

Constitution of the Republic of Chile

Santiago, October 21st., 1980.- The following has been decreed today:

Number 1,150.- Whereas, Provision of decree-laws numbers 1 and 128 of 1973; 527 of 1974; 3464 of 1980; and

Considering,

That the Hon. Government Junta approved a new Political Constitution of the Republic of Chile, submitting its text to ratification by plebiscite;

That, to this end, the Hon. Government Junta called the entire Nation to a plebiscite for the day of September 11th, 1980;

That the national sovereign will, expressed by the majority in a free, secret and informed action, was pronounced approving the proposed Constitution;

That the National Scrutinizing College has remitted the Record of the general scrutiny of the Republic containing the official and definitive result of the plebiscite and wherein the approval of the new Constitutional text by a majority of the Chilean people is evident;

With the merit of these facts and invoking the name of the Almighty God

I do hereby decree:

Be the Political Constitution of the Republic of Chile considered approved, the official text of which is the following:

POLITICAL CONSTITUTION
OF THE

REPUBLIC OF CHILE

CHAPTER I

Bases of Institutional

Article 1.- Men are born free and equal, in dignity and rights.

The family is the basic core of society.

The State recognizes and defends the intermediate groups through which society organizes and structures itself and guarantees them the necessary autonomy to fulfill their own specific objectives.

The State is at the service of the individual and its goal is to promote common welfare. To this effect, it must contribute to the creation of the social conditions which permit each and every one of the members of the national community to achieve the greatest possible spiritual and material fulfillment, with full respect for the rights and guarantees established by this Constitution.

It is the duty of the State to safeguard the national security, to provide protection for the people and the family, to promote the strengthening of the latter, to further the harmonious integration of all the sectors of the Nation and to ensure everyone the right to participate in the national life with equal opportunities.

Article 2.- The national flag, the coat of arms of the Republic and the national anthem are the emblems of the Nation.

Article 3.- The State of Chile is unitary. Its territory is divided into regions. The law shall provide that administration thereof be functional and territorially decentralized.

Article 4.- Chile is a democratic republic.

Article 5.- Sovereignty rests essentially with the Nation. It is exercised by the people through the plebiscites and periodic elections, as well as by the authorities established by this Constitution. No sector of the people nor any individual may assume its exercise. The exercise of sovereignty recognizes as a limitation the respect for the essential rights originating from human nature.

Article 6.- The action of the bodies of the State must be subject to the Constitution and to the norms

enacted in conformity therewith.

Both the incumbent officers of said bodies or members thereof, as well as all persons, institutions or groups, are bound by the precepts of this Constitution.

The breach of this principle shall generate responsibilities and penalties to be determined by the law.

Article 7.- The bodies of the State operate validly within their field of competence, and in the manner prescribed by law, after their members have been properly invested.

No judicature, person or group of persons may assume, even on the pretext of extraordinary circumstances, any other authority or rights than those expressly conferred upon them by the Constitution or by law.

Any act contravening this article is null and void and shall give rise to the responsibilities and penalties indicated by law.

Article 8.- Any action by an individual or group intended to propagate doctrines attempting against the family, or which advocate violence or a concept of society, the State or the juridical order, of a totalitarian character or based on class warfare, is illegal and contrary to the institutional code, of the Republic.

The organizations and political movements or parties which, due to their purposes or the nature of the activities of their members, tend toward such objectives, are unconstitutional.

The cognizance of violations of the provisions set forth in the preceding paragraphs shall rest with the Constitutional Court.

Without prejudice to the other penalties established by the Constitution or by the law, persons who incur or who should have incurred the aforementioned violations shall not, for a period of ten years from the date of the Court's decision, be eligible for public duties or positions, regardless as to whether they should or should not be obtained through popular vote. Likewise, they will not become rectors or directors of educational establishments or teach thereat or exploit any medium of mass communication, or become directors or administrators thereof, or hold positions therein, related to the broadcast or dissemination of opinions or information. During the aforementioned period, they will not be able either to act as leaders of political organizations or students associations, and in general, organizations related to education, or occupy positions in community professional, entrepreneurial, labor or trade unions.

If at the time of the Court's decision, those persons referred to above should be holding a public office or position, whether or not as the result of a popular vote, they shall lose it as a matter of law.

Persons penalized in accordance with this precept, shall not be eligible for reinstatement during the period indicated in the fourth paragraph.

The duration of ineligibility as prescribed in this article shall be doubled in case of recurrence of the offense.

Article 9.- Terrorism in any of its forms is essentially contrary to human rights.

A law passed by a qualified quorum shall define terrorist conducts and the penalty to be imposed. Those responsible for such crimes shall, for a period of fifteen years, be precluded from holding positions or exercising functions or activities as referred to in paragraph four of the preceding article, without prejudice to other ineligibilities or of those for a longer period established by law.

Neither amnesty or pardon, nor provisional freedom for those tried for such crimes shall be warranted. For all legal effects, such crimes will always be regarded as common offenses and not as political ones.

CHAPTER II

Nationality and Citizenry

Article 10.- Chileans are:

1.- Persons born in the territory of Chile, with the exception of those children of foreigners who are in Chile serving their government, as well as those children of transient foreigners. However, all may opt for the Chilean nationality;

2.- Children born abroad, of a Chilean father or mother, who may actually be serving the Republic. To these effects, they shall be considered to have been born in Chilean territory;

3.- Children-born abroad, of a Chilean father or mother, for the mere fact of having resided in Chile for more than one year;

4.- Foreigners who have obtained naturalization papers in accordance with the law, after expressly renouncing their former nationality. Such renunciation shall not be required of persons born in a foreign country which, by virtue of an international treaty, offers the same benefits to Chileans.

Individuals naturalized in accordance with this clause shall be eligible to hold public offices resulting from popular election only after five years following completion of naturalization papers;

5.- Individuals upon whom the law has, as a special grace, bestowed naturalization.

The law shall provide for the procedures concerning the option of acquiring Chilean nationality, issuance, denial or annulment of naturalization papers and for the creation of an official register for all these acts.

Article 11.- Chilean nationality is lost:

1.- By naturalization in a foreign country, except those Chileans covered by clauses 1, 2 and 3 of the preceding Article, who should have obtained another nationality without renouncing their Chilean citizenship, and in accordance with provisions set forth in clause 4 of the same Article.

The aforementioned grounds for loss of Chilean nationality shall not apply to Chileans who, by virtue of constitutional, legal or administrative provisions of the State in the territory in which they should reside, adopt the foreign nationality as a condition for remaining in that country or for attaining juridical equality with nationals of the respective country in the exercise of civil rights;

2.- By means of a supreme decree, in case of services rendered to enemies of Chile or its allies during a foreign war;

3.- By means of a judicial condemnatory sentence for crimes against the honor of the country or the essential and permanent interests of the State, regarded as such by a law passed by a qualified quorum. In such proceedings, facts shall always be conscientiously analysed;

4.- By annulment of naturalization papers, and

5.- By a law revoking naturalization granted by special grace.

Individuals who should have lost Chilean nationality on any of the grounds set forth in this Article, may only recover it by virtue of law.

Article 12.- The individual affected by an action or resolution of the administrative authority depriving him of his Chilean nationality or disregarding it, may, within the term of thirty days, resort, on his own behalf or through a third party, to the Supreme Court, which shall take cognizance of his case as a jury and in full court. Upon filing the appeal the effects of the action or resolution resorted shall be suspended.

Article 13.- Citizens are those Chileans who have reached the age of eighteen years and who have never

been sentenced to afflictive punishment.

The status of citizen entails the rights to vote, the eligibility to hold positions subject to popular voting, as well as all other rights granted by the Constitution or the law.

Article 14.- Foreigners residing in Chile for more than five years and who comply with the requirements prescribed in the first paragraph of Article 13, may exercise the right to vote in the cases and in the manner determined by law.

Article 15.- In popular voting, vote shall be personal, egalitarian and secret. In addition, for citizens it shall be compulsory.

Popular voting may only be called for in elections and plebiscites expressly provided for in this Constitution.

Article 16.- The right to vote is suspended:

- 1.- In case of interdiction on grounds of insanity;
- 2.- When the person is being tried for a crime deserving afflictive punishment or for a crime that the law should define as a terrorist conduct, and
- 3.- In case of punishment by the Constitutional Court in conformity with Article 8 of this Constitution. Those who should, on these grounds, be deprived of the right to vote, may recover such right upon completion of the term of ten years counted from the date of the Court's decision.

Article 17, The status of citizenship is lost:

- 1.- Upon loss of Chilean nationality;
- 2.- On account of a sentence to afflictive punishment, and
- 3.- On account of a sentence for crimes which the law defines as terrorist conduct.

Individuals who should have lost their citizenship on the grounds described in number 2, may appeal to the Senate for recovery thereof, once their criminal liability has been extinguished. Those who should

have lost citizenship on the grounds described in number 3, may only secure its recovery by virtue of a law passed by a qualified quorum once the sentence has been served.

Article 18.- There shall be a public electoral system. Regarding matters not provided for by this Constitution, a constitutional organic law shall determine the organization and operation thereof, shall regulate the manner in which electoral processes and plebiscites will be conducted, and shall, at all times, guarantee full equality between independents and members of political parties, both with regard to the presentation of candidacies and to their participation in said processes.

Responsibility for safeguarding public order during electoral acts and plebiscites shall rest with the Armed Forces and the Armed Police in the manner prescribed for by law.

CHAPTER III

Constitutional Rights and Obligations

Article 19.- The Constitution guarantees to all persons:

1.- The right to life and to the physical and psychological integrity of the individual.

The law protects the life of those about to be born.

The death penalty may only be instituted for a crime considered in a law approved by a qualified quorum.

Use of all illegal pressure is prohibited;

2.- Equality before the law. In Chile there are no privileged persons or groups. In Chile there are no slaves, and those who should set foot on her territory become free.

Neither the law nor any authority may establish arbitrary differences;

3.- Equal protection under the law in the exercise of their rights.

All persons have the right to legal defense in the manner indicated by law and no authority nor individual may impede, restrict or perturb the due intervention of an attorney, should it have been sought. As regards the members of the Armed Forces and of Public Order and Security, this right will be governed, in connection with administrative and disciplinary matters, by the relevant norms of their respective statutes.

The law shall provide for the means whereby legal counsel and defense may be rendered to those who should have been unable to obtain them on their own.

No one can be judged by special commissions, but only by the court specified in the law, and provided such court has been established prior to the enactment of said law.

Sentences decreed by a court vested with jurisdiction must be based upon previous legally held proceedings. It will be the responsibility of the legislator to establish, at all times, the guarantees for a rational and just procedure.

The law cannot presume *de jure* criminal liability.

No crime shall be subject to penalties other than those prescribed for by a law enacted prior to the perpetration of the crime, except where a new legislation might favor the interested party.

No law may establish penalties for crimes which have not been expressly described therein;

4.- Respect for and protection of private and public life and the honor of the individual and his family.

Violation of this precept, committed through a mass medium, whereby a false deed or action is imputed unjustifiably causing harm or discredit to an individual or his family, shall constitute a crime and shall be punished as determined by law. However, the mass medium may claim exception by proving, before the corresponding court, the truth of the imputation, unless it should constitute in itself a libel against private individuals. Furthermore, the proprietors, editors, directors and administrators of the respective mass medium shall be jointly responsible for the appropriate indemnifications;

5.- Inviolability of homes and all forms of private communication. Homes may be searched and private communications and documents intercepted, opened or inspected only in the case and in the manner prescribed for by law;

6.- Freedom of conscience, manifestation of all creeds and the free exercise of all cults which are not opposed to morals, good customs or public order;

Religious communities may erect and maintain churches and their facilities in accordance with the conditions of safety and hygiene as established by the laws and ordinances.

With respect to assets, the churches and religious communities and institutions representing any cult shall enjoy the rights granted and acknowledged by the laws currently in force. Churches and their facilities assigned exclusively for religious activities shall be exempt from all taxes;

7.- The right to personal freedom and individual security.

Consequently,

(a) Every person has the right to live and remain in any place in the Republic, move from one location to another, and enter and leave the national territory on condition that the norms established by law are respected and provided that third parties are not impaired.

(b) No one may be deprived of his personal freedom nor may such freedom be restricted except for the cases and in the manner determined by the Constitution and the laws.

(c) No one may be arrested or detained unless on an order of a public official, expressly empowered by law to that effect and provided such an order has been served in the manner prescribed for by law. However, an individual caught in the act of committing a crime may be detained provided that he be brought before the competent judge within the following twenty-four hours. Should the authority order the arrest or detention of an individual, the competent judge must be served, within forty-eight hours following the arrest or detention, and the individual is to be brought before him. By virtue of a well-founded decision, the judge may extend this period to five days and, in instances where the facts under investigation are described by the law as terrorist acts, such period may be extended to ten days.

(d) No one may be arrested or detained, held on preventive arrest or prison, in places other than his home or the public premises established to that effect.

Those in charge of prisons may not accept any one who has been arrested or detained, or who is being tried or sentenced to prison, without recording the appropriate order issued by a legally authorized official, in a public register.

No incommunication order may prevent the official in charge of the place of detention from visiting the individual under arrest or detention, subject to trial proceedings or sentenced to prison, held in such place of detention. This officer is obliged, provided it is so requested by the arrested person or detainee, to send a copy of the detention warrant to the competent judge, or to demand that such copy be given to him, or to make an attestation by himself that the individual is being detained, in the event this requirement should have been omitted at the time of the detention.

(e) Release on bail shall apply unless the judge considers the detention or preventive imprisonment necessary for investigation proceedings or for the security of the victim of the offense, or the society. The law shall establish the requirements and formalities for obtaining such release. (f) In criminal cases the defendant shall be obliged to testify under oath on acts of his own; nor shall he be obliged to testify against the defendant, his ascendants, descendants, spouse or any other persons who, according to cases or circumstances, should be specified in the law.

. (g) No penalty of confiscation shall be imposed, without prejudice to any seizure in the circumstances determined by law; however, such a penalty will apply with respect to illicit associations.

(h) The loss of social security rights may not be imposed as a penalty; and

(i) Once definitive stay of proceedings has been decreed, or when absolutory sentence is pronounced, the person subjected to trial or sentenced in any process as the result of a decision which the Supreme Court declares unjustifiably erroneous or arbitrary, shall have the right to be indemnified by the State for patrimonial and moral losses which he may have suffered. The indemnification shall be judicially determined in a brief, summary proceeding in which the evidence shall be conscientiously analysed;

8.- The right to live in an environment free from contamination. It is the duty of the State to watch over the protection of this right and the preservation of nature.

The law may establish specific restrictions on the exercise of certain rights or freedoms in order to protect the environment;

9.- The right to protection of health.

The State protects the free and egalitarian access to actions for the promotion, protection and recovery of the health and rehabilitation of the individual.

The coordination and control of activities related to health shall likewise rest with the State.

It is the prime duty of the State to guarantee health assistance, whether undertaken by public or private institutions, in accordance with the form and conditions set forth in the law which may establish compulsory health quotations.

Each person shall have the right to choose, the health system he wishes to join, either State or private-controlled.

10.- The right to education.

The objective of education is the complete development of the individual in the various stages of his life.

Parents have the preferential right and duty to educate their children. The State shall provide special protection for the exercise of this right.

Basic education is mandatory; to that effect, the State must finance a gratuitous system designed to ensure access thereto by the entire population. It is, likewise, the duty of the State to promote the development of education at all levels, encourage scientific and technological research, artistic creation,

and the protection and increase of the cultural patrimony of the Nation.

It is the duty of the community to contribute to the development and improvement of education;

11.- Freedom of teaching includes the right to open, organize and maintain educational establishments.

Freedom of education has no other limitations but those imposed by morals, good customs, public order and national security.

Officially recognized education cannot be directed towards propagating any type of political-partisan tendency.

Parents have the right to choose the educational establishment for their children.

A constitutional organic law shall establish the minimum requirements for each of the levels of primary and secondary education and shall provide for the objective norms of general application, that may enable the State to watch over compliance therewith. Said law shall, likewise, establish the requirements for obtaining official recognition of educational establishments at all levels;

12.- Freedom to express opinions and to disseminate information without prior censorship in any form and by any means, without prejudice to assuming the responsibility for any crimes or abuses committed in the exercise of such freedoms, in conformity with the law which is to be passed by a qualified quorum.

In no case may the law establish a state monopoly over the mass media.

Any individual or body corporate offended or unjustly alluded to in a mass medium, has the right to have his declaration or rectification gratuitously disseminated, under the conditions determined by law, by the mass medium having issued such information.

All individuals or bodies corporate shall have the right to establish, edit or maintain newspapers, magazines and periodicals, under the conditions prescribed for by law.

The State, such universities and other persons or entities as prescribed by the law, may establish, operate and maintain television stations.

There shall be a National Council for Radio and Television, having autonomy and legal status, which shall be in charge of supervising the proper functioning of these mass media. A law passed by a qualified quorum shall determine the organization and other functions and authorities of said Council.

The law shall establish a system of censorship for the exhibition and publicity of motion picture

production and the general norms governing public expression of other artistic activities;

13.- The right to assemble peacefully without prior permission and carrying no weapons.

Meetings at squares, streets and other public places shall be ruled by general police regulations;

14.- The right to submit petitions to the authorities with reference to any matter of public or private interest, with no limitation other than the requirement to submit such petitions in a respectful and appropriate manner;

15.- The right to associate without prior authorization.

In order to have legal status, associations must be organized in accordance with the law.

No one can be obliged to belong to an association.

Associations contrary to morals, public order and Security of the State are prohibited.

Political parties may not intervene in other than their own activities or have any privilege or monopoly on civic participation; its records and accounts must be public; its financing cannot emanate from foreign currency, assets, donations, contributions or credits; its by-laws must provide for norms ensuring an effective internal democracy. A constitutional organic law shall regulate other matters pertaining thereto, and shall provide for the penalties to be applied for non-fulfillment of its precepts, which may include dissolution thereof. The associations, movements, organizations or groups of persons engaged in or performing activities pertaining to political parties without conforming to the aforementioned norms are illegal and shall be subject to penalties provided for in the above-mentioned constitutional organic law;

16.- Freedom to work and protection of that freedom.

Any person has the right to free employment and free selection of his work, with a just compensation.

Any discrimination which is not based on personal skills or capability is prohibited, although the law may require Chilean citizenship or age limits in certain cases.

No type of work can be prohibited except where it is contrary to morals, or public security and health, or where it should be so required by the national interest as declared by the law. No law or provision from the public authority may demand affiliation to any organization or entity whatsoever, as a requirement for undertaking certain activity or work, nor can it demand that any such affiliation be discontinued as a condition to perform such activities or keep such work. The law shall determine which professions require a title or university degree and the conditions to be met in order to engage in them.

Workmen have the right to collective bargaining with the company for which they work, except where the law should expressly prohibit negotiations. The law shall establish the procedures for collective bargaining and the appropriate procedures for reaching a just and peaceful solution. The law shall provide for the instances in which collective bargaining is to be submitted to mandatory arbitration; this arbitration should be entrusted to special courts of experts, the organization and authority of which shall be established by the law.

Neither State or municipal employees may go on strike; nor may people working for corporations or enterprises, regardless of the nature, objectives or functions thereof, which provide public utility services or the paralyzation of which might seriously harm health, the economy of the country, the supplies to the population or the national security. The law shall establish the procedures to determine the corporations or enterprises whose workers will be covered by the prohibition set forth in this paragraph;

17.- Admission to all public positions and employments with no requirements other than those imposed by the Constitution and the laws;

18.- The right to social security.

The laws regulating the exercise of this right shall be passed by a qualified quorum.

The action of the State shall be intended to guarantee access of all inhabitants to uniform basic benefits whether granted by public or private institutions. The law may establish compulsory social security quotations.

The State shall supervise the adequate exercise of the right to social security;

19.- The right to affiliation to unions in the cases and in the manner prescribed for by the law. Union affiliation shall always be voluntary.

Union organizations shall have legal status by mere registration of their by-laws and constitutive acts, in the manner and conditions prescribed for by law.

The law shall provide for the mechanisms to ensure the autonomy of these organizations. Union organizations and their leaders may not intervene in political partisan-activities;

20.- Equal distribution of taxes in proportion with individual income or in the progressive manner established by law, and equal distribution of other public charges.

In no case may the law establish obviously disproportionate or unjust taxes.

The taxes collected, whatever their nature, shall be deposited in the Nation's treasury and cannot be

earmarked for specific use.

The law may authorize, however, that certain taxes be set aside for national defense needs, or may authorize that taxes levied on activities or assets of a clear local nature be established within the framework of this law, by municipal authorities and that they be allocated to works of community development;

21.- The right to develop any economic activity which is not contrary to morals, public order or national security, abiding by the legal norms which regulate it.

The State and its bodies may develop entrepreneurial activities or participate therein only provided such activities or participation be authorized by a law passed by a qualified quorum. In such case, those activities shall be subjected to the common legislation applicable to private individuals, without prejudice to exceptions for justifiable motives established by a law, being also passed by a qualified quorum.

22.- A non-discriminatory treatment arbitrarily imposed, to be granted by the State and its bodies in economic matters.

Only by virtue of a law, and provided it does not imply discrimination, certain direct or indirect benefits accorded to any sector, an activity or a geographical region, may be authorized; or special charges affecting one or the other may be established. In case of franchises or indirect benefits, the estimated cost thereof must be annually included in the Budgetary Law;

23.- Freedom to acquire ownership over all types of property except that which nature has made common to all men or which should belong to the entire Nation, and that the law so declares. The above is without prejudice to what is prescribed in other precepts of this Constitution.

When the national interest demands it, a law passed by a qualified quorum may establish limitations or requirements for acquiring ownership over specific property;

24.- The right of ownership in its diverse aspects over all classes of corporeal and incorporeal property.

Only the law may establish the manner to acquire property and to use, enjoy and dispose of it, and the limitations and obligations derived from its social function. Said function includes all the requirements of the Nation's general interests, the national security, public use and health, and the conservation of the environmental patrimony.

In no case may anyone be deprived of his property, of the assets affected or any of the essential faculties or powers of ownership, except by virtue of a general or a special law which authorizes expropriation for the public benefit or the national interest, duly qualified by the legislator. The expropriated party may protest the legality of the expropriation action before the ordinary courts of justice and shall, at all times,

have the right to indemnification for patrimonial harm actually caused, to be fixed by mutual agreement or by a sentence pronounced by said courts in accordance with the law.

In the absence of an agreement, the indemnification shall be paid in cash.

Material possession of the expropriated property will take place following total payment of the indemnification which, in the absence of an agreement, shall be provisionally determined by experts in the manner prescribed for by law. In case of protest regarding the justifiability of the expropriation, the judge may, on the merit of the information adduced, order the suspension of the material possession.

The State has absolute, exclusive, inalienable and imprescriptible domain over all mines, including guano deposits, metalliferous sands, salt mines, coal and hydrocarbon deposits and the other fossil substances, with the exception of superficial clays, despite the ownership held by individuals or body corporates over the land in which the above should be contained. The superficial landed property shall be subject to the obligations and limitations prescribed for by law to facilitate exploration, exploitation and development of said mines.

The law is to determine what substances of those referred to in the preceding paragraph, excepting liquid or gaseous hydrocarbons, may be the subject to exploration or exploitation concessions. Such concessions shall always be constituted by court decision and shall have the duration, shall confer the rights and impose the obligations prescribed by a law; this law shall be of a constitutional organic character. The mining concession obligates the owner to undertake the necessary activity to satisfy the public interest which justifies the granting thereof. Its mining rights shall be established by said law, tending directly or indirectly to obtain fulfillment of that obligation, and providing the grounds for caducity in case of nonfulfillment or for simple extinguishment of domain over the concession. In any case, such grounds and effects thereof, must have been established at the time when the concession is granted.

The authority to declare the expiry of such concessions shall rest exclusively with the ordinary courts of justice. They shall settle the controversies which may arise with respect to the caducity or expiry of the domain over the concession; in the case of caducity, the affected party may request the courts of justice for a declaration of the subsistence of his rights.

The domain of the owner of record over his mining concession is protected by the constitutional guarantees herein dealt with.

The exploration, exploitation or development of deposits which contain substances not susceptible to concession, may be performed directly by the State or by its agencies or by means of administrative concessions or special operation contracts, with the requirements and under the conditions which the President of the Republic may establish, for each case, by supreme decree. This norm shall also be applicable to the deposits of any kind existing in sea waters subject to national jurisdiction and those, wholly or partly, situate in zones which, according to law, are declared to be of importance to the

national security. The President of the Republic may, at any time, without stating the reason therefor and with the corresponding indemnification, terminate administrative concessions or operating contracts relative to exploitation in zones declared to be of importance to the national security.

The rights of private citizens over waters, recognized or constituted in conformity with the law, shall grant proprietorship to the owners thereof;

25.- The right of the author to his literary and artistic creations of any type, for the period of time fixed by law and which is not to be inferior to that of the life of the owner.

The rights of the author include the ownership of the works and other rights such as authorship, the edition and the completeness of the work; all this in conformity with the law.

Guarantee is also granted to industrial ownership of invention patents, trademarks, models, technological processes or other analogous creations, for the period established by law.

The conditions set forth in the second, third, fourth and fifth paragraphs of the preceding number are applicable to the ownership of the literary and artistic creations as well as to industrial ownership; and

26.- The assurance that the legal precepts which, by mandate of the Constitution, regulate or complement the guarantees established therein or which should limit them in the cases authorized by the Constitution, may not affect the rights in their essence nor impose conditions, taxes or requirements which may prevent their free exercise.

The norms relative to conditions of constitutional exception and others which the Constitution itself contemplates are excepted.

Article 20.- He who should, due to arbitrary or illegal actions or omissions, suffer privation, disturbance or threat in the legitimate exercise of the rights and guarantees established in Article 19, numbers 1, 2, 3 (paragraph 4), 4, 5, 6, 9 (final paragraph), 11, 12, 13, 15, 16 relative to freedom to work and the right of freedom of choice and freedom of contract, and to what is established in the fourth paragraph and numbers 19, 21, 22, 23, 24 and 25, may on his own, or through a third party, resort to the respective Court of Appeals, which shall immediately take the steps that it should deem necessary to re-establish the rule of law and ensure due protection to the person affected, without prejudice to the other rights which he might assert before the authorities or the corresponding courts.

The appeal for protection in the case of No 8 of Article 19, shall also be applied when the right to live in a contamination-free atmosphere has been affected by an arbitrary or unlawful action imputable to an authority or a specific person.

Article 21.- Every individual who should be arrested, detained or imprisoned in violation of the constitutional provisions or the law may appeal on his own or through a third party to the judicature indicated by the law, so that the latter may order that the legal formalities be complied with and may immediately adopt the measures deemed necessary to reinstate the rule of law and ensure proper protection of the affected individual.

Said judicature may order that the individual be brought before it and its order shall be fully obeyed by everyone in charge of jails or places of detention. Following cognizance of the facts, the court shall

decree the immediate release of the individual or shall instruct that the legal faults be righted, or shall bring the individual before the competent judge, in a brief and summary manner, thereby correcting such faults or referring them to whomever should have to correct them.

The same recourse may be lodged in the same manner on behalf of all persons who illegally suffer any other privation, perturbation or threat to his right to personal freedom and individual security. In such case, the respective judiciary shall order the measures indicated by the aforementioned paragraphs deemed conducive to the reinstatement of the rule of law and to due protection of the affected individual.

Article 22.- Each inhabitant of the Republic owes respect to Chile and to her national emblems.

Chileans have the fundamental duty to honor their fatherland, defend its sovereignty and contribute to the preservation of national security and the essential values of the Chilean tradition.

Military service and other personal obligations which the law prescribes are compulsory on the terms and manner set forth therein.

Chileans able to bear arms must be inscribed in the Military Registers, unless they should be legally exempt from this requirement.

Article 23.- Intermediate groups of the community and their leaders who make ill use of the autonomy accorded by the Constitution, intervening unduly in activities alien to specific objectives, shall be penalized in conformity with the law. The position of trade union leader shall be incompatible with militancy in a political party.

The law shall establish the corresponding penalties to be applied to union leaders who intervene in political partisan activities and to the leaders of political parties who interfere in the functioning of union organizations and other intermediate groups indicated by law.

Chapter IV

Government

President of the Republic

Article 24.- The government and the administration of the State are vested in the President of the Republic, who is the Chief of the State.

His authority extends to all that aims at the preservation of the internal public order and the external security of the Republic, in accordance with the Constitution and the law.

The President of the Republic shall report to the country, at least once a year, on the administration and political condition of the Nation.

Article 25.- In order to be eligible to the office of President of the Republic, the individual must have been born in the Chilean territory, have attained to the age of forty years, and possess the other necessary requirements to qualify as a citizen with the right to vote.

The President of the Republic shall hold office for a term of eight years and may not be reelected for the consecutive period.

The President of the Republic may not leave the national territory for more than thirty days or during the last ninety days of his administration without the consent of the Senate.

In any case, the President of the Republic shall communicate the Senate with due anticipation, his decision to leave the country and the reasons therefor.

Article 26.- The President shall be elected by direct ballot, with an absolute majority of the votes validly cast. The election shall be held ninety days before the end of the administration of the President then holding office in the manner determined by law.

Should there be more than two candidates in the presidential election, none of them obtaining more than half of the votes validly cast, a new election shall be held, in the manner determined by law, fifteen days after the Elections Qualifying Court makes the corresponding statement within the term indicated in the following Article. This election shall be limited to the two candidates with the highest relative majorities.

In relation to the provisions contained in the two preceding paragraphs, blank and null and void votes

will be considered as if they had not been cast.

Article 27.- The process of qualification of the presidential election is to be concluded within forty days following the first election or within twenty-five days following the second election.

The Elections Qualifying Court shall immediately communicate the President of the Senate the proclamation of the President-elect.

Plenary Congress convened in public session ninety days after the first or sole election, with the members in attendance, shall take cognizance of the decision by virtue of which the Elections Qualifying Court proclaims the President-elect.

In this same act, the President-elect shall be bound by oath before the President of the Senate to faithfully perform his duties as President of the Republic, to preserve the independence of the Nation, comply with and enforce compliance with the Constitution and the law, and he shall take office immediately thereafter.

Article 28.- Should the President-elect be unable to take office, the President of the Senate shall assume, in the meantime, in the capacity of Vice-President of the Republic; in his absence, the President of the Supreme Court, and in the absence of the latter, the President of the Chamber of Deputies.

Nevertheless, should the inability of the President-elect be absolute or should it continue indefinitely, the Vice-President within the term of ten days following the Senate agreement adopted in accordance with Article 49, No 7, shall issue the appropriate orders for steps to be taken within a period of sixty days to proceed with a new election in the manner prescribed for by the Constitution and the Electoral law.

Article 29.- If, because of temporary incapacity, either illness, absence from the country or some other serious reason, the President of the Republic is unable to hold office, he shall be replaced by the incumbent Minister of State as Vice-President of the Republic, in accordance with the order of legal precedence. In the absence of such Minister, the Minister who follows in the order of precedence shall succeed him; and in the absence of all of them, the President of the Senate, the President of the Supreme Court and the President of the Chamber of Deputies, successively, shall substitute for him.

In case of vacancy in the Presidency of the Republic, the successor shall be appointed by the Senate with an absolute majority of its members in office and shall remain in office until the next general election of members of Congress when a new presidential election shall be held for the period referred to in the second paragraph of Article 25. The Senate shall make its appointment within ten days following the date of the vacancy. In the meantime, the substitution procedures referred to in the preceding paragraph shall apply. The President thus designated may not become a candidate in the following presidential election.

Article 30.- The President shall leave office on the same day on which his term is completed and shall be succeeded by the newly-elected President.

Article 31.- The President designated by the Senate, or, as the case may be, the Vice-President of the Republic, shall have all the authority which the Constitution confers upon the President of the Republic; however, he shall not be empowered to dissolve the Chamber of Deputies.

Article 32.- The special powers vested in the President of the Republic are the following:

- 1.- To contribute to the making of the laws in accordance with the Constitution; to sanction and promulgate them;
- 2.- To convene Congress to an extraordinary session and to close it;
- 3.- To issue, subject to delegation of powers by the Congress, decrees having force of law with reference to matters indicated by the Constitution;
- 4.- To call to a plebiscite in the instances set forth in Article 117 and the final paragraph of Article 118;
- 5.- To dissolve the Chamber of Deputies only once during his presidential term, being precluded from exercising this power during the last year in which the Chamber is in office.
- 6.- To designate, in accordance with Article 45 of this Constitution, the members of the Senate indicated in said provision;
- 7.- To declare situations of constitutional exception in the instances and forms prescribed for in this Constitution;
- 8.- To exercise the statutory authority in all those matters which are not of a legal nature, without prejudice to the power to issue other regulations, decrees or instructions which he may deem appropriate for the enforcement of the law;
- 9.- To appoint, and remove at will Ministers of State, Undersecretaries, Intendants, Governors and Mayors appointed by him;
- 10.- To appoint Ambassadors and Diplomatic Ministers and Representatives to international organizations. Both these officers and those specified in No 9 above, shall be of the exclusive

confidence of the President of the Republic and shall remain in their positions as long as they continue being reliable to him;

11.- To appoint the Comptroller General of the Republic with the consent of the Senate;

12.- To appoint and remove officers considered by law to be of his exclusive confidence and to fill the other civilian positions in accordance with the law. The removal of other officers shall be subject to the provisions determined by law;

13.- To grant pensions, retirement, widows' and orphans' pensions and **de gratia** pensions, in accordance with the law;

14.- To appoint the Justices of the Higher Courts of Justice and the Civil Judges, on the proposal of the Supreme Court and the Court of Appeals, respectively, as well as the member of the Constitutional Court to be appointed by the President of the Republic, as prescribed for in this Constitution;

15.- To watch over the ministerial conduct of the judges and other employees of the Judiciary and, to that effect, demand from the Supreme Court, when applicable, the declaration on misconduct of such persons; or request from the Attorney Generalship that disciplinary measures be sought from the competent court or, in the light of sufficient evidence, file the pertinent accusation.

16.- To grant individual pardon in the cases and in the manner prescribed for by the law. Pardon shall not be applicable in the absence of final judgement in the respective proceedings. Officials impeached by the Chamber of Deputies and condemned by the Senate may be pardoned by the Congress only;

17.- To conduct political relations with foreign nations and international organizations, and carry out negotiations; conclude, sign and ratify treaties deemed advantageous for the interests of the country, which must be submitted to the approval of Congress as prescribed for in Article 50, No 1. The discussions and deliberations on these matters shall be secret should the President of the Republic so demand;

18.- To appoint and remove Commanders-in-Chief of the Army, Navy, Air Force and the Director, General of the Armed Police in accordance with Article 93, and provide for assignments, promotions and retirement of officers of the Armed Forces and the Armed Police as prescribed for in Article 94;

19.- To command the air, sea and land forces; organize and distribute them in accordance with national security needs;

20.- To take over, in case of war, the supreme command of the Armed Forces;

21.- To declare war, subject to authorization by law; being it required to point out that the National Security Council has been heard in this regard, and

22.- To watch over the collection of public revenue and decree its expenditure in accordance with the law. The President of the Republic, with the approval of all the Ministers of State, may decree payments not authorized by in order to meet needs which cannot be postponed resulting from public calamities, foreign aggression, internal disturbance, serious detriment or danger to national security or the exhaustion of resources designed for the maintenance of services which cannot be interrupted without causing serious detriment to the country. The total investment made toward such objectives shall not exceed a two per cent (2% per annum of the total expenditures authorized by the Budgetary Law. Hiring of employees charged to this law is permitted; however, this item may not be increased or reduced through conveyances. The Ministers of State or officers who should authorize or approve expenditures which contravene the provisions of this number, shall be held jointly and severally liable for the reimbursement thereof and guilty of the crime of embezzlement of public funds.

Ministers of State

Article 33.- The Ministers of State are the direct and immediate collaborators of the President of the Republic in governing and administering the State.

The law shall determine the number and organization of the Ministers as well as the order of precedence of the incumbent Ministers.

The President of the Republic may entrust one or more Ministers with the coordination of the work to be performed by the Secretaries of State and relations of the Government with the National Congress.

Article 34.- In order to be eligible to the office of Minister, the person must be Chilean, should have attained to the age of twenty-one years, and should meet the general requirements for entering Public Administration.

In cases of absence, impediment or resignation of a Minister, or should the vacancy be produced by another cause, he shall be replaced in the manner established by law.

Article 35.- The regulations and decrees of the President of the Republic must be signed by the respective Minister and shall not be enforced without this essential requirement.

Decrees and instructions may be issued with the sole signature of the respective Minister, by order of the President of the Republic, in accordance with the norms which to this effect the law should establish.

Article 36.- The Ministers shall be individually responsible for all the acts under their signature and shall be jointly and severally responsible for acts subscribed by or agreed upon with the other Ministers.

Article 37.- When Ministers should deem it appropriate, they may attend sessions of the Chamber of Deputies or of the Senate and participate in the debates, with priority right for taking the floor, but without the right to vote. Nevertheless, during the voting, they may rectify concepts voiced by any Deputy or Senator upon explaining the grounds for his vote.

General Principles for the Administration of the State

Article 38.- A constitutional organic law shall determine the basic organization of the Public Administration. It shall guarantee the career of the civil servants, as well as the principles of a technical and professional nature on which such career should be based; and shall ensure both the equality of opportunities for entering the service and the training and improvement of such officers.

Any person whose rights should have been adversely affected by the Administration of the State, the Bodies thereof or the Municipalities, is entitled to file complaint in courts established by law for cognizance of matters contested under administrative law, without prejudice to the responsibility which might affect the officer who should have caused harm.

States of Constitutional Exception

Article 39.- The rights and guarantees, ensured to all persons by the Constitution, may only be affected in the following exceptional situations: foreign or internal war, internal disturbances, emergency and public calamity.

Article 40.- 1.- In case of foreign war, the President of the Republic, with the consent of the National Security Council, may declare all or part of the national territory in the state of assembly.

2.- In case of internal war or internal commotion, the President of the Republic may, with the consent of Congress, declare all or part of the national territory in a state of siege.

Within ten days following the date on which the President of the Republic has submitted the declaration of the state of siege to the Congress, the latter must decide whether to accept or reject the proposal, not being permitted to introduce modifications thereto. Should the Congress not make a pronouncement within that period, the proposal shall be understood to be approved.

However, the President of the Republic, with the consent of the National Security Council, may immediately declare the state of siege pending pronouncement of Congress on the declaration.

Each Chamber of Congress, by a majority vote of members present, must take their pronouncement on the declaration of state of siege proposed by the President of the Republic. The Congress may, at any time and by an absolute majority of the members in office in each Chamber, waive the effect of state of siege which it had approved.

State of siege may be declared only for a period not exceeding ninety days; however, the President of the Republic may request an extension thereof; processing of such extension is subject to the preceding provisions.

3.- The President of the Republic, with the consent of the National Security Council, may declare the whole national territory or part thereof in the state of emergency in the event of serious disturbance of public order, harm or danger to the national security, resulting from causes of either internal or external origin.

Said state of emergency may not exceed ninety days, and it may be reinstated should the circumstances prevail.

4.- In case of public disaster, the President of the Republic may, with the consent of the National Security Council, declare the state of catastrophe for the affected zone or any other area which should so require as a result of the calamity occurred.

5.- The President of the Republic may decree two or more states of exception simultaneously if the grounds for the declaration thereof should concur.

6.- The President of the Republic may, at any time, terminate said states.

Article 41.- 1.- By virtue of the declaration of state of assembly, the President of the Republic is authorized to suspend or restrict personal freedom, the right to assemble, freedom of information and opinion and freedom to work. He may also restrict the exercise of the right of association and unionization, impose censorship on mail and communications, order the confiscation of property and establish limitations on the exercise of the right to ownership.

2.- By virtue of the declaration of state of siege, the President of the Republic may transfer persons from one place to another within the national territory, arrest people in their own homes or in places that are neither jails nor those used for detention or imprisonment of common criminals, and expel them from the national territory. In addition, he may restrict freedom of movement and prohibit certain persons from entering or leaving the territory. He may also suspend or restrict the exercise of the right to assemble, freedom of information and opinion, the rights of association and unionization, and impose

censorship on correspondence and communications.

The provision related to transfer of persons must be complied within urban localities which meet the requirements established by law.

3.- The appeals referred to in Article 21, shall not apply in states of assembly and or siege with regard to measures adopted by the competent authority pursuant to declaration of such states, and subject to the norms established by the Constitution and the law.

The appeal for protection is not applicable to states of exception, with respect to actions adopted by the authorities in accordance with the Constitution and the law affecting the constitutional rights and guarantees, which, pursuant to provisions governing such states, may have been suspended or restricted.

In the cases referred to in the preceding paragraphs, the Courts of Justice may not, whatever the circumstances, intervene to qualify the factual grounds for the measures adopted by the authorities in the exercise of their powers.

4.- By virtue of the declaration of the state of emergency, all measures applicable to the state of siege may be adopted, with the exception of the arrest of persons, their transfer from one point to another within the territory, expulsion from the country, and restriction of the exercise of the rights of association and unionization. Freedom of information and opinion may be restricted only.

5.- By virtue of the declaration of the state of catastrophe, the President of the Republic may restrict the circulation of persons, transportation of merchandise and freedom of work, information, opinion and assembly. Likewise, he may provide for confiscation of property and establish limitation on the exercise of ownership, and adopt the extraordinary measures of an administrative nature deemed appropriate.

6.- Upon declaration of the state of emergency or catastrophe, the respective zones shall fall under immediate dependence of the Chief of National Defense appointed by the Government, who shall assume command, empowered with the authority and duties prescribed for by law.

The President of the Republic shall be bound to inform the Congress of the measures adopted by virtue of the states of emergency and catastrophe.

7.- The measures adopted during the states of exception, the duration of which has not been established, may not be extended beyond the period of enforcement of said states and be applied only in so far as they should be really necessary, without prejudice to provisions set forth in No 3 of this Article.

However, the measures provided for the expulsion from the territory of the Republic and the prohibition to enter the country, authorized in accordance with preceding numbers, shall remain in force despite the termination of the state of exception which caused such measures provided that the issuing authorities should not expressly decree discontinuance of applicability thereof.

In no case may measures of restriction and deprivation of freedom be adopted against Congressmen,

Judges, Members of the Constitutional Court, the Comptroller General of the Republic, and the Members of the Elections Qualifying Court.

8.- Confiscations shall give rise to indemnifications, in compliance with the law. The right to indemnification shall also apply in case of limitations imposed on ownership when such limitations produce deprivation of any of the essential faculties or powers of ownership thus causing injury.

9.- A constitutional organic law may regulate the states of exception and empower the President of the Republic to, personally or through other authorities, exercise the powers formerly described, without prejudice to provisions established in the states of emergency and catastrophe

CHAPTER V National Congress

Article 42.- The National Congress is composed of two houses: the Chamber of Deputies and the Senate. Both concur in the making of laws in accordance with this Constitution and have the other powers established therein.

Composition and Generation of the Chamber of Deputies and Senate

Article 43.- The Chamber of Deputies is composed of 120 members elected by direct ballot of the electoral districts established by the respective constitutional organic law.

The Chamber of Deputies shall be totally renewed every four years. However, should the President of the Republic make use of the authority conferred upon him by No 5 of Article 32, the newly elected Chamber shall operate, in such case, only during the time left for the dissolved Chamber to complete its period.

Article 44.- Eligible candidates to be elected Deputies are Chilean citizens of twenty-one years of age, who have the right to vote and have completed secondary education, or the equivalent thereof, and residing in the region of the pertinent electoral district for a period not inferior to three years prior to the date of the election.

Article 45.- The Senate shall be composed of members elected by direct ballot by each of the thirteen regions of the country. Each region shall elect two Senators, in the manner determined by the respective constitutional organic law.

The Senators elected by direct ballot shall remain in office for a period of eight years and they shall be replaced alternately every four years. Those representing odd-numbered regions shall be replaced in one period, and those representing even-numbered regions and the metropolitan area shall be replaced in the following period.

The Senate shall also be composed of:

- (a) Former Presidents of the Republic who should have served for six consecutive years in that capacity, except for the occurrence of the situations described in paragraph 3 of No 1 of Article 49 of this Constitution. These Senators shall hold their positions in their own right for life, without prejudice that incompatibilities, incapacities and grounds for suspension described in Articles 55, 56 and 57 of this Constitution may be applied;
- (b) Two former Ministers of the Supreme Court, elected by the latter in successive balloting and who should have held their office for, at least, two consecutive years;
- (c) A former Comptroller General of the Republic who should have held the office for at least two consecutive years, also elected by the Supreme Court;
- (d) A former Commander-in-Chief of the Army, one of the Navy, another of the Air Force, and a former General, Director of the Armed Police, who should have been in their office for at least two years, elected by the National Security Council;
- (e) A former Rector of a State University or of a University acknowledged by the State, who should have held office for a period not less than two consecutive years, appointed by the President of the Republic, and
- (f) A former Minister of State who should have held that position for more than two consecutive years in presidential periods prior to that in which the appointment is made, also designated by the President of the Republic.

The Senators referred to in letters (b), (c), (d), (e) and (f) of this Article, shall serve for the term of eight years. Should there be only three, or fewer, persons qualifying as per requirements set forth in letters (b) through (f) of this Article, citizens having held other relevant positions in bodies, institutions or services mentioned in each of the above letters, may be designated.

The appointment of these Senators shall be made every eight years within fifteen days following the corresponding senatorial election. The vacancies shall be filled within the same period of time, as from the date such vacancies should occur.

Not eligible for the nomination of Senator are those persons who should have been discharged from

office by pronouncement of the Senate, in accordance with Article 49.

Article 46.- Eligible candidates to be elected Senators are Chilean citizens who have the right to vote, three years of residence in the respective region, prior to the date of the election, and who have completed secondary education or the equivalent and have attained to the age of 40 years by the day of the election.

Article 47.- It shall be understood that Deputies and Senators have, solely by operation of law, their residence in the corresponding region while serving office in the National Congress.

The elections for Deputies and for the Senators who are to be elected by direct ballot, shall be held jointly. Congressmen may be re-elected to serve their offices.

Vacancies of Deputies and of Senators elected by direct ballot, occurring at any time, shall be filled by means of elections held by the Chamber of Deputies or the Senate, as the case may be, by absolute majority of serving members thereof. Should several vacancies occur simultaneously, separate and successive voting shall be required for filling them. Should the vacancy occur with respect to any of the Senators referred to in letters (b), (c), (d), (e) and (f) of Article 45, such vacancy shall be filled in accordance with the procedure prescribed for in said Article. The newly-elected Deputy or Senator shall hold office throughout the term which the person who originated the vacancy left for the completion of his term.

Exclusive Powers of the Chamber of Deputies

Article 48.- The exclusive powers of the Chamber of Deputies are:

1.- To control the actions of the Government. In order to exercise this power the Chamber may, with the vote of the majority of the Deputies present, adopt agreements or suggest observations which shall be transmitted in writing to the President of the Republic, and the Government must reply, through the competent Minister of State, within thirty days. In no case will such agreements or observations affect the political responsibility of the Ministers of State and the Government's obligation shall be understood to be fulfilled simply by delivering its reply.

Any Deputy may request information of a specific nature from the Government, provided that his proposal should meet with the favorable vote of one third of the Chamber members present, and

2.- To declare whether accusations made by not less than ten and no more than twenty of its members against the following- persons should or should not be acceptable:

(a) The President of the Republic, for actions of his administration which may have gravely affected the honor and the security of the Nation, or have openly violated the Constitution or the law. The accusation may be filed while the President is in office and within a period of six months following the expiration of his term. During the latter period he may not leave the country without the consent of the Chamber;

(b) Ministers of State, for actions which may have gravely affected the honor and the security of the Nation, for violating the Constitution or the law or for not having executed the laws and for the crimes of treason, extortion, embezzlement of public funds and bribery;

(c) Judges of the Higher Courts of Justice and the Comptroller General of the Republic, for notorious abandonment of their duties;

(d) Generals or Admirals of the institutions belonging to the Forces of National Defense, for having gravely affected the honor and security of the Nation; and

(a) Intendants and Governors, for breach of the Constitution and for the crimes of treason, sedition, embezzlement of public funds and extortion.

The accusation shall be processed in accordance with the constitutional organic law relative to the Congress.

The accusations referred to in letters (b), (c), (d) and (e) may be filed while the person concerned is serving office or during the term of three months following the expiration of his office. Upon filing the accusation, the person concerned may not leave the country without the Chamber's permission and in no case whatsoever can he do so if the accusation brought against him should have been already approved.

The vote of the majority of the Deputies in office is required in order to declare whether the accusation brought against the President of the Republic is or is not acceptable.

In the other instances, a vote of the majority of the Deputies present shall be required and the accused shall be suspended in the performance of his functions from the time the Chamber declares that the accusation is acceptable. The suspension shall cease if the Senate should reject the accusation or if it should not make a pronouncement thereon within the following thirty days.

Exclusive Powers of the Senate

Article 49.- The exclusive powers of the Senate are:

1.- To take cognizance of the accusations presented by the Chamber of Deputies, in accordance with the

preceding Article.

The Senate shall act as a jury and shall be limited to declare whether or not the accused is guilty of the offense, violation or abuse of authority imputed to him.

The declaration of guilt must be pronounced by two thirds of the Senators in office, in the case of an accusation brought against the President of the Republic; in other cases, by the majority of the Senators in office.

Upon pronouncement of the declaration of guilt, the accused is removed from his position and he may not hold other public positions, whether subject to public election or not, for a period of five years.

The official declared guilty shall be subject to judgement by the competent court, in accordance with terms of the law both to ascertain the applicable penalties prescribed for the crime, if any, and to establish civil liability for the harm and damage caused to the State or to private individuals;

2.- To decide on the admissibility of judicial actions which any individual would attempt to bring against any Minister of State, on the grounds of damage which any such person may have unjustly suffered as a result of actions of a Minister of State while performing his duties;

3.- To take cognizance of conflicts of jurisdiction arising between political or administrative authorities and Higher Courts of Justice;

4.- To grant recovery of citizenship in the case prescribed in Article 17, No 2 of this Constitution;

5.- To lend or deny its consent to actions of the President of the Republic in cases required by the Constitution or by the law.

Should the Senate not make a pronouncement thereupon, within thirty days following the request of the President of the Republic for urgency thereof, it shall be understood that its assent has been granted;

6.- To grant its approval for the President of the Republic to leave the country for a period exceeding thirty days or during the last ninety days of his term;

7.- To declare the incapacity of the President of the Republic or of the President-elect when a physical or mental impediment prevents him from performing his duties; and to, likewise, declare in case of demission of the President of the Republic, whether or not the grounds therefor are well-founded and, in consequence, to accept or reject the demission. In both cases, the Constitutional Court should be previously heard;

8.- To approve by the majority of its members in office, the declaration of the Constitutional Court, reference to which is made in the second part of No 8 of Article 82;

9.- To exercise the authority prescribed for in the second part of Article 29; and

10.- To give its opinion to the President of the Republic in cases when he should so request.

The Senate, its legislative committees and other bodies thereof, including the parliamentary committees if any, and the Senators, may under no circumstances whatsoever, control the actions of the Government nor of its dependent entities, nor may they adopt agreements implying inspection, nor call special sessions or parts of sessions in order to issue opinions regarding such actions, nor on matters alien to its functions.

Exclusive Powers of the Congress

Article 50.- The exclusive powers of Congress are:

1.- To approve or reject international treaties submitted by the President of the Republic prior to ratification thereof. The approval of a treaty shall be subject to the procedures prescribed by a law.

The measures which the President of the Republic adopts or the agreements concluded by him for the fulfilment of a treaty in force shall not require new approval by the Congress, except in cases which constitute a matter of law.

In the same agreement, whereby a treaty is approved, the Congress may authorize the President of the Republic to decree, while such treaty is in force, the provisions with force of law which he may deem necessary for the complete enforcement thereof and in such circumstances, provisions prescribed for in the second and following paragraphs of Article 61 shall apply; and

2.- To make a pronouncement on the state of siege, in accordance with No 2 of Article 40 of this Constitution.

Functioning of Congress

Article 51.- Ordinary sessions of Congress shall be held every year commencing on the 21st day of May and ending on the 18th day of September.

Article 52.- Congress may be convoked by the President of the Republic for an extraordinary session

within the last ten days of an ordinary legislature or during parliamentary recess.

Should Congress not be convoked by the President of the Republic, it may convoke itself for an extraordinary session, through the President of the Senate, and upon written request of the majority of the members in office, of each of its Chambers. Self-convocation of Congress shall apply only during parliamentary recess and provided Congress had not been convoked by the President of the Republic.

When convoked by the President of the Republic, Congress may only deal with legislative matters or with international treaties, which the President of the Republic may have included in the agenda for said convocation, without prejudice to the dispatch of the Budgetary Law and the power of both Chambers to exercise their exclusive powers.

When convoked by the President of the Senate, Congress may deal with any matter of its concern.

The Congress shall always be understood to be convoked as a matter of law, to take cognizance of the declaration of the state of siege.

Article 53.- The Chamber of Deputies and the Senate may not commence sessions thereof or adopt resolutions without the attendance of one third of its members in office.

Each Chamber shall establish its own regulations for closure of debate by simple majority.

Common Norms for Deputies and Senators

Article 54.- The following persons may not be candidates for Deputy or Senator:

- 1.- Ministers of State;
- 2.- Intendants, Governors, Mayors and Members of Regional and Community Councils;
- 3.- Members of the Board of the Central Bank;
- 4.- The Justices of the Higher Courts of Justice, ordinary Judges, and Officers in charge of the Attorney Generalship;
- 5.- Members of the Constitutional Court, of the Elections Qualifying Court and of the Regional Electoral Courts;
- 6.- The Comptroller General of the Republic;

7.- Leaders of Unions, or Neighbors' Committees; and 8.- Natural persons and managers or administrators of bodies corporate who enter into contracts with the State, or guarantee such contracts.

The ineligibilities established in this Article, shall be applied to those who may have had the positions or duties mentioned above within two years immediately before the election; should they not be elected at that time, they may not be reinstated in the same position, nor may they be appointed for positions similar to those held for two years following the election.

Article 55.- The offices of Deputies and Senators are incompatible with each other and with any employment or commission paid for with funds of the State, or from Municipalities, autonomous Public Entities, Semi-public or State Enterprises, or those in which the National Treasury participates with the contribution of capital funds, and with all other functions or commissions of the same nature. Teaching positions and functions or commissions of an equal character in higher, secondary and special education are excepted.

Likewise, the officers of Deputies and Senators are incompatible with the functions of board members or advisers, even if they should be ad honorem, in autonomous Public Entities, Semi-public or State Enterprises, or those in which the State participates with a contribution of capital.

By the mere fact of being elected, the Deputy or the Senator shall cease in any other incompatible position, employment, function or commission held, effective on the date of his proclamation by the Elections Qualifying Court. In the case of former Presidents of the Republic, the mere fact of having become a member of the Senate, shall entail immediate surrender of incompatible positions, employment, functions or commissions which they should be holding. In the case of Senators referred to in letters (b) through (f) of the third paragraph of Article 45, they shall have the option to choose between that position and other incompatible position, employment, function or commission within fifteen days following their designation; should such option not be exercised, they shall lose the status of Senator.

Article 56.- No Deputy or Senator, from the time of incorporation in the case of letter (a) of Article 45, from the time he was proclaimed elect by the Elections Qualifying Court or from the date of his designation, as the case may be, and six months following the end of his term may be assigned to a position, function or commission such as those referred to in the preceding Article.

This provision shall not apply in case of a foreign war; nor is it applicable to the positions held by the President of the Republic, Ministers of State and Diplomatic Agents; but only the positions conferred upon in state of war, are compatible with the functions of Deputy or Senator.

Article 57.- The Deputy or the Senator who should leave the country for more than thirty days, without

permission of the Chamber where he belongs or in case of recess thereof, of its President, shall cease holding his seat.

A Deputy or Senator shall cease holding his seat, if during his term, he should enter into or guarantee contracts with the State; when acting as an attorney or agent in any type of lawsuit brought against the State; or when acting as an attorney or agent in private negotiations of an administrative nature, providing for public employment, counselorship, functions or commissions of a similar nature. The same penalty shall be applied to the Deputy or Senator who should accept the position of Board Member of a Bank or corporation or perform functions of similar importance in these activities.

The penalty referred to in the preceding paragraph, shall apply regardless as to whether the Deputy or the Senator should act for himself or through an intermediary, a natural person or body corporate or through an association to which he should be a party.

A Deputy or a Senator shall cease to hold his office if he should exercise any influence upon administrative or judicial authorities in favor or on behalf of the employer or of the workers in bargaining or labor conflicts, either of the public or private sector, or intervening in them before any of the parties. The same penalty shall be applied to the congressmen who should act or intervene in student activities, regardless of the branch of education, for the purpose of attempting against the normal course thereof.

Without prejudice to the provisions of Article 8, a Deputy or Senator shall, likewise, cease holding office if he should verbally or in writing incite to alteration of public order or advocate a change in the institutional juridical order by means other than those established by this Constitution, or should gravely affect the security and honor of the Nation.

A Deputy or Senator shall also cease holding his office if, while performing the functions of President of the respective Chamber or Committee, he permits the voting on a motion or proposal which is declared openly contrary to the Political Constitution of the State by the Constitutional Court. The same penalty shall be applied to the author or authors of such a motion or proposal.

The Deputy or Senator who should lose his position on any of the aforementioned grounds, shall not be eligible for any function or public employment, whether or not subject to popular election, for a period of two years, except for the cases prescribed for in Article 8, whereby the penalties therein shall be applied. The Deputy or Senator who, during his term of office, should lose any general requirement for eligibility or incur any of the causes of ineligibility referred to in Article 54, shall, likewise, cease to hold his office, without prejudice to the exception contemplated in the second paragraph of Article 56 with regard to Ministers of State.

Article 58.- Deputies and Senators enjoy inviolability only with regard to the opinions they should express and the votes registered in performance of their duties in Congressional Sessions or in

Committees.

No Deputy or Senator as of the date of his election or appointment or from the time of his incorporation into the respective Chamber may be tried or deprived of his freedom, except in the case of a flagrant crime, unless the Court of Appeals of the respective jurisdiction, in full court, has previously authorized the accusation, declaring that the process of law has been accepted. This decision may be appealed before the Supreme Court.

In case a Deputy or a Senator is arrested on charges of a flagrant crime, he shall be brought immediately before the respective Court of Appeals with the corresponding summary proceedings. The Court shall then proceed in accordance with the provisions of the aforementioned paragraph.

Upon declaration, by means of a final decision, that there are grounds for a process of law, the accused Deputy or Senator shall be suspended from his position and submitted to the competent judge.

Article 59.- Deputies and Senators shall receive as sole compensation, a fee equal to the remuneration of a Minister of State, all corresponding allowances included.

Matters of Law

Article 60.- Matters of law are only the following:

- 1.- Those which by virtue of the Constitution must be the subject of constitutional organic laws;
- 2.- Those which the Constitution demands that they be regulated by a law;
- 3.- Those which are subject to codification, whether civil, commercial, procedural, criminal or other;
- 4.- Basic matters relative to the juridical labor system, union, and social security systems;
- 5.- Those that govern public honors to prominent servants of the country;
- 6.- Those that modify the form or characteristics of the national emblems;
- 7.- Those that authorize the State, its Bodies and the Municipalities to contract loans designed to finance specific projects. The law must indicate the sources of the funds out of which the debt should be served. However, a law passed by a qualified quorum shall be required to authorize the contracting of loans the maturity date of which exceeds the duration of the term of the respective presidential period.

The provisions of the above paragraph shall not apply to the Central Bank;

8.- Those that authorize any type of operation which may, directly or indirectly, affect the credit or the financial responsibility of the State, its Bodies and the Municipalities.

This provision shall not apply to the Central Bank;

9.- Those that establish the norms by virtue of which State enterprises and those in which the State should have an interest, may contract loans which, in no case, could be arranged with the State, its Bodies or Enterprises;

10.- Those which establish the norms for expropriation of the assets of the State or of the Municipalities and for their leasing or concession;

11.- Those that establish or amend the political and administrative division of the country;

12.- Those that indicate the value, type and denomination of currency and system of weights and measures;

13.- Those that indicate the air, sea and land forces that must be maintained in time of peace or war, and the norms for permitting the entry of foreign troops into the territory of the Republic, as well as the departure of national troops from the territory.

14.- Others which the Constitution should indicate as laws arising from the exclusive proposal of the President of the Republic;

15.- Those that authorize the declaration of war upon proposal of the President of the Republic;

16.- Those granting general pardons and amnesties and those that set forth general norms in accordance with which the President of the Republic must exercise his authority to grant individual pardons and de gratia pensions;

17.- Those that indicate the city where the President of the Republic must reside, where the National Congress should hold its sessions and where the Supreme Court and the Constitutional Court should function;

18.- Those that establish the bases for the procedures governing acts of public administration;

19.- Those that regulate the functioning of lotteries, hypodromes and betting in general; and

20.- Every other norm of a general and binding nature, establishing the essential bases of juridical order.

Article 61.- The President of the Republic may request authorization from the National Congress in order to issue provisions with force of law for the term not exceeding one year, on matters of law,

This authorization may not be extended to nationality, citizenship, elections or plebiscite, nor to matters covered by the constitutional guarantees or which must be a matter of the constitutional organic laws or of laws passed by a qualified quorum.

The authorization may not include powers that affect the organization, powers and the legal system of the officers of the Judiciary, the National Congress, the Constitutional Court or the Office of the Comptroller General of the Republic.

The law which should grant the aforementioned authorization, shall indicate the specific matters covered by the delegation of power and may establish or determine the limitations, restrictions and formalities deemed appropriate.

The Office of the Comptroller General of the Republic shall register these decrees having force of law and must reject them when they should exceed or contravene the aforesaid authorization.

With regard to their effect, publications and effectiveness, the decrees having force of law shall be submitted to the same norms as the Law.

Generation of Laws

Article 62.- Laws may originate in the Chamber of Deputies or in the Senate through a document from the President of the Republic, or through a motion of any of their members. The motions may not be signed by more than ten Deputies or by more than five Senators.

Laws on taxes, whatever their nature, on budgets of public administration and recruiting laws may only originate in the Chamber of Deputies. Laws of amnesty and general pardons may only originate in the Senate.

The President of the Republic holds the exclusive initiative for proposals of law related to changes of the political or administrative division of the country, or to the financial or budgetary administration of the State, amendments to the Budgetary Law included, and matters specified in numbers 10 and 13 of Article 60.

The President of the Republic shall also hold the exclusive initiative for:

- 1.- Imposing, suppressing, reducing or condoning taxes of any type or nature, establishing exemptions or amending those in effect and determining their form, proportionality or progression;
- 2.- Creating new public services or remunerated employment, whether public, semipublic, autonomous, in State or Municipal Enterprises; eliminating them and determining functions or powers thereof;
- 3.- Contracting loans or carrying out any other undertakings which might affect the financial credit or the financial responsibility of the public, semipublic, autonomous agencies or municipalities, and condoning, reducing or amending obligations, interest rates or other financial burdens of any nature, established on behalf of the National Treasury or of the aforementioned Bodies or Agencies;
- 4.- Establishing, amending, granting or increasing remunerations, retirement payments, pensions, widows' and orphans' allowances, any other type of income or emoluments, loans or benefits to active or retired personnel and beneficiaries of widows' and orphans' allowances, of the Civil Service and of the other aforementioned Agencies and Entities, as well as fixing minimum wages for workers of the private sector; mandatorily increasing their salaries and other economic benefits or modifying the grounds for determination thereof; the foregoing is stipulated without prejudice to provisions of the following numbers;
- 5.- Establishing the norms and procedures applicable to collective bargaining and determining the cases where bargaining is not permitted; and
- 6.- Establishing or amending the norms on or regarding social security of both the public and the private sector.

The National Congress may only accept, reduce or reject the services, employment, salaries, loans, benefits, expenditures and other related proposals made by the President of the Republic.

Article 63.- Laws having a constitutional organic nature granted by the Constitution and those interpreting the constitutional precepts, shall require for approval, amendment or abrogation thereof, the vote of three-fifths of the Deputies and Senators in office.

The laws passed by a qualified quorum shall require for approval, amendment or abrogation thereof, an absolute majority of the Deputies and Senators in office.

Article 64.- The Budgetary Law Bill must be submitted to the National Congress by the President of the Republic at least three months prior to the date on which it should become effective; should it not be passed by Congress within sixty days from the date of its submittal, the project submitted by the President of the Republic shall enter into force.

The National Congress may not increase or diminish the estimate of revenues; it may only reduce the expenditures contained in the Budgetary Law Bill, except for those established by permanent Law.

Estimation of the returns of resources stated in the Budgetary Law and of the other resources established by any other proposed law shall be the exclusive right of the President, following a report to be submitted by the respective technical agencies.

Congress may not approve additional expenditures by charging them to the funds of the Nation without indicating, at the same time, the sources of the funds needed to meet such expenditures. In case the source of funds granted by Congress were insufficient for financing any additional expenditures approved, the President of the Republic upon promulgating the law, subject to favorable report from the service or institution through which new returns are collected, countersigned by the Comptroller General of the Republic, must proportionately reduce all expenditures, regardless of their nature.

Article 65.- A bill which has been dismissed in general in the Chamber of origin, may not be reintroduced until one year has elapsed. However, the President of the Republic, in the case of a bill of his proposal, may request that the document be sent to the other Chamber, if the latter gives general approval, it shall be returned to the Chamber of origin, and it may only be considered as rejected if this Chamber does so with the vote of three-fourths of its members present.

Article 66.- Every bill may be subject to additions or amendments in the course of its consideration, both in the Chamber of Deputies and in the Senate; but in no case shall those be admitted, if they do not have a direct connection with the central or fundamental ideas of the proposed law. The President of the respective Chamber or Committee and the author or authors of the amendment or modification submitted in contravention of this norm, shall suffer the penalty established in Article 57, paragraph 6, of this Constitution.

Once a bill is approved in the Chamber of origin, it shall immediately pass to the other Chamber for discussion thereof.

Article 67.- A bill which has been totally dismissed by the Reviewing Chamber shall be considered by a Mixed Commission, composed of an equal number of Deputies and Senators, which shall suggest the manner and form of solving the difficulties. The bill drafted by the Mixed Commission shall be returned to the Chamber of origin and in order that it be approved, both by it and by the Reviewing Chamber, the majority of the members present in each of them shall be required. Should the Mixed Commission not reach an agreement or should the Chamber of origin reject the proposal of said Commission, the President of the Republic may request the Chamber of origin to decide as to whether or not it will insist, by two-thirds of its members present, in the bill approved by it in the first stage of the process. Once insistence has been agreed upon, the bill goes, for the second time, to the Chamber which had dismissed

it and it shall be understood that this Chamber rejects it only if two-thirds of its members present agree thereto.

Article 68.- A bill which has been subject to additions or amendments by the Reviewing Chamber shall be returned to the Chamber of origin and such additions or amendments shall be understood to have been approved by the latter with the vote of the majority of the members present.

If the additions or amendments were rejected, a Mixed Commission shall be established and the same procedures set forth in the preceding Article shall be followed. In case agreement is not reached in the Mixed Commission to resolve the differences between these two Chambers, or should one of the Chambers reject the proposal of the Mixed Commission, the President of the Republic may ask the Chamber of origin to reconsider the bill approved in a second stage by the Reviewing Chamber. It is understood that the Chamber of origin approves the additions or amendments of the Reviewing Chamber if two-thirds of its members present do not agree to reject them.

Article 69.- A bill which shall have been approved by both Chambers shall be sent to the President of the Republic and should it meet with his approval, he shall order that it be promulgated as a law.

Article 70.- Should the President of the Republic disapprove the bill, he shall return it to the Chamber of origin, with the convenient comments on it, within thirty days.

In no case shall comments not directly related to the central or fundamental ideas of the bill, be accepted, unless such comments had been considered in the respective document.

If both Chambers should approve the comments, the bill shall have force of law and it shall be returned to the President of the Republic for promulgation thereof.

If both Chambers should reject all or some of the comments and should they insist, by two-thirds of the members present, on the entire bill, or a part thereof, approved by them, it shall be returned to the President of the Republic for promulgation thereof.

Article 71.- The President of the Republic may, in one or in all of the stages of consideration of the bill, point out the urgency for passing a bill, and in such case, the respective Chamber shall have to make a pronouncement thereupon within a period not exceeding thirty days.

The urgency shall be qualified by the President of the Republic in accordance with the constitutional organic law relative to the Congress, which shall also provide for all procedures for the internal processing of the law.

Article 72.- Should the President of the Republic not return the bill within thirty days from the date of its transmittal, it will be understood that he approves it and that it shall be promulgated as a law. In the event the Congress should close its period of sessions prior to the completion of thirty days in which return is to be effected, the President shall return the bill within the first ten days of the following ordinary or extraordinary session.

Promulgation must always be made within a period of ten days, from the date on which such promulgation should be in order.

Publication shall occur within the five working days following the date on which the decree of promulgation is totally processed.

CHAPTER VI

Judiciary

Article 73.- The power to take cognizance of civil and criminal cases, to resolve them and enforce compliance of judgements, is vested exclusively in the Courts established by law. Neither the President of the Republic nor the Congress may, in any case whatsoever, exercise judicial functions, take over pending cases, revise the grounds for or contents of their decisions or revive closed cases.

Courts may not excuse themselves from exercising their authority if their intervention is requested in a legal manner and in connection with affairs of their jurisdiction, not even in the absence of a law to resolve the dispute or issue submitted to their decision.

To enforce execution of decisions and to carry out instructions they have decreed, or have them carried out, the ordinary and the special Courts of Justice comprising the Judiciary may issue direct orders to the public forces or exercise available means of action for enforcement thereof. The other courts shall act in accordance with the manner indicated by law.

The requested authority shall fulfill the judicial mandate, without further proceedings, and may not judge the grounds or opportunity thereof, or the justice or legality of the decision to be executed.

Article 74.- A constitutional organic law shall determine the organization and authorities of the Courts needed for the prompt and complete administration of justice in the entire territory of the Republic. The same law shall respectively indicate the requirements to be met by the Judges to qualify and the number of years the persons appointed in the capacity of Justices of the Court or ordinary Judges, should have

practiced the profession of lawyer.

The constitutional organic law regarding organization and authorities of the Courts may only be amended after the Supreme Court has been heard on the matter.

Article 75.- With regard to the appointment of Judges the law shall conform to the following general precepts:

The Justices and Prosecutors of the Supreme Court shall be appointed by the President of the Republic, by selecting them from a slate of five persons who, in each case, shall be proposed by the Court itself. Included in the slate submitted by the Court shall be the senior Justice of the Court of Appeals, who should appear on the list of merits. The other four places shall be filled in accordance with the merits of the candidates; persons alien to the administration of justice shall also be eligible.

The Justices and Prosecutors of the Courts of Appeals shall be appointed by the President of the Republic selected from a slate of three persons proposed by the Supreme Court.

Ordinary Judges shall be appointed by the President of the Republic and shall be selected from a slate of three persons proposed by the Court of Appeals of the respective jurisdiction.

The senior ordinary Judge, for civil or criminal cases of the Court, or the senior ordinary Judge for civil or criminal cases in the position next below that to be filled, who appears on the list of merits and has expressed his interest in that position, shall be included in the corresponding list of three. The other two places will be filled considering the merits of the candidates.

However, when dealing with the appointment of deputy Justices of Courts, the appointment may be made by the Supreme Court, and, in the case of Judges, by the respective Court of Appeals. These appointments may not last more than thirty days and are not extendible. In case the aforementioned Higher Courts do not avail themselves of such power, or if the period of subrogation has expired, vacancies shall be filled in the above-mentioned ordinary manner.

Article 76.- The Judges are personally liable for bribery, failure to observe substantial matters of law, governing procedure, denial and wrongful administration of Justice; and in general, for any prevarication incurred in the performance of their functions.

In connection with members of the Supreme Court, the law shall determine the cases and the manner in which this responsibility is to be enforced.

Article 77.- As long as Judges perform their duties properly, they shall remain in office; however, lower-

court Judges shall perform their respective judgeship for the period determined by law.

Notwithstanding the above, Judges shall cease their functions upon completing the age of 75 years; or resignation or legal supervening disability or in case they are deposed from their positions for legally sentenced cause. The norm relative to age shall not apply with regard to the President of the Supreme Court who shall remain in his post through the end of his term.

At any rate, the Supreme Court may, upon demand by the President of the Republic, upon request made by an interested party or by an official letter, declare that Judges have not performed their duties properly, and, subject to the statement by the defendant and to a report from the respective Court of Appeals, the majority of its members may agree to remove them from office. These agreements shall be communicated to the President of the Republic in order that they may enter into effect.

The President of the Republic, at the proposal or decision of the Supreme Court, may authorize exchanges or order the transfer of Judges or other officials and employees of the Judiciary from one post to another of equal rank.

Article 78.- Justices of the Higher Courts, Prosecutors and ordinary Judges, who are members of the Judiciary, may not be apprehended without an order from the competent Court, except in case of flagrant offense or crime, and only to be immediately brought before the court which is to try the matter in conformity with the law.

Article 79.- The Supreme Court is entrusted with the executive, correctional and economic supervision of all the Courts of the nation. The Constitutional Court, the Elections Qualifying Court, the Regional Electoral Courts and the Military Courts in time of war are excepted from this norm. The Courts which take cognizance of matters contested under administrative law shall be subject to this supervision in accordance with the law.

The Supreme Court shall also take cognizance of disputes over competence arising between political or administrative authorities and the Courts of Justice, the decision of which does not appertain to the Senate.

Article 80.- The Supreme Court may, by means of an official letter or upon request of a party, in matters of which it takes cognizance, or which may have been submitted to it by an appeal filed for a cause followed before another Court, declare inapplicable for such particular cases all legal precepts contrary to the Constitution. This appeal may be filed during any stage of the proceedings and the Court may order stay of proceedings.

CHAPTER VII

Constitutional Court

Article 81.- There shall be a Constitutional Court composed of seven members designated in the following manner:

- (a) Three Justices of the Supreme Court, elected by said Court by an absolute majority in successive and secret balloting;
- (b) A Lawyer appointed by the President of the Republic;
- (c) Two Lawyers elected by the National Security Council;
- (d) A Lawyer elected by the Senate by an absolute majority of the Senators in office.

The persons referred to in letters (b), (c) and (d) must have had their professional degree for at least fifteen years; must have had an outstanding performance in professional, university or public activities; must not have any impediment that would incapacitate them to perform the duties of Judge; they shall be subject to the norms of Articles 55 and 56, and their posts shall be incompatible with that of Deputy or Senator as well as with that of Member of the Elections Qualifying Court. Furthermore, in the cases of letters (b) and (d), such persons should be or should have been Lawyers integrating the Supreme Court for at least three consecutive years.

The members of the Court shall serve eight years, be partially replaced every four years, and must not be removed.

Provisions of Article 77, second paragraph, relative to age, and Article 78, shall be applicable to them.

Persons referred to in letter (a) shall also cease their functions should they, for any reason, cease to be Justices of the Supreme Court.

Should a Member of the Constitutional Court cease his functions, he shall be substituted for the one entitled to, in accordance with the provisions of the first paragraph of this Article and for the time remaining for the incumbent to complete his term.

Sessions shall be held with a quorum of five members. The Court shall take its decisions by a simple majority and shall pronounce judgement according to law.

A constitutional organic law shall determine the staff, remunerations and statute for personnel of the Constitutional Court, as well as its organization and functioning.

Article 82.- Powers of the Constitutional Court are:

- 1.-To exercise control of the constitutionality of the constitutional organic laws prior to their promulgation, and of the laws that interpret some precept of the Constitution;
- 2.-To resolve on questions regarding constitutionality which might arise during the processing of bills or of constitutional amendment and of treaties submitted to the approval of Congress;
- 3.-To resolve on questions which should arise over the constitutionality of a decree having force of law;
- 4.-To resolve on questions which should arise regarding constitutionality on calling a plebiscite, without prejudice to the powers corresponding to the Elections Qualifying Court.
- 5.-To resolve on complaints in case the President of the Republic does not promulgate a law when he should, or when he promulgate a text different from that which constitutionally corresponds or when he issues an unconstitutional decree;
- 6.-To decide, when required by the President of the Republic in conformity with Article 88, on the constitutionality of a decree or resolution of the President which the Office of the Comptroller General may have objected to, for deeming it unconstitutional;
- 7.-To declare the unconstitutionality of organizations, movements or political parties, in accordance with the provisions of Article 8 of this Constitution;
8. To declare, in conformity with Article 8 of this Constitution, the responsibility of persons who attempt or who should have attempted against institutional order of the Republic. However, if the affected person were the President of the Republic or the President-elect, said declaration shall, in addition, require the agreement of the Senate, adopted by a majority of its members in office;
- 9.- To report to the Senate on the cases referred to in Article 49, No 7, of this Constitution;
- 10.- To decide on the constitutional or legal inabilities preventing a person from being appointed Minister of State, from remaining in that post, or from performing other functions simultaneously;
- 11 .- To pronounce itself on ineligibilities, incompatibilities and grounds for ceasing the terms of office of congressmen; and
- 12.- To decide on the constitutionality of supreme decrees issued by the President of the Republic within his reglamentary powers, when such decrees are issued on matters that might be reserved to the law by mandate of Article 60.

The Constitutional Court may conscientiously analyze facts when taking cognizance of the powers indicated in Nos 7, 8, 9 and 10; likewise, when dealing with grounds for ceasing the post of a member of Congress.

In the case of No 1, the Chamber of origin shall forward to the Constitutional Court the respective bill within the five days following completion thereof by Congress.

In the case of No 2, the Court may only take cognizance of the matter at the request of the President of the Republic, or of either of the Chambers, or of a fourth of their members in office, provided such request is made before the law has been promulgated.

The Court must take a decision within a period of ten days counted from the date on which the request has been received, unless it decides to postpone it for another ten days for serious and justified reasons.

The request shall not suspend consideration of the bill; however, the part thereof which is objected to may not be promulgated until the aforementioned period has expired, except when it deals with the Budgetary Law Bill or with the Bill related to the declaration of war proposed by the President of the Republic.

In the case of No 3, the questions may be formulated by the President of the Republic within a period of ten days, when the Comptroller General objects to a decree having force of law on grounds of unconstitutionality. The questions may also be raised by either of the Chambers or by a fourth of their members in office in case the Office of the Comptroller General should have registered a decree having force of law objected to for being unconstitutional. This request must be made within a period of thirty days from the time of publication of the respective decree having force of law.

In the case of No 4, the question may be raised at the request of the Senate or the Chamber of Deputies, within ten days of the date of publication of the decree which sets the date for the plebiscite.

The Court shall establish the definitive text of the questions submitted to plebiscite in its decision when appropriate.

If the decision is issued less than thirty days prior to the date on which the plebiscite should be held, the Court shall establish a new date, extending between thirty and sixty days following the decision.

In the cases of No 5, the question may be raised by either of the Chambers or by one-fourth of their members in office, within thirty days following publication or notification of the objected text, or within sixty days following the date on which the President of the Republic should have promulgated the law. If the Court accepts the demand, it shall promulgate in its decision the law which had not been promulgated or rectify the incorrect promulgation thereof.

In the case of No 9, the Court may only take cognizance of the matter at the request of the Chamber of Deputies or of a fourth of its members in office.

Public action shall be available to petition the Court regarding the powers conferred thereupon by Nos 7, 8 and 10 of this Article.

However, if in the case of No 8, the person affected were the President of the Republic or the President-elect, the petition shall be filed by the Chamber of Deputies or a fourth of its members in office.

In the case of No 11, the Court may only take cognizance of the matter at the request of the President of the Republic or of at least ten Congressmen in office.

In the case of No 12, the Court may only take cognizance of the matter at the request of either Chamber made within thirty days following the publication or notification of the objected text.

Article 83.- No appeal whatsoever shall apply against the decisions of the Constitutional Court; nevertheless, the same Court, in conformity with the law may correct the **de facto** errors which may have been made.

The provisions which the Court should declare to be unconstitutional may not become a law in the bill or decree having force of law dealing therewith. In the cases of Nos 5 and 12 of Article 82, the objected supreme decree shall be rendered void as a matter of law, on the sole merit of the sentence of the Court accepting the claim.

Once the Court has decided that a specific legal precept is constitutional, the Supreme Court may not declare it inapplicable on the same grounds on which the sentence was based.

CHAPTER VIII

Electoral Justice

Article 84.- A special Court which shall be known as the Elections Qualifying Court shall take cognizance of the general scrutiny and qualification of the results of the election for the President of the

Republic, Deputies and Senators; it shall resolve on complaints deriving therefrom and shall proclaim those candidates who are elected. Said Court shall, likewise, take cognizance of plebiscites and shall be vested with other powers determined by law.

The Court shall be composed of five members appointed in the following manner:

- (a) Three Justices or former Justices of the Supreme Court, elected by the latter in successive and secret balloting by an absolute majority of its members;
- (b) A Lawyer elected by the Supreme Court in the aforementioned manner who should meet the requirements prescribed for in the second paragraph of Article 81;
- (c) A former President of the Senate or of the Chamber of Deputies having held the post for a period not less than three years, to be elected through lots drawn;

The appointments referred to in letters (b) and (c), may not be conferred upon Congressmen, Candidates to positions assigned by popular elections, Ministers of State or Leaders of political parties.

Members of this Court shall remain in office for a period of four years, and provisions set forth in Articles 55 and 56 of this Constitution shall be applicable to them.

The Elections Qualifying Court shall act as jury when analysing facts and shall pronounce judgement in accordance with the law.

A constitutional organic law shall regulate the organization and functioning of the Elections Qualifying Court.

Article 85.- There will be Regional Electoral Courts in charge of taking cognizance of the qualifications of labor union elections and of those held in intermediate groups determined by law.

These Courts shall be composed of a Justice of the respective Court of Appeals, elected by the latter, and two members appointed by the Elections Qualifying Court chosen from among lawyers who have practiced the profession or persons who have served as a Justice or as a Member of the Court of Appeals for a period not less than three years.

The Members of these Courts shall serve four years and shall be subject to the ineligibilities or incompatibilities determined by law.

These Courts shall act as juries when analyzing facts and shall pronounce judgement in accordance with the law.

The law shall determine the other powers of these Courts and shall regulate the organization and functioning thereof.

Article 86.- Every year the national Budgetary Law shall allocate the funds necessary for the organization and functioning of these Courts. The staff, remunerations and personnel statutes shall be established by law.

CHAPTER IX

Office of the Comptroller General of the Republic

Article 87.- An autonomous body known as the Office of the Comptroller General of the Republic, shall watch over the legality of the acts of the Administration, control revenues and investment of the funds of the National Treasury, the Municipalities and the other Bodies and Services determined by law; examine and control on the accounts of persons entrusted with assets of such entities; handle the general accounting of the Nation; and perform the other functions entrusted thereto by the respective constitutional organic law.

The Comptroller General of the Republic shall be appointed by the President of the Republic with agreement of the Senate adopted by the majority of its members in office. He must not be removed from office and shall cease his functions upon completing 75 years of age.

Article 88.- In the exercise of the function of, control of legality, the Comptroller General shall register the decrees and resolutions which, in conformity with the law, must be processed through the Comptroller's Office or state his observations on the illegality which might be found therein; however, he must process them when despite his observations, the President of the Republic should insist, with the signature of all his Ministers, in which case he must send a copy of the respective decrees to the Chamber of Deputies. In no case shall the Comptroller General allow decrees on expenditures exceeding the limit set forth in the Constitution; in such cases, he shall forward a complete copy of the background information to that Chamber.

The Comptroller General of the Republic is likewise required to register decrees having force of law and object to them whenever they should exceed or contravene the delegatory law or when contrary to the Constitution.

In case of objection to a decree having force of law, a decree promulgating a law or a constitutional amendment for not being in line with the approved text, or a decree or resolution for being contrary to the Constitution, the President of the Republic shall not be empowered to insist; in the event the President of the Republic should disagree with the observations of the Office of the Comptroller General of the Republic, he shall send the background information to the Constitutional Court within a period of ten days, in order that the controversy be resolved by such Court.

As for the rest, the organization, functioning and powers of the Office of the Comptroller General of the Republic shall be the subject of a constitutional organic law.

Article 89.- The Treasuries of the State may not make any payment except by virtue of a decree or resolution issued by a competent authority, stating therein the law or the section of the budget authorizing such an expenditure. Payments shall be made considering, in addition, the chronological order established in it and subject to budgetary countersignature of the document ordering the payment.

CHAPTER X

Armed Forces, Forces of Order and Public Security

Article 90.- The Forces dependent on the Ministry in charge of National Defense are constituted only and exclusively by the Armed Forces and the Forces of Order and Public Security.

The Armed Forces are composed of the Army, Navy and Air Force only. They exist for the defense of the fatherland, are essential for national security and guarantee the institutional order of the Republic.

The Forces of Order and Public Security are composed of the Armed Police and Bureau of Investigations only; they constitute the public force and their function is to ensure the effectiveness of law and guarantee public order and public internal security, in the manner determined by their respective organic laws. The Armed Police shall, in addition, incorporate into the Armed Forces in order to guarantee the institutional order of the Republic.

The Armed Forces and the Armed Police, as armed corps, are essentially obedient and not deliberating bodies. In addition, the forces attached to the Ministry in charge of National Defense are professional, hierarchic and disciplined.

Article 91.- Incorporation into the personnel and establishments of the Armed Forces and Armed Police may only be obtained through their own schools, with the exception of the professional ranks and civil servants as determined by law.

Article 92.- No person, group or organization may possess or own arms or other similar implements indicated by a law passed by a qualified quorum, without due authorization granted in conformity with the latter.

The Ministry in charge of National Defense or a Body depending thereon shall be entrusted with the

supervision and control of arms in the manner determined by law.

Article 93.- The Commanders-in-Chief of the Army, Navy and Air Force, and the General, Director of the Armed Police shall be appointed by the President of the Republic from among the five senior generals who have the qualifications required by the respective institutional statutes for such posts. They shall serve their posts for four years, may not be reappointed for a new term of office and shall not be subject to removal from their posts.

In qualified cases, the President of the Republic, with the agreement of the National Security Council, may call the Commanders-in-Chief of the Army, Navy and Air Force or the General, Director of the Armed Police to retirement, as the case may be.

Article 94.- The appointments, promotions and retirements of officers of the Armed Forces and Armed Police shall be made by supreme decree, in accordance with the law and the regulations of each institution.

Entry, assignments, promotions and retirements in the Bureau of Investigations shall be made in conformity with its organic law.

CHAPTER XI

National Security Council

Article 95.- There shall be a National Security Council presided over by the President of the Republic and composed of the presidents of the Senate and of the Supreme Court, of the Commanders-in-Chief of the Armed Forces, and of the General, Director of the Armed Police.

Ministers of the Interior, Foreign Relations, National Defense, Economy and Finance shall also participate as members of the Council, but without the right to vote. The Chief of the General Staff of National Defense shall act as Secretary.

The National Security Council may be convoked by the President of the Republic or on request of two of its Members and it shall require a quorum of an absolute majority of its Members in order to hold sessions. To the effects of convoking the Council and of the quorum for holding sessions, only its Members with the right to vote, shall be considered.

Article 96.- The functions of the National Security Council shall be:

- (a) To advise the President of the Republic on any matter linked to the National Security when he should so request;
- (b) To express to any authority established by the Constitution, its opinion regarding any fact, action or matter which in its judgement gravely attempts against the foundations of institutionality or which might affect the national security;
- (c) To report previously on matters referred to in No 13 of Article 60;
- (d) To seek from authorities and officials of the Administration all the background information related to the external and internal security of the State. In such case, the person to whom the request has been made, is obliged to furnish them, and his refusal shall be punished in the manner established by law; and
- (e) To exercise the other powers entrusted thereto, by this Constitution,

The agreements or opinions referred to in letter (b) may be public or reserved, as determined by the Council in each particular case.

A regulation issued by the Council itself shall state the other provisions concerning its organization and functioning.

CHAPTER XII

Central Bank

Article 97.- There shall be an autonomous body of a technical nature with patrimonial assets of its own, known as the Central Bank, whose composition, organization, functions and powers shall be determined by a constitutional organic law.

Article 98. - The Central Bank may only perform transactions with financial institutions, either public or private. In no way whatsoever may it act as collateral thereof nor secure documents issued by the State, its Bodies or Enterprises.

No public expenditure or loan may be financed with direct or indirect credits of the Central Bank

However, in case of a foreign war or the menace of such a war, as determined by the National Security Council, the Central Bank may secure, grant or finance credits to the State and public or private entities.

The Central Bank may not adopt any agreement which should represent, in a direct or indirect manner, the establishment of different or discriminatory norms or requirements in relation to persons, institutions or entities performing transactions of the same nature.

CHAPTER XIII

Government and Internal Administration of the State

Article 99.- For the government and the internal administration of the State, the territory of the Republic is divided into regions and these into provinces. To the effects of local administration, the provinces shall be divided into districts.

The alteration of the boundaries of the regions, as well as the creation, modification and suppression of provinces and districts, shall be a matter of law. The same applies for determining the capitals of regions and provinces; all of which is to be done on the proposal of the President of the Republic.

Government and Regional Administration

Article 100.- The government and the higher administration of each region rest with the Intendant, who shall be of the exclusive confidence of the President of the Republic. The Intendant shall perform said functions in accordance with the law and with the orders and instructions of the President whose natural and immediate agent he is in his jurisdictional territory.

The Intendant shall be entrusted with the making of the development policy of the region, according to the national plans, and with the supervision, coordination and inspection of public services, with the exception of the Office of the Comptroller General of the Republic and the Courts of Justice.

The law shall establish the manner in which the Intendant shall exercise these powers, the other faculties conferred upon him and the Bodies which shall advise him.

Article 101.- Established in each region shall be a Regional Development Council, headed by the Intendant and composed of the Governors of the respective provinces, a representative of each of the institutions of the Armed Forces and Armed Police with seat in the respective region, and by Members appointed by the principal public and private Bodies performing activities in the territorial area of the region. The majority of the Members of said council shall represent the private sector.

A constitutional organic law shall determine, according to the characteristics of each region, the number

of Members of the Council, the form of appointment and duration in their posts, and matters related to organization and functioning of the Council, and the cases in which public officials integrating such Council shall have the right to vote.

Article 102.- The function of the Regional Council is to advise the Intendant and contribute to the effective participation of the community in the economic, social and cultural progress of the region.

The law shall determine the matters on which consultation of the Intendant with the council shall be mandatory and those in which the agreement of the council shall be necessarily required. In any case, such agreement shall be required for the approval of projects related to the regional development plan and to the regional budget. The decision on the distribution of regional development funds shall rest with the Council.

The Regional Councils shall have the other powers provided for by the Constitution and the law.

Article 103.- The law shall provide for, with the appropriate exceptions, the regional decentralization of the Ministries and Public Services as well as the procedures to ensure their due coordination and facilitate the exercise of the powers of the regional authorities.

Article 104.- Notwithstanding the funds allotted to the regions in the Budgetary Law of the Nation, said law shall provide for a percentage of the total revenues of said budget to be distributed among the regions of the country, known as the national fund for regional development. The law shall establish the manner in which this fund is to be distributed.

Government and Provincial Administration

Article 105.- The government and the higher administration authority in each province are vested in a Governor who is subordinate to the respective Intendant and who shall be of the exclusive confidence of the President of the Republic.

The Governor is entrusted with the supervision of public services in the province, in compliance with instructions from the Intendant. The law shall determine the powers which the Intendant may delegate upon the Governor as well as those pertaining to him.

Article 106.- Governors may, in the cases and in the manner prescribed for by law, appoint delegates to carry out their authority in one or more localities.

Administration of Districts

Article 107.- Local administration of each district or group of districts established by law, is vested in a Municipality, constituted by the Mayor, who is its superior authority, and by the respective District's Council.

Municipalities are public-law corporations with legal capacity and patrimony of their own, the objective of which is to satisfy the needs of the local community and ensure its participation in the economic, social and cultural progress of the district.

A constitutional organic law shall determine the powers of the Municipalities and the terms of office of Mayors.

The Municipalities and other Public Services existing in the respective district shall coordinate their action in conformity with the law.

Article 108.- The Mayor shall be appointed by the respective Regional Development Council on the proposal of the District's Council in ternary. The Intendant shall have the right to veto said ternary for one time only.

However, the Mayor shall be appointed by the President of the Republic in those districts which the law may determine, taking into account the population and the geographical location thereof.

Mayors may, in the cases and in the manner determined by the law, appoint delegates to carry out their authority in one or more localities.

Article 109.- In each Municipality there shall be a Council for Community Development, presided over by the Mayor. It shall be composed of representatives of Community Organizations of a territorial and functional nature, and of the relevant activities in the district, with the exception of those of a guild or union nature, and of the public administration.

The constitutional organic law relative to Municipalities shall determine, according to the characteristics of each district, the number, form of designation and term of office of the Council Members, as well as everything related to the organization and functioning of the Council.

Article 110.- The function of the Council for Community Development is to advise the Mayor and

ensure the effective participation of the community in the economic, social and cultural progress of the district.

The law shall determine the matters on which the Mayor's consultation with the Council shall be mandatory as well as those on which the agreement of the Council shall be necessary. In any case, such agreement shall be required for the approval of projects in connection with the community development plan and the municipal budget.

Article 111.- The Budgetary Law of the Nation may finance the functioning costs of the Municipalities.

General Provisions

Article 112.- The law may establish the coordination formulas for the administration of all or any of the Municipalities of the regions, regarding their common problems, as well as the existing Public Services in the corresponding region.

Article 113.- To be appointed Intendant, Governor or Mayor, it is required that the person be a citizen with the right to vote and other qualifications described in the law.

The posts of Intendant, Governor and Mayor are incompatible with each other. Excluded from these norms are regional Intendants who may be Governors of a province which is head of a region.

The aforementioned incompatibility shall not apply to Mayors appointed by the President of the Republic.

No Court may undertake criminal action against an Intendant or Governor without the pronouncement of the respective Court of Appeals on the existence of grounds for a process of law.

Article 114.- The law shall establish the grounds on which Mayors, designated by the Regional Councils and Members integrating those Councils and those of the districts, should cease to hold their offices.

Article 115.- The law shall determine the manner for settling questions of competence which might arise among national, regional, provincial and community authorities.

It shall, likewise, establish the manner for reconciling discrepancies which occur between the Intendant and the Regional Councils, and between the Mayor and Community Councils, with regard to the approval of projects relative to development plans and budgets, respectively.

CHAPTER XIV

Amendment to the Constitution

Article 116.- Proposals to amend the Constitution may be put forward by a message from the President of the Republic or by motion of any Member of the National Congress, subject to the limitations stated in the first paragraph of Article 62.

In order to be approved by each Chamber, the amendment proposal shall require the supporting vote of three-fifths of the Deputies and Senators in office,

The system of urgencies shall be applicable to the constitutional amendment proposals.

Article 117.- Both Chambers, met in Plenary Congress and in open session, with the attendance of the majority of the total membership, held sixty days following approval of a proposal as prescribed for in the preceding article, shall take cognizance thereof and proceed to vote on it without debate.

If on the day appointed, a majority of the total membership should not be present, the session shall be held on the following day, with the attending Deputies and Senators.

The proposal approved by the majority of the Plenary Congress, shall be submitted to the President of the Republic.

Should the President of the Republic entirely object to an amendment proposal approved by the Congress, and the latter insist upon the complete proposal by three-fourths of the members in office of each Chamber, the President shall promulgate said proposal, unless he consults the citizens through a plebiscite.

If the President of the Republic partially objects to the amendment proposal approved by the Congress, the objections will be understood to have been approved by a supporting vote of the absolute majority of the members in office of each Chamber, and it shall be returned to the President for its promulgation.

If the Chambers should not approve all or some of the objections made by the President, no constitutional amendments shall be made on the matters being objected to, unless two-thirds of the members in office of both Chambers insist upon the part of the proposal approved by them. In the latter case, the part of the proposal having been insisted upon shall be returned to the President for its promulgation, unless the President consults the citizens through a plebiscite with respect to the matters in dispute.

The constitutional organic law relative to the Congress shall regulate the remaining matters concerning the vetoes on the amendment proposals and their procedure in the Congress.

Article 118.- Constitutional amendments intended to modify the norms on plebiscites prescribed in the preceding Article, to diminish the powers of the President of the Republic and to grant greater powers to the Congress or new prerogatives to the Congressmen, shall, at all times, require the approval of both, the President of the Republic, and the two-thirds of the members in office of each Chamber, and a plebiscite shall not be applicable in that respect.

In order to be approved, the amendment proposals concerning Chapters I, VII, X and XI of this Constitution shall meet the requirements stated in the preceding paragraph. However, the proposal so approved, shall not be promulgated, and it will be kept until the following joint renewal of the Chambers, and in the first session held by these Chambers, they shall submit the text already approved to debate and voting; without being subject to any further amendments. Only in case the amendment should be ratified by two-thirds of the members in office of each House of the new Congress, it will be returned to the President of the Republic for promulgation. Nevertheless, if the President should disagree, he may consult the opinion of the citizens through a plebiscite.

Article 119.- A plebiscite shall be convoked within thirty days following the date on which both Chambers insist upon the proposal approved by them, and it shall be ordered by Supreme Decree fixing the date on which the plebiscite is to be held, provided it will not take place before thirty days nor after sixty days from the date of publication of said decree. Should the President have not convoked a plebiscite within such period of time, the proposal approved by the Congress shall be promulgated.

The convoking decree shall contain, as the case may be, the proposal approved by the Plenary Congress and completely vetoed by the President of the Republic, or the matters of the proposal on which the Congress may have insisted. In the latter case, each one of the matters in disagreement shall be voted upon separately in the plebiscite.

The Elections Qualifying Court shall communicate to the President of the Republic the result of the plebiscite, and shall specify the text of the proposal approved by the citizens; said text shall be promulgated as a constitutional amendment within five days following said communication.

Once the proposal has been promulgated, and as of the date it enters into force, its provisions shall become a part of the Constitution and shall be regarded as incorporated therein,

Final Article.- The present Constitution shall enter into force six months following approval thereof through a plebiscite with the exception of transitory provisions ninth and twenty-third, which shall be in

force as from the date of such approval. The official text shall be that appearing in this decree-law.

A decree-law shall prescribe for the date on which the aforementioned plebiscite is to be held, as well as for the norms regulating it; and it shall establish the rules to ensure that voting be personal, egalitarian and secret, and with respect to national citizens, compulsory.

The norm contained in the above paragraph shall enter into force as from the publication date of the present Constitution.

TRANSITORY PROVISIONS

First.- Until the time of issuance of provisions to comply with what is prescribed in the third paragraph of No 1, Article 19 of this Constitution, the legal provisions presently in force shall continue to be applicable.

Second.- Until the time of issuance of the new Mining Code which is to regulate, among other matters, the form, conditions and effects of mining concessions as referred to in paragraphs seven to ten of number 24, Article 19 of this Political Constitution, the holders of mining rights, in the capacity of concessionaires, shall be subject to the legislation prevailing at the time this Constitution has entered into force. The mining rights referred to in the preceding paragraph, shall subsist under the new code; however, as regards enjoyment of and levies imposed on such rights, as well as extinction thereof, the provisions of said new Mining Code shall prevail. This new code shall grant a term for concessionaires to comply with the new requirements which may be established in order to be entitled to legal protection.

During the time between the date on which this Constitution enters into force and that on which the new Mining Code has become effective, the mining rights constituted as a concession pursuant to paragraphs seventeen of No 24, Article 19 of this Constitution, as well as the concessions granted, shall continue to be governed by the current legislation.

Third.- The Large Copper Mining Industry and the enterprises considered as such, nationalized by virtue of transitory provision 17 of the 1925 Political Constitution, shall continue to be governed by constitutional norms in force on the date of promulgation of the present Constitution.

Fourth.- Once the Constitutional Court becomes established for the first time, the Justices of the Supreme Court referred to in letter (a) of Article 81, who have been elected in the second and third

ballot, and the Lawyer appointed by the President of the Republic, as provided in letter (b) of said Article, shall hold office for four years, the other Members shall serve for eight years.

Fifth.- The laws currently in force on matters which, according to this Constitution, be governed by constitutional organic laws or be approved by a qualified quorum, shall be understood to meet these requirements and shall continue to be applied in so far as they are not contrary to the Constitution, until the pertinent legal bodies are issued.

Sixth.- Notwithstanding what is provided in No 8 of Article 32, the legal precepts which up to the promulgation date of this Constitution have regulated matters not covered in Article 60, shall continue being in force, as long as they are not expressly derogated by law.

Seventh.- Without prejudice to what is provided in the third paragraph of No 20, Article 19, the legal provisions which have established appropriation of taxes for a determined purpose, shall continue being in force while not expressly derogated.

Eighth.- The norms relative to age established in the second paragraph of Article 77, shall not apply as regards Justices of Higher Courts of Justice on duty at the time of the legal effect of this Constitution.

During the period referred to in the thirteenth transitory provision, the immovability of the Commanders-in-Chief of the Armed Forces and the General, Director of the Armed Police shall be ruled by the twentieth transitory provision, and the limitation of the period referred to in Article 93 of this Constitution shall not be applicable, period which shall commence four years following completion of the aforementioned presidential term.

Ninth.- The members of the Constitutional Court referred to in Article 81, shall be designated at least ten days prior to the date on which the first presidential term begins. The National Security Council shall be constituted for this sole purpose, thirty days prior to the date on which this Constitution enters into force.

Tenth.- Until such time as the constitutional organic law relative to political parties referred to in No 15 of Article 19 comes into force, all activities, actions or negotiations of political-partisan nature shall be banned, whether carried out by individuals or body corporates, organizations, entities or groups of persons. Those who infringe this prohibition shall be liable to the penalties prescribed by the law.

Eleventh.- Article 84 of the Constitution related to the Elections Qualifying Court shall be effective as

of the appropriate date in accordance with the respective law, upon the first election of Senators and Deputies, and their Members shall be designated thirty days prior to that date.

Twelfth.- Until such time as the Elections Qualifying Court is constituted, Members of the Regional Electoral Courts, the appointment of whom appertains to such Courts, shall be designated by the respective Court of Appeals.

Thirteenth.- The presidential term which shall commence when this Constitution enters in force shall last the time prescribed for in Article 25.

During this term, all the provisions of the indicated in the following transitory provisions, shall be applicable.

Fourteenth.- During the term stated in the preceding provision, the current President, General of the Army, Augusto Pinochet Ugarte, shall continue being the President of the Republic and shall remain in office until the end of said term.

The Government Junta shall, likewise, remain integrated by the Commanders-in-Chief of the Army, Navy and Air Force and by the Director, General of the Armed Police. It will be governed by the norms which regulate the internal functioning thereof, and shall have the powers set forth in the corresponding transitory provisions.

However, in view of the fact that the Commander-in -Chief of the Army, in accordance with the first paragraph of this provision, is the President of the Republic, he shall not form part of the Government Junta; the Officer General of Arms of the Army who follows him in seniority shall act as the incumbent Member in his stead. Nevertheless, the President of the Republic may replace the latter at any time with another Officer General of Arms of his institution in the order of seniority.

Fifteenth.- The President of the Republic shall have the powers and obligations prescribed for in this Constitution, with-the following amendments and exceptions:

A.-He may:

(1) Decree on his own the states of emergency and of catastrophe where appropriate, and,

(2) Freely appoint and remove Mayors, throughout the country, without prejudice to his power to cause the full or gradual enforcement of what is provided in Article 108.

B.-He shall require the agreement of the Junta in order to:

- (1) Appoint Commanders-in-Chief of the Armed Forces and the Director, General of the Armed Police when replacement thereof be necessary by reason of death, resignation or any other type of absolute inability;
- (2) Appoint the Comptroller General of the Republic;
- (3) Declare war;
- (4) Decree the states of assembly and of siege;
- (5) Decide on the admissibility or inadmissibility of accusations which might be brought against the Ministers of State by any private individual for damages suffered unjustly arising from an act committed by them in the exercise of their functions, and
- (6) Leave the country for a period exceeding thirty days or for any time during the last ninety days of his term of office.

Sixteenth.- If as a result of a temporary impediment caused by illness, absence from the national territory or by some other serious reason, the President of the Republic should be unable to perform his duties, he shall be subrogated by the incumbent member of the Government Junta, in the appropriate order of precedence, under the title of Vice-President of the Republic.

Seventeenth.- In case of death, demission or any kind of absolute impediment of the President of the Republic, his successor shall, for the remaining term, be appointed by unanimous decision of the Government Junta, which shall meet immediately for that purpose. Until such time as the designation be made, the incumbent Member of the Government Junta, entitled by the corresponding order of precedence, shall assume office as Vice-President of the Republic.

If after forty-eight hours from the moment of its meeting the Government Junta should not have reached a unanimous decision on electing the President of the Republic, the election shall be made by the National Security Council by an absolute majority of its Members; to this effect, the National Security Council shall also be integrated by the Comptroller General of the Republic.

If an Officer General of Arms or of Order and Security were designated President of the Republic, he shall, as a matter of law, and for the remaining presidential term, assume the office of Commander-in-Chief of this Institution or that of Director, General of the Armed Police, as the case may be; provided he is qualified for that office. In that event, the Officer General of Arms or that of Order and Security

who follows him in seniority in the respective Institution, shall become an incumbent Member of the Government Junta, and the final part of the third paragraph of the fourteenth transitory provision with regard to his Institution shall be applied.

Eighteenth.- During the period referred to in the thirteenth transitory provision, the Government Junta shall, by unanimity of its Members, be entitled to the following exclusive powers:

- A.- Exercise the Constituent Power, being always subject to approval by plebiscite, to be held in compliance with the rules prescribed by law;
- B.- Exercise the Legislative Power;
- C.- Issue laws concerning interpretation of the Constitution, whenever necessary;
- D.- Approve or reject international treaties, prior to presidential ratification thereof;
- E.- Grant its agreement to the President of the Republic in the cases specified in letter B of the fifteenth transitory provision;
- F.- Grant its agreement to the President of the Republic in order to decree states of assembly and of siege, as the case may be;
- G.- Permit the entry of foreign troops into the territory of the Republic as well as authorize departure of national troops from the country;
- H.- Take cognizance of disputes regarding competence which should arise between political or administrative authorities and the Higher Courts of Justice;
- I.- Grant recovery of citizenship in the cases referred to in No 2, Article 17, of this Constitution;
- J.- Declare, in case of demission of the President of the Republic or the Commanders-in-Chief of the Armed Forces and of the Director, General of the Armed Police, whether or not the reasons therefor are wellfounded, and, consequently, accept or reject such demissions, and
- K.- Other powers conferred thereupon by other transitory provisions of this Constitution.

The order of precedence of Members of the Government Junta is as follows:

- 1.- Commander-in-Chief of the Army;

2.- Commander-in-Chief of the Navy;

3.- Commander-in-Chief of the Air Force, and

4.- Director, General of the Armed Police.

The above order of precedence shall be modified in the situations set forth in the third paragraph of the fourteenth transitory provision and in the final paragraph of the seventeenth transitory provision; in such cases, the Member of the Government Junta referred to in said provisions, shall assume as incumbent, the fourth order of precedence.

The Government Junta shall be presided by the Member thereof who should come first in order of precedence in accordance with the two foregoing paragraphs.

In the case provided in letter B, No 1 of the fifteenth transitory provision, the new Member or Members who should be incorporated in the Government Junta shall keep the order of precedence stated in the second paragraph.

Whenever one of the incumbent Members of the Government Junta should be temporarily unable to hold office, he shall be subrogated by the corresponding senior Officer General of Arms or that of Order and Security, entitled in accordance with the rules on succession of command in the respective Institution, joining the Junta in the last place of precedence. Should the surrogates be more than one, they shall join the Junta in the order of precedence stated in the second paragraph.

Nineteenth.- The Members of the Government Junta shall have the right to propose laws on all those matters which constitutionally are not the exclusive initiative of the President of the Republic.

The Government Junta shall exercise the Constituent and Legislative Powers by means of laws. Such laws shall be signed by the Members of the Government Junta and by the President of the Republic in testimony of promulgation thereof.

A complementary law shall establish the working organs and procedures of which the Government Junta should avail itself for exercising the aforementioned Constituent and Legislative Powers. In addition, these complementary norms shall prescribe for the mechanisms enabling the Government Junta to demand the collaboration of the community for the making of the laws.

Twentieth.- In case of doubt as to whether the impediment depriving the President of the Republic from exercising his functions is of such a nature as to require his replacement, the incumbent Members of the Government Junta shall solve such doubt.

Should the doubt concern the impediment preventing a member of the Government Junta from exercising his functions, and its nature is same as that referred to in the preceding paragraph, the question raised shall be resolved by the other Members of the Government Junta.

Twenty-first.- During the period referred to in the thirteenth transitory provision, and until such time as the Senate and the Chamber of Deputies shall take office, the following provisions of this Constitution shall not apply:

(a) Articles 26 to 31, inclusive, Nos. 2, 4, 5, 6 and second part of No 16 of Article 32; Article 37; and Article 41, No 7, in its reference to Congressmen;

(b) Chapter V on the National Congress with the exception of No 1 of Article 50, Articles 60, 61; third to fifth paragraphs of Article 62, and Article 64, all of which shall have full force. References made to the National Congress and to any of its Houses in these precepts and No 3 of Article 32, second paragraph of No 6 of Article 41, and Article 73 and 88 shall be construed as made to the Government Junta. Likewise, the election referred to in letter (d) of Article 81, shall be held by the Government Junta;

(c) In Article 82: Nos. 4, 9 and 11 of the first paragraph, the second paragraph in its reference to No 9, and the eighth, ninth, tenth, twelfth, fourteenth and fifteenth paragraphs. Neither the reference made in No 2 to the constitutional amendment, nor the second part of No 8 of the first paragraph of the same article concerning the President of the Republic, nor the references to that number made by the second and thirteenth paragraphs concerning the matter shall be applicable;(d) Chapter XIV, relative to the amendment of the Constitution;

The Constitution may only be amended by the Government Junta in exercise of its Constituent Power. However, for such amendments to be effective they should be approved by means of a plebiscite, convoked by the President of the Republic; and

(e) Any other provisions contrary to those governing the presidential term, referred to in the thirteenth transitory provision.

Twenty-second.- To the effects of provision contained in the third paragraph of Article 82 of the Constitution, the Government Junta shall send the proposal referred to in said provision to the Constitutional Court prior to promulgation thereof by the President of the Republic.

Without prejudice to the power conferred upon the President of the Republic in paragraphs four and seven of Article 82, the Government Junta, in plenary shall formulate the request related to these norms.

In the case of paragraphs eleven and sixteen of the article mentioned in the preceding paragraph, the

Government Junta in plenary shall, likewise, be empowered to make the respective request.

Twenty-third.- If between the date of approval of the present Constitution by plebiscite and that of its entry into force, the President of the Republic as referred to in the fourteenth transitory provision should, for any reason, be absolutely prevented from assuming his functions, the Government Junta, by unanimity of its members, shall designate the person who is to assume the office of President of the Republic for the period referred to in the thirteenth transitory provision.

To this effect, the Government Junta shall be integrated by the Commanders-in-Chief of the Navy and of the Air Force, the Director, General of the Armed Police and by the senior Officer General of Arms of the Army, as incumbent Member.

If the Government Junta, having constituted as provided for in the preceding paragraph, should not have, within forty-eight hours from a meeting thereof, unanimously elected the President of the Republic, the President of the Supreme Court, the Comptroller General of the Republic and the President of the Council of State shall integrate the Junta for this sole purpose. Thus constituted, the Government Junta, by the absolute majority of its Members, shall designate the President of the Republic, and it shall be understood that the first paragraph of the fourteenth transitory provision refers to him.

Twenty-fourth.- Without prejudice to what is prescribed for in Article 39 and subsequent, the states of exception contemplated by this Constitution, if during the period referred to in the thirteenth transitory provision, acts of violence intended to alter public order should take place, or there should be danger of disturbance of internal peace, the President of the Republic shall so declare and he shall have the following powers for a renewable period of six months:

- (a) To arrest persons for up to five days in their own homes or in places other than jails. Upon occurrence of terrorist acts of serious consequences, he may extend this period for fifteen additional days;
- (b) To restrict the right of assembly and the freedom of information, the latter only with reference to the founding, editing or circulating of new publications;
- (c) To prohibit the entry into the national territory or to expel therefrom those who propagate doctrines as referred to in Article 8 of the Constitution, those accused of being or having reputed to be activists for such doctrines, as well as those who act contrary to the interests of Chile or constitute a danger for internal peace; and
- (d) To order the compulsory permanence of certain persons in an urban locality of the national territory for a period not exceeding three months.

The President of the Republic shall exercise the powers provided for herein through a decree signed by the Minister of the Interior, in the form of "By Order of the President of the Republic". The measures taken by virtue of this provision shall not be subject to any recourse whatsoever, except that for reconsideration thereof by the authority having ordered them.

Twenty-fifth.- During the period referred to in the thirteenth provision, the National Security Council shall be chaired by the President of the Republic and integrated by the Members of the Government Junta, by the President of the Supreme Court and by the President of the Council of State.

Twenty-sixth.- The Council of State shall continue in functions until such time as the Senate enters into force.

Twenty-seventh.- The incumbent Commanders-in-Chief of the Armed Forces and the Director, General of the Armed Police shall unanimously propose to the country, subject to the ratification by the citizens, the name of the person who should assume the office of President of the Republic during the presidential term following that referred to in the thirteenth transitory provision, and who is to meet the requirements set forth in Article 25, first paragraph, of this Constitution, and who shall not be subject to the prohibition to be reelected, provided for in the second paragraph of same Article. To that effect, they shall meet at least ninety days prior to the date on which the incumbent is to cease his functions. The designation shall be communicated to the President of the Republic for the purpose of convoking the plebiscite.

Should unanimity have not been reached in the forty-eight hours following the meeting of the Commanders-in-Chief and the Director, General referred to in the preceding paragraph, the proposal shall be made as prescribed for in the second paragraph of the seventeenth transitory provision and the National

Security Council shall communicate its decision to the President to the same effects as those stated in the foregoing paragraph.

The plebiscite shall be held not prior to thirty nor after sixty days from the date of the corresponding proposal and shall be carried out in the manner provided for by the law.

Twenty-eighth.- If the will of the citizens, expressed in the plebiscite, should be to approve the proposal made in accordance with the preceding provision, the President of the Republic thus elected shall assume office on the same day on which his predecessor is to cease to hold office, and he shall be in office for the period referred to in the second paragraph of Article 25, and all the precepts of the Constitution shall be applied as follows:

A.- The President of the Republic shall, nine months after assuming his office, convoke general elections of Senators and Deputies to integrate the Congress in the manner provided for in the Constitution. The election shall be held not earlier than thirty nor later than forty-five days following the convocation and it shall be carried out in accordance with the provisions of the respective organic law.

B.- The National Congress shall be constituted three months following the convocation of elections.

The Deputies of this first Congress shall remain in office for three years. The Senators elected by the odd-numbered regions shall likewise remain in office for three years, and the Senators elected by the even numbered regions and the metropolitan region, as well as those who have been appointed, shall remain in office for seven years, and

C.- The Government Junta shall continue in full exercise of its powers until such time as the National Congress assumes its functions, and the transitory provisions governing the presidential term as referred to in the thirteenth provision, shall continue in force.

Twenty-ninth.- If the citizens should not approve the proposal submitted to plebiscite as referred to in the twenty-seventh transitory provision, the presidential term referred to in the thirteenth transitory provision shall be understood to have been extended, as a matter of law, the incumbent President of the Republic and the Government Junta shall remain in office in accordance with governing provisions, for the term of one more year. Upon completion of this term, all the precepts of the Constitution shall be in full force.

To the effect of the foregoing, ninety days prior to the expiration of the extended period referred to in the above paragraph, the incumbent President shall convoke elections of the President of the Republic and of the Congressmen, in accordance with the permanent precepts of this Constitution and the law.

Be it registered at the Comptrollership General of the Republic, published in the Official Gazette and inserted in the Official Code of said Comptrollership. AUGUSTO PINOCHET UGARTE, General of the Army, President of the Republic.- JOSE T. MERINO CASTRO, Admiral, Commander-in-Chief of the Navy.- CESAR MENDOZA DURAN, Director, General of the Armed Police.- FERNANDO MATTHEI AUBEL, General and Commander-in-Chief of the Air Force.- Sergio Fernandez Fernandez, Minister of the Interior.- Rene Rojas GaIdames, Minister of Foreign Affairs.- Cesar Raul Benavides Escobar, Lieutenant General, Minister of National Defense.- Jose Luis Federici Rojas, Minister of Economy, Development and Reconstruction.- Sergio de Castro Spikula, Minister of Finance.- Alfredo Prieto Bafalluy, Minister of Public Education.- Monica Madariaga Gutierrez, Minister of Justice.- Patricio Torres Rojas, Brigadier General, Minister of Public Works.- Alfonso Marquez de la Plata Irarrazaval, Minister of Agriculture.- Rene Peri Fagerstrom, Inspector General of the Armed Police, Minister of National Property.- Jose Pinera Echenique, Minister of Labour and Social Welfare.- Alejandro Medina Lois, Brigadier General, Minister of Health.- Carlos Quinones Lopez, Rear-Admiral, Minister of Mining.- Jaime Estrada Leigh, Brigadier General, Minister of Housing and Urbanism.-

Caupolican Boisset Mujica, Brigadier General of the Air Force, Minister of Transport and Telecommunications.- Sergio Badiola Broberg, Brigadier General, Minister, Government Secretary General.

All of which I transcribe to Your Honour, for your knowledge.- Mario Duvauchelle Rodriguez, Captain (JT), Legislation Clerk of the Government Junta.

Let cognizance be taken thereof; be it communicated, registered and published.- AUGUSTO PINOCHET UGARTE, General of the Army, President of the Republic.- Sergio Fernandez Ferncandez, Minister of the Interior.- Monica Madariaga Gutierrez, Minister of Justice.

All of which I transcribe to Your Honour for your knowledge. Respectfully, Juan Ignacio Garcia Rodriguez, Assistant Undersecretary of the Interior.

In witness whereof, I have hereunto set my hand and seat in Santiago, Chile, on this 29th day of September, 1986.

The Official Translator