution that expresses the opinion or II. , opinion requested.

25. **Consultation of illegality.** Request made by an administrative authority in charge to administer justice to the Third Chamber of the Supreme Court of Justice, so that pronounce on alleged vices of illegality of an administrative act that must apply to solve the process.
26. **Counterpart.** The opposing party in an administrative process or procedure.
27. **Contraprueh.** Evidence tending to enervate or prove the opposite of that presented or proposed within the administrative process by the opposing party.
- two%.* **Recognition.** Make valid 10 that was not 10. Legal act by which it becomes effective an administrative act that was flawed with relative nullity; hence they are not Validable 'or rectifiable those acts attacked by a cause of absolute nullity. With the validation or reorganization, process economy1 is sought and that the useful part the administrative act is not discarded as useless; it produces retroactive effects, but without prejudice to the rights of third parties that may have acquired during the term of the validated or sanitized act.
29. **C ~ restih of previous J special notice.** Also called article of prior and special pronouncement, is all incidental management raised in a procedure and that must be decided by the authority in charge of resolving, before move on to the main issue.
30. *C1rtpu.* In a broad sense, it is understood by fault or negligence not to display in the compliance with the bili &% ias ~ 8 obligations required by law, eap & lment @, when such action causes damage to third parties.
31. **DeDido legal process,** Compliance with constitutional and legal requirements in procedural matter, which includes the budgets indicated in article 32 of the Political Constitution: the right to be judged according to the legal iránlites (dg el right to a hearing or to be heard from interested parties, the date to propose and

practice tests. the right 'to plead and the right to appeal) and the right not to be tried more than once for the same criminal, police, disciplinary or administrative.

32. *LXVIIIIL ~ ill.* Act by which knowledge is given to the authority. in writing or verbally, of an act contrary to the law, in order for it to proceed to its inquiry and punishment. The administrative complaint does not require formality, and in whatever is done verbally, a minute must be drawn up and signed by the complainant, as well as the authority that collects the complaint and the Secretary or Secretary of Office 11 who will take his place,
- 33, *Derccl ~ o sihjetiw*). It is the one that corresponds to a personal or individual title to a person natural or legal.

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3. 4, *Withdrawal.* Act by which a party in the process renounces its request, claim, claim, defense or appeal that he had asserted; unless it is rights unavailable or inalienable.
35. *Withdrawal of preterzsih.* Here it implies, in addition to the withdrawal of the process, the waiver of the right, whose declaration was requested. Whoever gives up claim may not promote another process for the same purpose and cause.
36. *Withdrawal from the process.* Act of will by means of which the applicant expresses your intention to terminate the process, without a decision or resolution of substance regarding the substantive right invoked as the basis of your request. The withdrawal of the process does not affect the material right that may correspond to the petitioner.
37. *Power deviation.* Issuance or celebration of an administrative act with appearance of being bound by law, but that has been adopted for reasons or for purposes other than those indicated in the law.
38. L) ícl IzdDil. Here, valid or authorized for administrative actions.
39. *Diligence.* Activity carried out by the authority in charge of deciding within the administrative procedure, its assistants, the parties or their representatives; lales
e01110: preparatory measures, submission of documents, transfers; notifications, .tittciones, eniplazamientos ~, among others.,.
40. i) üTti, Bad faith that 'mediates' in the performance of a person, with the purpose of obtaining an illicit purpose.
41. *Edict.* Means of notification or summons, ordered by the authority that knows the process, which is fixed in a visible place in the office, to communicate to a person
 a resolution or summon it (summon it) for being of unknown whereabouts or address.
42. *Devolution effect.* The one in which the appeal of a resolution is granted

of mere formality, which consists in the fact that the superior comes to know and decide on said resolution, but without suspending its execution.
sl.rsperski effect ~ o. The one in which the ordinary resources instituted in this Law (reconsideration and appeal), according to which the effects and enforcement of the contested resolution while SC arose the reconsideration or the second instance.

44. **IC file.** Set of papers, documents and other evidence belonging to a matter or business, adopted at the request of a party or informally by administration for reasons of public interest. "

Four. Five. in list. Diligence that consists of establishing the term or term, in accordance with the law, within which the appeal filed by the party must be substantiated.

Foliar. Action of placing each file or page of the administrative file, with ink indelible or other secure printing medium, its corresponding number, strictly chronological date of arrival of the document or procedural record to the secretariat of the office of the authority in charge of resolving the matter.

47. **Folia.** Page (sheet) of the file.

48. **Furfieqm49 of the cauw ,.** JPqf @; apa in charge of immediate and direct tra &&& n and agilizacifin & l agpti & ~ @ administrativo, who, for the purposes of available in gl Capftu / o Il, Tjt & o VIJI of the previous Law, it must be identifiable for the eiudr & ~ oo claimant you the vk gubernativa.

49. @ ~ [idrr, Action by the deserving party in an administrative process, aimed at that & tg fulfill its mission & The office itself is also managed to push \$ 1 process towards its final cQs & lus @ n!

SW. ~ ieclo rzotor-io. It is rtl d5 \$ GBr @ mimiento common for the effects or consequences that pyodute, already by a greater or lesser circle, already by a crowd discretionally large or that was perceptible under the same conditions, while also **10** wnwca the authority in charge of resolving issues such as historical events, icos 0 palitics and their consequences, a particular one for economic life, spread by the newspapers; local events, such as social disturbances; the distance between dns Iragms; the. irqw? iuj & i 88 1% eiuh! es y ww h & ws. T & s Ww no reqyierg ~ j & gpIqwdxKióf ~ 'ifl ei procg5 ~ 1

I ~ wm Ircikil ~~~ All ayWa \$ included in the official schedule of 1 ~ & per & ncia EMJwMriCraiiva wbP @ etiva:

Ikgitirtridd from pe ~ ww ~ ri ~. @ w ~ iw 6k legitimiacibn to perform at the prwwr p9r a gives them part @ (su.stWWI), 63 Ja Eal @ ds ability to represent one of the parties in

§ 3: btr / 1 # 13t: 6: icl / i, lerll:~ ri ~ ipic ~ yk ~ p AMI & @ Q !? that ht Morid @ that I must decide or solve an administrative professor must have detachment from the parties, which makes it possible to proceed with righteousness. Lack of any personal interest in the decision, other than the straight line ilpr ~ a ~ i ~ ll (ll: the Icy..! 'aw f> wrucer said impracticality, the authority which will decide a proc-su in the csl'era adnrin & rativa is in the obligation to declare himself disabled when one or more of the causes of impediment established in this Law,

541 ***procedural pulse I*** Neccesary activity for the normal development of the process, making it advance so that it can fulfill its own purpose within the order legal. The impulse may correspond to the parties that ask or 'manage before the

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- authority in charge of deciding, but mainly to the latter so that, due to its own initiative, adopt measures aimed at avoiding the paralysis of the process.
55. ***hCidmte.*** Accidental or accessory issue that arises in the development of the procedure and that requires special decision. ..
56. ***I ~ ~ & fmsiórz.*** Situation in which those who have not been allowed to defend their rights, having the right to do so, without fault on their part, within a procedure or cause that affects you. It constitutes a violation of the guarantee of due legal process and is cause of invalidity, according to the law.
57. ***Confidential or reserve information.*** That of restricted access that, for reasons of public or private interest, it cannot be disseminated, because it could cause serious perjuries to society, the State or the respective person, as is the case concerning the negotiations of international treaties and conventions, security national, health situation, political ideas, marital status, sexual orientation, criminal and police records, bank accounts and others of a similar nature, which have that character in accordance with a legal provision.
58. ***Instance,*** Each of the main phases of the administrative procedure, which end with a substantive decision., In the governmental way, this exercise can occur in the first, sole instance and in the second instance.
59. ***Interested.*** That person who & rnp && the process, either voluntarily or cited by the authority, who has a legitimate iriterés, which requires to be protected and that may be affected by the decision that the competent administrative authority must adopt,
60. ***Legttinzo interest.*** Individual interks directly linked to the public and protected interest by the legal system.

61. **Public interest.** As a purpose of the State, it is the collective interest of the society as a whole, as opposed to individual interest.
62. **Invalidity.** Lack of aptitude of an administrative act to have legal effects that are his own for suffering from a vice of nullity.
63. **Jurisdiction.** In a broad sense, it is the faculty that the ICY assigns to an authority administrative. to know and decide in law an action, not a process administrative.
64. **Manifestation or declaration of impediment.** Act by which the authority that should know and decide an administrative process, declares that it should not intervene in it, be included in one of the causes of impediment indicated in the law.
65. **Memorial.** Written containing a part management.

66. **Notification.** Action and effect of making known, to the interested party, whatever their Nature, or its attorney-in-fact or representative, a resolution or act of the procedure, which the law commands it to be known. The notifications may be presumed or tkítas, by edict or personal.
67. **Personal notification,** It is the exception to the rule regarding notifications, and consists of the physical delivery to the party or their representative of the note or authenticated copy of the resolution that you must be notified at your legal address. In the notification pkonal, the notified person must sign the respective diligence, as a sign or evidence that the respective act is known to you.
68. **Notificaci3n by edict.** Common form in which, according to this Law, it must Communicate to the parties the content of the resolutions issued by the authority in the development of the procedure, with the exception of those solutions that do not require notified or, on the contrary, according to the law, must be notified personally. The Notification by edict must be made in a visible and accessible place in the secretariat of the administrative office compete @
69. **Notificaci3n ruciru.** Aquklla qutl <follows from a fact that reveals, without margin to Judas, that the part, what of /% wr notified of an act, what CQQOC ~, as is the so express it in writing, file a timely appeal against the hedge and other simjlarw -. 1.-I :. 1_.. . I._ .., .
70. **0 public mind.** In a negative sense, the development of the social activities of occupying ~ 00 what is established ~ 1 the legal system and in compliance 8 what they have the auloridqdes; public. In a positive sense, it is equivalent to public interest.
71. **Q ~ ga ~ liww c0le # uU'cl.** Body and public body of deliberation and decision It is welcomed by mtiltiples members, who jointly exercise the same public function.

72. PurYc. Person who rec? Harp or dat has a subjective right in a pWesn
admiairitw ~ iw.
73. *Processed patr-ociuio, gr-Wito*. Benefit granted to a person to litigate as
poor, due to insufficient economic resources; hence, he is exempted from the payment of
attorney fees and general filing fees. inside of the
government procedure. D! & O protection, sponsorship or free advice must
be granted to whoever meets the requirements established in the Second Book of the
Judicial Code.
74. Pckidrt, Generically, is a request for asking or authority, fundamentally
in writing, the acknowledgment of a right in private or social interests .
- 75, Pttice ~ year ~ o. Person who requests the administration that SC recognize a right
you claim.

- | | | |
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76. **Presumption.** Means of proof based on an indication, signal or assumption about the
existence of a fact confirmed by the party, The fact must be accredited in the
process to benefit from the respective presumption.
 77. **Legal warning .** The one that establishes the law, relieves the one favored by it, but
It admits proof to the contrary because it is only of law (iuris tantum).
 78. Presumed **of right**. That which is established by law, but which is full and absolute
law, so it does not admit evidence to the contrary (iuris et de jure).
 79. **Claim.** It is what a petitioner or party in an administrative process aspires to.
 80. **Proof.** Procedural activity carried out with the help of the means provided or
authorized by law, and aimed at creating the conviction or conviction of the
authority in charge of deciding on the existence or non-existence of the facts
assertions that serve as the basis for the petition, appeal or incident.
 81. **Summary test.** Evidence that partially accredits the facts referred to in a
complaint or administrative complaint.
 82. Complaint, Complaint that is filed before the competent authority for a matter in which
a particular interest of the complainant or of a plural number of people is affected, therefore
that may be of particular interest, of a third party or of public interest (social), such as
that is presented due to incorrect performance of a public servant, due to ignorance or
claim of a right, poor provision of a public service, among others. The
The complaint does not require any special formality and must be acquitted within thirty
days, except for the exceptions contemplated in this Law.
 83. **Recon vancidtz.** Petition 0, autonomous claim that is directed against the petitioner
original, when answering the transfer of the petition, both the original petition and the
petition in counterclaim must be resolved jointly when issuing the decision of

background.

84. **Resource.** Act of formal challenge through which it attacks, contradicts or refutes, in writing, 'an action or decision of the authority in charge of resolving the process administrative.
85. **Appeal remedy.** Also known as elevation, it is that means of challenge that is addressed to the second instance authority to revoke, clarify, modify or annul the decision of the first instance authority.
86. **Resource of fact.** Extraordinary or direct means of challenge that is interposed before the second instance authority, so that it may grant the appeal denied by the authority of first instance, or to grant it in the effect that corresponds according to the law, when the authority of the first degree had granted it in an effect other than that indicated by law.

Appeal for reconsideration. ? VMA & impugnaci & ordinary n **that** is brought before the same authority of first or sole instance for it to revoke, clarify, modify or override your decision.

88. **Administrative review resource.** Extraordinary means of challenge, at headquarters administrative, which is filed invoking special causes established in this Law, with a object that it annul administrative authority, with causes extraordinary, the resolutions or decisions that agt the administrative route.
89. **Challenge,** right or faculty that the interested party has to obtain the nonintention of an official or authority in a procedure in which he is patr , when one or more of the causes established in the law concur . The foundation of this institute , to equal to the figure of the impediment, it is to ensure impartiality and the acierk'kk ta decisibti that is required of the authority or organ charged with solving a matter of its competence.
90. **Resoluci n.** Administrative act , duly motivated and based on law, who decides the merit of a request, terminates an instance, or decides an incident or appeal in the government court, All results must contain a number, date of issued the name of the autorkhd #ie the ethnicity and a recital in which & pliquen Iqs. criteAos that the j-etifkan. The resoitive part will contain the decision, thus cuwo 10s retittsros gulwn ~ tivos qti & pt; owden & 'tl w canttti, the foundation of law and
- The end of the funcullatida reaptrrk blea. .
91. # tisarrcId ~ z *inhibitory*. kqti8lla that tto dacid @ on \$ 1 fund of the process.
92. # & *suhci rt from mere o11JedMtfkfld*; ta & ftM & lato otlmpIimient and that fio admits to be trnpugmlil.

93. *Resdhrcidtl de ~ rre'txj trâmkl, Here) llar* Intarlacutarla that it has on the normal curw
of **1s** tfaMtwiilrr and that IW decided to fund the cause.
94. *Rhwhcidtl cic fund.* The qtic decides the size of the petition.
95. *Responsibility.* CotQunto number of events that arise 'for a person **who** has infringed
a legal or regulatory norm or that has breached a contractual obligation.
96. *Re, p / ~ c ~ r ~ s ~ l ~ il ~ i ~ i cirail.* Oliligaciórr to repair damages caused by a
negligent or malicious act or omission.
97. *Disciplinary responsibility.* It is the one that can be required from a private individual or public servant
for incurring offenses violating **the law** or regulations.
- 9 & *RrsportsalrILIDAD puf ~ irrtnial, AquQHa & igible to individuals or State servants*
for incurring neciontis or omMones that *affect public* goods or money.

99. *Criminal liability.* It is the one that can be required through the penalty jurisdiction!
audience of the Public Ministry, to those who commit a typical, unlawful and
guilty (crime).
100. *Revocation.* Decision adopted by the competent authority that annuls a
previous decision or act.
101. *Sound criticism.* Evidentiary assessment system adopted by this Law, which is based on
criteria of criteria based on logic and experience, which must be applied by
authority in charge of deciding, without this excluding the documentary solemnity of
certain acts and contracts.
102. *Secretary or Secretary of the Office.* Official attached to the public office or
authority in charge of resolving an administrative process, among whose functions
The main ones are: safeguarding and ensuring adequate protection of documents,
papers and evidence of the process and instruments in general used in the office,
related to the processing of matters; authorize with your entire signature, below
which will express their position, all statements, notifications, copies, proceedings and
commissions; take or order the correct foliation of the
files; maintain an orderly and reliable file of these; inform the
interested persons, lawyers or interns, the status of your records
incumbency that they attend in the, deggpcho; make notifications per & nal or through
of an office official and the others established in this Law. Whoever makes the
times Secretary or Secretary, assumes these duties.
103. *Public server.* Person who exercises functions, temporarily or permanently, in
positions of the Executive, Legislative or Judicial Organ, of the municipalities, entities
autonomous or semi-autonomous, which provides a personal service, or those individuals

that for reasons of their position they handle public funds and, in general, the one they receive State remuneration.

104. *Administrative silence.* Means of exhausting administrative or governmental means, which consists of the fact that the administration does not answer, within two months, counted from its presentation, the petition presented or the appeal filed by the particular. In this way, it is understood that the administration has denied the request or respective recourse, and the judicial process of litigation remains open before the Third Chamber of the Supreme Court of Justice, so that if the The interested party decides, file the corresponding full jurisdiction appeal with the purpose of restoring your subjective right, allegedly violated.
105. *Secret society.* State of anonymity, reserve or discretion in which they are certain religious confessions or congregations and unions of civil society, not

registered particularly in an official register, but whose rules of behavior moral, distinctive signs or brotherhood, establish links between its members, that the law attributes a legal effect to them. Belonging to a secret society.

106. *Hierarchical senior.* Public servant with administrative authority over personnel subordinate, with powers to issue orders to these.
107. *Substantiation or substantiation.* The act of processing a process until it is ready to issue a resolution on the merits.
108. *Sustentaeih of the resource.* Act of exposing in writing and within the term granted for this, the reasons for which a resolution is attacked or either through the appeal for reconsideration, appeal or administrative review.
109. Third, Natural or legal person other than the original parties that joins the procedure, in order to assert rights or own interests, linked to the process or the object of the claim or petition.
110. *Transaction.* Contract by which two or more parties to a dispute are bound to put an end to the process, under the conditions they have agreed upon.
111. *Transfer.* Communication that is given to & M of the parties to the claims or writings of the other. - I ,,, * , , ,1 ,
112. *Via gubemalivel 0 'lci, rrir, isr, -LI ~ i ~~~* Mccaniswu of control of legality of decisions administrative, exercised by the Public Administration itself, and which is made up of for the resources that Iris affected pqeden propose against them, to achieve 'that the , Administration review them and, accordingly, confirm, modify, revoke, clarify

Tituh! WV
Of the Final Provisions

Article 202. The gaps in the First Book of this Law will be filled with the rules contained in the First Book of the Judicial Cúciigo.

The provisions of Book Two of this Law will be applied additionally in the special administrative procedures in force, under the terms provided in article 37. The gaps in the general administrative procedure dictated by this Law shall be filled with the rules of administrative procedure that regulate similar matters⁸ and, in its drfuct, by the rule⁸ of the Second Book dsl Cbdlgo Jndiehl, as Irean purchasedlblol with the naturnloza Jo lm pracudl ~~ rlontar admnlrtrétlvor,

Article 203. The Executive Branch is authorized to, through the Ministry of the Presidency, issue the regulatory standards that are required to promote the adequate application of this Law.

Article 204. The administrative processes initiated prior to this Law are governed by the provisions of this, subject to the provisions of article 32 of the Code Civil.

Article 205. Within the three months following the entry into force of this Law, Heads of Dispatch of all public entities must provide the conducive to identifying, as precisely as possible, the regulations of a nature general or any other legal provision, containing administrative procedures that may affect subjective rights or a legitimate interest, and order their publication in the Gaceta Oficial & paka ear compliance with the provisions of the second paragraph of article 46 of this Law, in the event that, in relation to these legal instruments, the referred to promulgation.

Article 206. This Law replaces Articles 6, 7 27, as well ¹ Y as numeral 2 of article 350 and repeals article 348, of the Code; repeals article 26 and Chapter 1, Title II, of Law 135 of April 30, 1943, modified by Law 33 of April 11, September 1946; Law 15 of January 28, 1957; Articles 1, 2, 4, 5, 6, 7, 8, 9 and 10 of Law 33 of November 8, 1984; Article 28 of Law 20 of December 30,

Title XV
Of the Special Provisions

Article 207. Article 162 of Law 40 of 1999, is as **follows** :

Article 162. The change in the name of the courts becomes effective as of
of the promulgation of this Law.

The courts, prosecutors and public defenders of the province of
Panama will begin to operate as of January 1, 2002.

The Supreme Court of Justice, the Public Ministry, the National Police, the
Judicial Technical Police, the Institute of Legal Medicine and the Ministry of Youth,
Women, Children and the Family must take the pertinent measures regarding the

resource planning and budget allocations, so that criminal proceedings
of adolescents is carried out as established by this Regime.

The courts, prosecutors and defenders, in the rest of the country, will initiate functions,
latest, 1st of August 2002.

The Ministry of Youth, Women, Children and the Family within the twelve
months & following the promulgation of this Law, will implement everything concerning the
compliance with the sanctions imposed on adolescents, and with precautionary measures
in accordance with the functions indicated by this Law.

Article 208. repeals Decree Law 4 of July 8, 1999 "Whereby are established
Commercial Courts and rules of procedure are issued"; and Decree Law 7 of 23 of
August 1999, which modifies it.

Article 209, This Law will begin to rule as follows: the First Book and: Title XV of the Book
Second, since its promulgation; and Titles 1 to XIV of the Second Book, from 1
March 2001.

TO blada in terow debate, at the Palrclo Jursto Arosemana, oludad de Panama, at 14
d pS' of the month of June of the year two thousand,

President

ENRIQUE GARRIDO AROSEMCNA

The General Secretary

JOSE GOMEZ NUÑRZ

NATIONAL EXECUTIVE ORCHAN - PRESIDENCY OF THE REPUBLIC.-
PANAMA, REPUBLIC OF PANAMA, JULY 31, 2000,

MIREYA MOSCOSO
Prerldenta of the RcrpQbllor

WINSTON SPADAFORA F.
Mlnhtro de Goblerno and Juatflolo