

Date Printed: 01/13/2009

JTS Box Number: IFES_26

Tab Number: 5

Document Title: POLITICAL CONSTITUTION OF THE REPUBLIC OF
CHILE

Document Date: 1980

Document Country: CHILE

Document Language: ENG

IFES ID: CON00015



**POLITICAL CONSTITUTION
OF THE
REPUBLIC OF CHILE
1 9 8 0**



**Return to Resource Center
International Foundation
for Electoral Systems
1620 I St. NW, Suite 611
Washington, D.C. 20006**

POLITICAL CONSTITUTION OF THE REPUBLIC OF CHILE

CHAPTER I.

Bases of Institutionalality

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 for attaining their own specific objectives.

The State is at the service of the individual and its goal is to promote the common good. 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, provide protection for the people and the family, promote the strengthening of the latter, further the harmonious integration of all the national sectors, and assure everyone the right to participate in the national life with equal opportunity.

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

Article 3. The State of Chile is unitary. Its territory is divided into regions. The law will propend 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.

Exercise of sovereignty recognizes as a limitation the respect for the essential rights originating from human nature.

Article 6. The action of the organs of the State must be subject to the Constitution and the norms established in conformance thereof.

Titulars of said organs and members thereof, as well as all persons, institutions or groups, are bound by the Constitutional precepts.

Breach of this principle will generate responsibilities and sanctions to be determined by the law.

Article 7. The organs of the State operate validly within their field of competence, and in the manner prescribed by law, after proper investiture of their members.

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

Any act contravening this Article is null and void and shall give rise to responsibilities and sanctions to be indicated by law.

Article 8. Any action by an individual or group intended to propagate doctrines which are antagonistic to 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 Constitutional Tribunal shall have cognizance of violations of the provisions set forth in the preceding paragraphs.

Without impairment of the other sanctions established by the Constitution or the law, persons who incur or who should have incurred the aforementioned violations shall not, for a period of 10 years from the date of the Tribunal'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 related to the broadcast or dissemination of opinions or information. During the aforementioned period, neither will they be able to act as leaders of political organizations nor of organizations related to education, or occupy positions of a local, professional, entrepreneurial, labor union, student or trade union nature in general.

If at the time of the Tribunal's decision, persons referred to above hold a public job or position, whether or not it is the result of a popular vote, they will lose same as a matter of law.

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

The duration of ineligibility contemplated in this Article will 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 of qualified quorum shall define terrorist conduct and the penalty to be imposed. Those responsible for such crimes will, for a period of 15 years, be precluded from holding positions or exercising functions or activities referred to in paragraph four of the preceding Article, without impairment of other ineligibilities or of those for a longer period established by law.

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

CHAPTER II.

Nationality and Citizenship

Article 10. Chileans are:

1. Persons born in the territory of Chile, with the exception of children of foreigners who are in Chile in the service of their government, and of the children of transient foreigners. However, all may apply for Chilean nationality;

2. Children born abroad of a Chilean father or mother who may actually be in the service of the Republic. For all 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 in accordance with the law after expressly surrendering 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 for holding public positions resulting from popular election only after five years following completion of naturalization procedures;

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

The law will provide for the procedures on the option in acquiring Chilean nationality, granting, rejecting or cancelling naturalization papers and for establishing an official register of all these actions.

Article 11. Chilean nationality is lost:

1. By naturalization in a foreign country, except in the case of those Chileans covered by clauses 1, 2 and 3 of the preceding Article, who should have obtained another nationality without surrendering 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, may adopt the foreign nationality whenever it should be 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 her 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 approved with a qualified quorum. In such proceedings, facts shall, at all times, be weighed in good conscience;

4. By cancellation of naturalization papers, and

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

Individuals who should have lost Chilean nationality for any of the grounds set forth in this Article, may only attain reinstatement by law.

Article 12. The individual who, by action or resolution of the administrative authority, should be deprived of his Chilean nationality, or should his nationality not be acknowledged, may resort, within the term of thirty days, on his own behalf or through a third party, to the Supreme Court, which shall have cognizance of his case as a jury in full court. Filing of the recourse shall suspend the effects of the appealed action or resolution.

Article 13. Citizens are those Chileans who have reached the age of 18 years and who have never been sentenced to grave penalties. (*)

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 by the law.

(*) "Pena afflictiva" in the original text. That penalty as defined in Article 37 of the Criminal Code of the Republic of Chile.

Article 14. Foreigners residing in Chile for more than five years and who should meet the requirements prescribed for 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, the vote shall be personal, egalitarian and secret. In addition, it will be mandatory for the citizens.

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 grave penalty (*) or for a crime that the law should define as a terrorist conduct, and
3. In case of punishment by the Constitutional Tribunal 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 10 years counted from the date of the Tribunal's decision.

Article 17. The status of citizenship is lost:

1. Upon loss of Chilean nationality;
2. On account of a sentence to grave penalty (*), and
3. On account of sentence for crimes which the law defines as a terrorist conduct.

Individuals who should have lost their citizenship on grounds described in No. 2, may appeal to the Senate for reinstatement, once their criminal liability has been extinguished. Those who should have lost citizenship on grounds described in No. 3, may only secure reinstatement by virtue of law approved 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, an organic constitutional law will 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.

(*) See footnote to Article 13.

Responsibility for safeguarding public order during electoral acts and plebiscites will rest with the Armed Forces and the Armed Police ("Carabineros") 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 psychic 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 dealt with by 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 and their respective by-laws.

The law shall provide for the means whereby legal counsel and defense may be lent 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 tribunal specified in the law, and provided such tribunal 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 responsibility.

No crime shall be subject to penalties other than those prescribed for by a law enacted prior to the perpetration of the

crime, except in cases 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 communication 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 communication medium may claim exception by proving, before the corresponding tribunal, 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 communication medium shall be jointly responsible for the appropriate indemnifications;

5. The inviolability of the home and all forms of private communication. The home 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 and public order;

The religious establishments may erect and maintain churches and their dependencies in accordance with the conditions of safety and hygiene as established by the laws and ordinances.

With respect to assets, the churches and religious establishments and institutions representing any cult shall enjoy the rights granted and acknowledged by the laws currently in force. Churches and their dependencies 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 nation's 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 law.

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 notified 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, within the following 24 hours, before the competent judge.

Should the authority order the arrest or detention of an individual, the competent judge must be notified, within 48 hours following the arrest or detention, and the individual is to be placed at his disposition. By virtue of a well-founded resolution, 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 public premises established to that effect.

Those in charge of prisons may not accept anyone 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, whenever the arrested person or detainee should so request, to send a copy of the detention order to the competent judge, or demand that such copy be given to him, or he himself give an attestation that the individual is being detained, in the event this requisite 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 as 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 cannot be obliged to testify under oath on acts of his own; neither may be obliged to testify against the defendant his ascendants, descendants, spouse nor any other persons who, according to cases or circumstances, should be specified in the law.

g) The penalty of confiscation may not be imposed, without impairment of the 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.

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 indemnization shall be judicially determined in a brief and summary procedure in which the evidence shall be weighed in good conscience;

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 restriction 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 the execution of health activities, whether undertaken by public or private institutions, in accordance with the form and conditions set forth in the law which may establish mandatory contributions.

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

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 assure access thereto by the entire population.

It is, likewise, the duty of the State to promote the development of education at all levels, stimulate 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 perfecting of education;

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

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

Officially recognized education cannot be directed towards propagating any type of politically 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 basic and secondary education and shall provide for the objective norms for 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 liberties, in conformance with the law which is to be approved by qualified quorum.

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

Every individual or juridical person offended or unjustly alluded to in some mass communication medium, has the right to have his declaration or rectification gratuitously disseminated, under the conditions determined by law, by the mass communication medium which should have issued such information.

All individuals or juridical persons have the right to establish, edit or maintain newspapers, magazines or periodicals, under the conditions prescribed for by law.

The State, those universities and other persons or entities specified in the law, may establish, operate and maintain television stations.

There will be a National Council for Radio and Television, which shall be autonomous and vested with juridical personality, which will be in charge of watching over the proper functioning of these communication media. A law of qualified quorum shall determine the organization, the 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 and unarmed, without prior permission.

Meetings in 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 juridical personality, associations must be organized in accordance with the law.

No one can be obliged to belong to an association.

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

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

16. Freedom to work and protection of that freedom.

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

Any discrimination which is not based on personal competence or fitness is prohibited, without prejudice that the law may require Chilean citizenship or age limits in certain cases.

No type of work can be prohibited except in those cases where it is contrary to morals, or public security and health, or where it should so be required by the national interest as declared by the law. No law or provision of the public authority may demand affiliation to any organization or entity whatsoever, as a requisite for undertaking certain activity or work, nor can it demand that any such affiliation be discontinued as a condition for performing such activities or keeping 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 in those cases 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 tribunals of experts, the organization and authority of which shall be established by the law.

Neither State nor municipal employees may declare a strike. Nor may strike be declared by persons working for corporations or enterprises, regardless of the nature, objectives or functions thereof, which provide public services and the paralyzation of

which might harm the 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 law;

18. The right to social security.

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

The action of the State shall be oriented toward guaranteeing access of all inhabitants to uniform basic benefits whether granted by public or private institutions. The law may establish mandatory contributions.

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 juridical personality 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 for assuring 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.

However, the law may authorize 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 development works of the commune;

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 organisms may develop entrepreneurial activities or participate therein only provided such activities or participation should be authorized by a qualified quorum law. 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 qualified quorum law;

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

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

When the national interest demands it, a law of qualified quorum may establish limitations or requisites 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 asset affected or any of the essential attributes 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 will, at all times, have the right to indemnization for patrimonial harm actually caused, to be fixed by mutual agreement or by a sentence pronounced by said tribunals in accordance with the law.

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

Material possession of the expropriated property will take place following total payment of the indemnization which, in the absence of an agreement, will be provisionally determined by experts in the manner prescribed for by law. In case of protest regarding the propriety of the expropriation, the judge may on the

merit of the information submitted, order the suspension of the action for material possession.

The State has absolute, exclusive, inalienable and imperative domain over all mines, including guano deposits, metal-liferous 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 juridical persons over the land in which the above should be contained. The superficial landed property will be subject to the obligations and limitations prescribed for by law to facilitate exploration, exploitation and the processing 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 judicial resolution and will have the duration, will 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 will be established by said law, tending directly or indirectly to obtain fulfillment of that obligation, and contemplating the grounds for caducity in case of non-fulfillment 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 extinguishment of such concessions shall rest exclusively with the ordinary courts of justice. They will resolve the controversies which may result with respect to caducity or extinguishment of mining rights; 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 dealt with herein.

The exploration, exploitation or the processing 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 requisites and under the conditions which the President of the Republic may establish, for each case, by a supreme decree.

This norm shall also be applicable to any deposits of any kind existing in maritime waters subject to national jurisdiction and those situated, wholly or partially, 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 indemnization, 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 conformance with the law, will grant proprietorship to the owners of record;

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

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 conformance with the law.

Guarantee is also granted to industrial ownership of invention patents, commercial 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 intellectual 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 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 those 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 assure due protection to the person affected, without prejudice to the other rights which he might invoke before the authorities or the corresponding courts.

The recourse of 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 magistracy indicated by the law, so that the latter may order that the legal formalities are complied with and may immediately adopt the

measures deemed necessary to reinstate the rule of law and assure proper protection of the affected individual.

Said magistracy may order that the individual be brought before it and its order will be obeyed precisely by everyone in charge of jails or places of detention. Following cognizance of the facts, the court will decree the immediate release of the individual or will instruct that the legal defects be righted, or will place the individual at the disposition of the competent judge, in a brief and summary manner and thereby correcting such flaws 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 magistracy 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. Every 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 the national security and the essential values of the Chilean tradition.

Military service and other personal obligations which the law exacts are mandatory 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 conformance with the law. The position of trade union leader will be incompatible with militancy in a political party.

The law will establish the corresponding sanctions 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 State administration rest with the President of the Republic, who is the Chief of State.

His authority is extended to all that related to 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, at least once a year to the country on the administrative and political state of the Nation.

Article 25. To be elected President of the Republic, the individual must have been born in Chilean territory, have completed the age of 40 years, and possess the other necessary requirements to qualify as a citizen with the right to vote.

The President of the Republic will exercise his functions for a term of eight years and cannot be re-elected for the following period.

The President of the Republic cannot leave the national territory for more than 30 days nor during the last 90 days of his administration without consent of the Senate.

In any case, the President of the Republic will communicate with due anticipation to the Senate his decision to absent himself from the country and the reasons therefor.

Article 26. The President shall be elected by a direct vote and by an absolute majority of the votes validly cast. The election will be held, in the manner determined by the law; 90 days prior to completion of the administration of the incumbent President.

Should there be more than two candidates in the presidential election and none should obtain more than half of the votes validly cast, a new election will be held, in the manner determined by the law, 15 days after the Elections Qualifying Court, within the term indicated in the following Article, makes the corresponding declaration. This election will be limited to the two candidates who should have obtained the highest relative majorities.

For the effects of the provisions contained in the two preceding paragraphs, votes in blank and null and void votes, will be regarded as not have been cast.

Article 27. The process of qualification of the presidential election is to be concluded within 40 days following the first election or within 25 days following the second election.

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

The joint Congress convened in public session 90 days after the first or only election and with the members in attendance, will acknowledge the resolution by virtue of which the Qualifying Court proclaims the President-elect.

In this same act, the President-elect will be sworn in before the President of the Senate under oath or promise to faithfully perform his duties as President of the Republic, to preserve the independence of the Nation, comply with and enforce compliance of the Constitution and the law and he shall assume his functions immediately thereafter.

Article 28. In case the President-elect should be unable to assume office, the President of the Senate will assume in the meantime in the capacity of Vice President of the Republic; in his default, the President of the Supreme Court, and in default of the latter, the President of the Chamber of Deputies.

Nevertheless, should the impediment of the President-elect be absolute or should it continue indefinitely, the Vice President, within the term of 10 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 60 days to proceed with a new election in the manner prescribed for by the Constitution and the Elections Law.

Article 29. If, because of temporary incapacity, either illness, absence from the country or some other grave reason, the President of the Republic is unable to hold office, he will be replaced by the titular Minister of State as Vice President of the Republic, in accordance with the order of legal precedence. In default of such Minister, the Minister who follows in the order of precedence will succeed him; and in default 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 will be appointed by the Senate with an absolute majority of its members in office and will continue in that post through the next general election of members of Congress when a new presidential election for the period referred to in the second paragraph of Article 25 shall be held. The Senate shall make its appointment within 10 days following the date of the vacancy. In the meantime, the rule of substitution referred to in the preceding paragraph will apply. The President thus designated cannot become a candidate in the following presidential election.

Article 30. The President shall cease his functions on the same day on which his term is completed and will 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 will not be empowered to dissolve the Chamber of Deputies.

Article 32. The special attributes of 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 convoke Congress to an extraordinary session and to close it;
3. To dictate, subject to delegation of powers by the Congress, decrees with the force of law with reference to matters indicated by the Constitution;
4. To convoke a plebiscite in the instances set forth in Article 117 and the final paragraph of Article 118;
5. To dissolve the Chamber of Deputies for only one time during his presidential term, being precluded from exercising this power during the last year in which the Chamber should be functioning;
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 executive rule making power in all those matters which are not typically of a legal nature, without prejudice to the power to dictate other regulations, decrees and instructions which he should deem appropriate for the execution of the laws;
9. To appoint and remove at will Ministers of State, under-secretaries, intendants (*), governors and the mayors who should be 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 will remain in their positions as long as they continue to count with his confidence;
11. To appoint the Comptroller General of the Republic with the consent of the Senate;
12. To appoint and remove officers whom the law designates as of his exclusive confidence and fill the other civilian positions in conformance with the law. Dismissal of other officers shall be effected in accordance with provisions determined by law;
13. Grant pensions, retirement, widows and orphans' pensions and de gratia pensions, in accordance with the law;
14. To appoint the magistrates of the superior courts of justice and the judges, on the proposal of the Supreme Court and the Courts of Appeals, respectively, as well as the member of the Constitutional Tribunal to be appointed by the President of the Republic, as prescribed for in this Constitution;

(*) "Intendentes" in the original text; a word used in the Constitution to refer to the Heads of Regions.

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 Public Attorneyship (*) that disciplinary measures be sought from the competent tribunal or, in the light of sufficient evidence, file the pertinent accusation.

16. To grant individual pardon in those 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 powers 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 ("Carabineros") in conformance with Article 93, and provide for assignments, promotions and retirement of officers of the Armed Forces and Carabineros as prescribed for in Article 94;

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

20. To assume, in case of war, supreme command of the Armed Forces;

21. To declare war, with the prior authorization of law; leaving on record that the National Security Council has been heard in this regard, and

22. To watch over the collection of public revenue and decree their expenditure in accordance with the law. The President of the Republic, with the signature of all the Ministers of State, may decree payments not authorized by law in order to meet needs which cannot be postponed resulting from public calamities, foreign aggression, internal disturbance, grave detriment or danger to national security, or the exhaustion of resources designed for maintenance of services which cannot be paralyzed without causing serious detriment to the country. The total disbursements involved in such objectives shall not exceed 2% per annum of the total expenditures authorized by the Budget Law. Hiring of employees with charge to this law is permitted; however, the respective item cannot be increased or reduced through conveyances. The Ministers of State or officers who should authorize or process expenditures which contravene the provisions of this number, shall be held jointly and

(*) "Ministerio Público", see Article 350 of the Código Organico de Tribunales.

severally liable for 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 Ministries as well as the order of precedence of the titular 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. To be appointed Minister, the person must be Chilean, should have completed the age of 21 years, and should meet the general requisites 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, per order of the President of the Republic, in conformance 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 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 can rectify concepts voiced by any deputy or senator upon explaining the grounds for his vote.

General Bases 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 assure both the equality of opportunities for entering the service and the training and perfecting of such functionaries.

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 with tribunals established by law for cognizance of matters contested under administrative law, without prejudice to the responsibility which might affect the functionary who should have caused the harm.

States of Constitutional Exception

Article 39. The rights and guarantees, assured 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 pronounce 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 assent of Congress, pronounce all or part of the national territory in a state of siege.

Within 10 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 proposition shall be construed as 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 make their pronouncement on the declaration on the 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 90 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 state of emergency in the event of a grave 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 90 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 of labor. 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 the 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 not jails nor those used for detention or imprisonment for 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 exercise of the right to assemble, freedom of information and opinion, the rights of association and unionization, and may 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 recourses referred to in Article 21, shall not apply in states of assembly and of 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 recourse of 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, in accordance with provisions governing such states, may have been suspended or restricted.

In 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 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, transfer of them 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 the freedoms of work, information, opinion and assembly. Likewise, he may provide for confiscation (*) of property and establish limitation on the exercise of the right 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 fall under immediate dependency of the chief of National Defense appointed by the Government, who assumes command, empowered with the authority and duties prescribed for by law.

The President of the Republic shall be obligated 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, cannot be extended beyond the period of enforcement of said states and be applied only insofar 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 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 Tribunal, the Comptroller General of the Republic, and the members of the Elections Qualifying Court.

8. Confiscations shall give rise to indemnizations, in conformance with the law. The right to indemnization shall also apply in case of limitations imposed on the right of ownership when such limitations produce deprivation of any of the essential attributes or powers of ownership thus causing injury.

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

(*) "requisiciones" in the original text.

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 conformance with this Constitution and have the other attributions established therein.

Composition and Generation of the Chamber of Deputies and the Senate

Article 43. The Chamber of Deputies is composed of 120 members elected by direct vote of the electoral districts established by the respective organic constitutional 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 will function, in such case, only for the time lacking for the dissolved Chamber to complete its period.

Article 44. Eligible candidates to be elected deputies are Chilean citizens of 21 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 integrated by members elected by direct vote by each of the 13 regions of the country. Each region shall elect two senators, in the manner determined by the respective organic constitutional law.

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

The Senate shall also be integrated by:

a) Former Presidents of the Republic who should have served continuously for six years in that capacity, except for occurrence of the situations described in paragraph 3 of No. 1 of Article 49 of this Constitution. These senators will 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 post for, at least, two continuous years;

c) A former Comptroller General of the Republic who should have held the post for at least two continuous years, also elected by the Supreme Court;

d) A former Commander-in-Chief of the Army, one from the Navy, another from the Air Force, and a former Director General of the Armed Police, who should have been in their posts for at least two years, elected by the National Security Council;

e) a former Rector of the State university, or of a university recognized by the State, who should have held post for a period of 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 years continuously, 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 15 days following the corresponding senatorial election. The vacancies shall be filled within the same period of time, counted 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 Senator are Chilean citizens with the right to vote, with 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 40 years of age 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 vote, shall be held jointly. Congressmen may be re-elected to serve their offices.

Vacancies of Deputies and of Senators elected by direct vote, 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. If the vacancy occurs 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 serve office throughout the term which the person who originated the vacancy lacked for completion of his term.

Exclusive Attributions of the Chamber of Deputies

Article 48. The exclusive attributions of the Chamber of Deputies are:

1. To control (*) the actions of the Government. To exercise this attribute, the Chamber may, with the vote of the majority of the Deputies present, adopt agreements or suggest observations which are transmitted in writing to the President of the Republic. The Government must reply, through the competent Minister of State, within 30 days. In no case will such agreements or observations affect the political responsibility of the Ministers of State and the Government's obligation will be regarded as fulfilled simply by delivering its reply.

Any Deputy may request information of a specific nature from the Government, provided his proposition 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 10 and no more than 20 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 lodged while the President is in office and within a period of six months following expiration of his mandate. During the latter period he shall be precluded from leaving the country without the assent 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) Magistrates of the superior Courts of justice and the Comptroller General of the Republic for notorious abandonment of their duties;

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

e) 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 conformance with the organic constitutional law relative to the Congress.

(*) "fiscalizar" in the original text.

The accusations referred to in letters b), c), d) and e) may be lodged while the affected person is serving office or during the term of three months following expiration of his incumbency. Upon submission of the accusation, the person affected is precluded from leaving 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 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 his functions from the moment the Chamber declares that the accusation is acceptable. The suspension shall cease if the Senate should reject the accusation or if it should not pronounce judgement thereon within the following 30 days.

Exclusive Attributions of the Senate

Article 49. The exclusive attributions 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 will limit itself to declare whether or not the accused is guilty of the offense, violation or abuse of power 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 person accused is removed from his position and is precluded from holding other public positions which are subject to public election, or not, for a period of 5 years.

The official pronounced 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, should it exist, and to establish civil responsibility 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, and appropriateness of processing thereof, 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 superior courts of justice;

4) To grant reinstatement 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 have pronounced itself thereupon, within 30 days following the request of the President of the Republic for urgency thereof, its assent shall be construed as having been granted;

6) To grant its approval for the President of the Republic to absent himself from the country for a period exceeding 30 days or during the last 90 days of his term;

7) To declare the incapacity of the President of the Republic or of the President-elect when physical or mental impediment prevents him from carrying out his functions; 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 Tribunal should be previously heard;

8) To approve by the majority of its members in office, the declaration of the Constitutional Tribunal, 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 groups, should they exist, 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 Attributions of the Congress

Article 50. The exclusive attributions of Congress are:

1) To approve or reject international treaties submitted by the President of the Republic prior to ratification thereof. Approval of a treaty shall be subject to the same procedures prescribed for a law.

The measures which the President of the Republic adopts or the agreements concluded by him for the fulfillment 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, Congress may authorize the President of the Republic to decree, while such treaty is in force, provisions with force of law which he may deem necessary for total fulfillment thereof and in such circumstances, provisions prescribed for in the second and following paragraphs of Article 61 shall apply; and

2) To pronounce itself 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 10 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 attributions.

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

The Congress shall, as a matter of law, always be understood convoked 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 agreements without the concurrence 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 magistrates of the superior courts of justice, ordinary judges, and officers in charge of the Public Ministry (*);
- 5) Members of the Constitutional Tribunal, of the Elections Qualifying Court and of the Regional Electoral Courts;
- 6) The Comptroller General of the Republic;
- 7) Leaders of unions, guilds or neighbor committees; and
- 8) Individuals and agents or administrators of juridical persons 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 prior to the election; should they not be elected at that time, they cannot be reinstated in that position, nor can they be appointed for posts analogous to those held for two years following the election.

Article 55. The posts 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 State entities, semi-statal or of State enterprises, or those in the national treasury participates with the contribution of capital funds, and with all other functions or commissions of the same nature. Educational posts and functions or commissions of an equal character in higher, secondary and special education are excepted.

Likewise, the posts of Deputies and Senators are incompatible with the functions of board members or advisers, even if they should be ad honorem, in autonomous state entities, semi-statal 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 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 the other incompatible position, employment, function or commission within 15 days following their designation; should such option not be exercised, they will 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

(*) See footnote to Article 32 No. 15.

proclaimed elect by the Elections Qualifying Court or from the date of his designation, depending on the case, and six months following completion 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 absent himself from the country for more than 30 days, without permission of the Chamber where he belongs or in case of recess thereof, of its President, shall cease in possession of his seat.

A Deputy or Senator shall cease in possession of his seat, if, during his term, he should enter into or guarantee a contract 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, counsellorship, functions or commissions of a similar nature. In the same sanction shall incur 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 sanction 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 or juridical person, or through a society to which he should be a party.

A Deputy or a Senator shall cease in his position 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 sanction 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 normal course thereof.

Without prejudice to provisions of Article 8, a Deputy or Senator shall, likewise, cease in functions 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 the Constitution, or he should gravely affect the security and honor of the Nation.

A Deputy or Senator shall also cease in his functions if, while exercising 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

(*) "Fisco" in the original Spanish text.

by the Constitutional Court. The author or authors of such a motion or proposal shall incur the same sanction.

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 sanctions therein shall be applied.

The Deputy or Senator who, during his term of office, should lose any general requisite for eligibility or incurs in any of the causes of ineligibility referred to in Article 54, shall, likewise, cease in his functions, 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, provided the Court of Appeals of the respective jurisdiction, in full court, does previously authorize the accusation. This resolution 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 immediately brought before the respective Court of Appeals with the corresponding summary proceedings. The Court shall then proceed in accordance with provisions of the aforementioned paragraph.

Upon declaration, by means of a definitive resolution, 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:

1. Those which by virtue of the Constitution must be the subject of organic constitutional 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, unions, previsional and social security;

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 with charge to which the debt should be served. However, a law of 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.

Provisions of the above paragraph shall not be applicable to the Central Bank;

8. Those that authorize any type of operation which might, directly or indirectly, affect the credit or the financial responsibility of the State, its bodies and the municipalities.

This provision shall not be applicable to the Central Bank;

9. Those that establish the norms permitting State enterprises and those in which the State should have participation, to contract loans which, in no case, could be effected with the State, its bodies or enterprises.

10. Those which establish the norms for transfer 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 emanating from the exclusive initiative 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 concede 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 Tribunal 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 mandatory 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 cannot be extended to nationality, citizenship, elections or plebiscite, nor to matters covered by the constitutional guarantees or which must be a matter of the organic constitutional laws or of laws of qualified quorum.

The authorization cannot include powers that affect the organization, attributions and the legal system of the functionaries of the Judiciary, the National Congress, the Constitutional Tribunal 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 with 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 with force of law shall be submitted to the same norms that are applicable to the law.

Generation of Laws

Article 62. Laws may originate in the Chamber of Deputies or in the Senate through a message from the President of the Republic, or through a motion of any of their members. The motions may not be signed by more than 10 Deputies nor by more than 5 Senators.

(*) "tomara razon" in original Spanish text.

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

The President of the Republic holds the exclusive initiative for projects of law related to changes of the political or administrative division of the country, or to the financial or budgetary administration of the State, modification 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 statal, semi-statal, autonomous, in State or Municipal enterprises; eliminating them and determining functions or attributions thereof;
3. Contracting loans or carrying out any other undertakings which might affect the financial credit or the responsibility of the State, semi-statal, autonomous agencies or municipalities, and condoning, reducing or amending obligations, interest rates and other financial levies of any nature, established on behalf of the Government or of the aforementioned organizations or agencies;
4. Establishing, amending, granting or increasing remunerations, retirement pay, 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 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 social security or inherent thereof, 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 initiatives as proposed by the President of the Republic.

Article 63. Laws characterized by the Constitution as organic constitutional and those that interpret the constitutional precepts, require for approval, amendment or abrogation thereof, the vote of three-fifths of the Deputies and Senators in office.

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

Article 64. The project of the budgetary law must be introduced in 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 60 days from the date of its introduction, the project introduced by the President of the Republic will enter in force.

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

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

Congress may not approve additional expenditures with charge 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 the expenditures, regardless of their nature.

Article 65. The project of law that has been rejected in general in the Chamber of its origin, may not be reintroduced until one year has elapsed. However, the President of the Republic, in the case of a bill of his initiative, may request that his message be sent to the other Chamber; if the latter gives general approval, it will be returned to the Chamber of its origin, and it may only be considered as rejected if this Chamber does so with a two-thirds vote of its members present.

Article 66. Every bill may be subject to additions or corrections in the course of its consideration, both in the Chamber of Deputies and in the Senate; but in no case will they be admitted should they not have a direct connection with the central or fundamental ideas of the project. The President of the respective Chamber or committee and the author or authors of the amendment or correction submitted in contravention of this norm, will suffer the sanction established in Article 57, paragraph 6, of this Constitution.

Once a bill is approved in the Chamber of its 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 project 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 project 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 the 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 presented 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 in which it shall have originated, with his observations, within 30 days.

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

If both Chambers should approve the observations, 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 dismiss all or some of the observations 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 pronounce itself thereupon within a period not exceeding 30 days.

The urgency shall be qualified by the President of the Republic in accordance with the organic constitutional 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 30 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 terminate its period of sessions prior to the completion of 30 days in which return is to be effected, the President shall return the bill within the first 10 days of the following ordinary or extraordinary session.

Promulgation must always be made within a period of 10 days counted from the date on which such promulgation should be in order.

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

CHAPTER VI.

Judicial Power

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 resolutions 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 resolutions and to carry out instructions they have decreed, or have them carried out, the ordinary and the special courts of justice comprising the Judicial Power 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 resolution to be executed.

Article 74. An organic constitutional law shall determine the organization and attributions 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 Ministers of the Court or ordinary judges, should have practiced law.

The organic constitutional law regarding organization and attributions 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 Ministers 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 Minister of the Court of Appeals, who should appear on the list of merits. The other four places will be filled in accordance with the merits of the candidates; persons alien to the administration of justice shall also be eligible.

The Ministers 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 3 persons proposed by the Court of Appeals of the respective jurisdiction.

The senior ordinary judge, for civil or criminal cases of the seat of the Court of Appeals, 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 acting Ministers 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 30 days and are not extendable. In case the aforementioned higher courts do not avail themselves of such power, or if the period of subrogation has expired, vacancies will be filled in the aforementioned 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. The judges shall remain in office during good behavior; however, the lower ranking will perform their respective judgeship for the period determined by law.

Notwithstanding the above, judges will cease in their functions upon completing the age of 75 years; or demission or legal supervening incapacity 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.

In any case, the Supreme Court, upon demand of the President of the Republic, on the request of an interested party, or ex-officio may declare that judges have not been of good behavior; upon prior statement of the defendant and of the Court of Appeals, respectively, shall the majority of all of its components, agree to remove them from office. These agreements will be communicated to the President of the Republic in order to be carried 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. Magistrates of the superior courts of justice, prosecutors and judges, integrating 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 submitted immediately to the court which is to try the matter in conformance 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 Tribunal, the Electoral 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 correspond to the Senate.

Article 80. The Supreme Court ex-officio or on the petition of a party, in matters of which it takes cognizance, or which may have been submitted to it by a recourse lodged for a cause followed before another court, may declare inapplicable for such particular cases any legal precepts contrary to the Constitution. This recourse may be lodged during any stage of the proceedings and the Court may order suspension of the proceedings.

CHAPTER VII.

Constitutional Tribunal

Article 81. There shall be a Constitutional Tribunal 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 15 years; must have been outstanding in professional, university or public activities; must not have any impediment that could incapacitate them to perform the duties of judge; they shall be subject to the norms of Article 55 and 56, and their posts shall be incompatible with that of Deputy or Senator as well as with that of Minister of the Electoral 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 Tribunal will serve eight years, be partially replaced every four years, and may 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) will also cease in their functions should they, for any reason, cease to be justices of the Supreme Court.

In case a member of the Constitutional Tribunal should cease in functions, he shall be replaced by whoever should take his place in accordance with the provisions of the first paragraph of this Article and for the time the person replaced should lack to complete his term.

Sessions shall be held with a quorum of five members. The Tribunal shall adopt its decisions by simple majority and will render judgement according to law.

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

Article 82. Attributions of the Constitutional Tribunal are:

1. To exercise control of the constitutionality of the organic constitutional laws prior to their promulgation, and of the laws that interpret some precept of the Constitution;

2. To resolve questions regarding constitutionality which might arise during the proceedings on projects of law or of constitutional amendment and of treaties submitted to the approval of Congress;

3. To resolve the questions which should arise over the constitutionality of a decree with force of law;

4. To resolve the questions which should arise regarding constitutionality with respect to convoking a plebiscite, without prejudice to the attributions corresponding to the Electoral Qualifying Court;

5. To resolve complaints in case the President of the Republic does not promulgate a law when he should, if he should promulgate a text different from that which corresponds constitutionally, or issue an unconstitutional decree;

6. To decide, when required by the President of the Republic in conformance with Article 88, on the constitutionality of a decree or resolution of the President which the Office of the Comptroller General may have returned 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 will, 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 upon 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 terminating the terms of congressmen; and

12. To decide upon the constitutionality of decrees issued by the President of the Republic within its reglamentary powers, when such decrees are issued on matters that might be reserved to the law by mandate of Article 60.

The Constitutional Tribunal may weigh in good conscience facts when taking cognizance of the attributions indicated in Nos. 7, 8, 9 and 10; likewise, when dealing with grounds for ceasing in the post as a member of Congress.

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

In the case of No. 2, the Tribunal 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 formulated before the law has been promulgated.

The Tribunal must reach a decision within a period of 10 days counted from the date on which the request has been received, unless it decides to postpone it for another 10 days for grave and qualified reasons.

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

In the case of No. 3, the question may be formulated by the President of the Republic within a period of 10 days, when the Comptroller General's Office rejects a decree with force of law on grounds of unconstitutionality. The question 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 with force of law objected as unconstitutional. This request must be lodged within a period of 30 days from the time of publication of the respective decree with 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 10 days of the date of publication of the decree which sets the date for the plebiscite.

The Tribunal shall establish the definitive text of the questions submitted to plebiscite in its resolution, when appropriate.

If resolution is issued less than 30 days prior to the date on which the plebiscite should be held, the Tribunal shall establish a new date, extending between 30 and 60 days following the resolution.

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 30 days following publication or notification of the objected text, or within 60 days following the date on which the President of the Republic should have promulgated the law. If the Tribunal accepts the demand, it will promulgate in its decision the law which had not been promulgated or rectify the incorrect promulgation thereof.

In the case of No. 9, the Tribunal 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 Tribunal regarding the attributions 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 lodged by the Chamber of Deputies or a fourth of its members in office.

In the case of No. 11, the Tribunal may only take cognizance of the matter at the request of the President of the Republic or of at least 10 congressmen in office.

In the case of No. 12, the Tribunal may only take cognizance of the matter at the request of either Chamber made within 30 days following the publication or notification of the objected text.

Article 83. No recourse whatsoever shall apply against the resolutions of the Constitutional Tribunal; notwithstanding that the same Tribunal, in conformance with the law may correct the de facto errors which may have been incurred.

The provisions which the Tribunal should declare to be unconstitutional may not become a law in the project or decree with force of law dealing therewith. In the cases of Nos. 5 and 12 of Article 82, the objected supreme decree shall be rendered without effect as a matter of law, on the sole merit of the sentence of the Tribunal accepting the claim.

Once the Tribunal 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 Electoral Qualifying Court shall take cognizance of the general vote count and qualification of the returns of the election for the President of the Republic, Deputies and Senators; it shall resolve 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 attributions 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) One former president of the Senate or of the Chamber of Deputies who has held the post for a period of 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 Qualifying Court shall act as a jury when weighing facts and shall pronounce judgement in accordance with the law.

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

Article 85. There will be regional electoral courts entrusted with 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 minister of the respective Court of Appeals, elected by the latter, and two members appointed by the Electoral Qualifying Court chosen from among lawyers who have practiced the profession or persons who have served as a minister or as an integrating member of the Court of Appeals for a period of not less than three years.

The members of these courts shall serve four years and will be subject to the disqualifications or incompatibilities determined by law.

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

The law shall determine the other attributions of these courts and shall regulate the organization and functioning thereof.

Article 86. Every year the national Budget Law shall allocate the funds necessary for the organization and functioning of these courts. The staff, salaries 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 disbursements of the funds of the government, the municipalities and the other organizations and services determined by law; examine and pass judgement 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 organic constitutional 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 shall not be removable from office and will cease in 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 antecedents to that Chamber.

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

In the case of objecting a decree with 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 antecedents to the Constitutional Tribunal within a period of 10 days, in order that the controversy be resolved by such Tribunal.

As for the rest, the organization, functioning and attributions of the Office of the Comptroller General of the Republic shall be the subject of an organic constitutional 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 will 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 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 employees as determined by law.

Article 92. No person, group or organization may possess or own arms or other similar elements indicated by a law approved with 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 Director-General of the Armed Police shall be appointed by the President of the Republic from among the five senior generals who have the qualifications required as per 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 to retirement the Commanders-in-Chief of the Army, Navy and Air Force or the Director-General of the Armed Police, as the case may be.

Article 94. The appointments, promotions and retirement 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 Investigation 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 integrated by the presidents of the Senate and of the Supreme Court, by the Commanders-in-Chief of the Armed Forces, and by the Director General of the Armed Police.

Ministers of 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 the request of two of its members and will require a quorum of an absolute majority of its members in order to hold sessions. For 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 deed, act or matter which in its judgement gravely attempts against the foundations of the institutionality or which might affect the national security;

c) To report previously on matters referred to in No. 14 of Article 60;

d) To seek from authorities and officials of the Administration all the antecedents related to the external and internal security of the State. In such case, the person to whom the petition has been made, is obliged to furnish them, and his refusal shall be sanctioned in the manner established by law; and

e) To exercise the other attributions 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 shall provide for 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 attributions shall be determined by an organic constitutional 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 agencies 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 qualified 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 requisites in relation to persons, institutions or entities performing transactions of the same nature.

CHAPTER XIII.

Government and Interior Administration of the State

Article 99. For the government and the interior administration of the State, the territory of the Republic is divided into regions and these into provinces. For the effects of local administration, the provinces shall be divided into communes.

The amendment of the boundaries of the regions, as well as the creation, modification and suppression of provinces and communes, 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 superior 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 formulation of the development policy of the region, in accordance with the national plans, and 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 attributions 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 integrated by the governors of the respective provinces, one 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.

An organic constitutional 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 fund shall rest with the council.

The regional councils shall have the other attributions provided for by the Constitution and the law.

Article 103. The law shall contemplate 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 attributions which the Intendant may delegate upon the Governor as well as those pertaining to him.

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

Communal Administration

Article 107. Local administration of each commune or group of communes established by law, is vested in a municipality,

constituted by the Mayor, who is its superior authority, and by the respective communal council.

Municipalities are public law corporations with juridical personality and patrimony of their own, the objective of which is to satisfy the needs of the local community and assure its participation in the economic, social and cultural progress of the commune.

An organic constitutional law shall determine the attributions of the municipalities and the length of the terms to be served by the Mayors.

The municipalities and other public agencies existing in the respective commune must coordinate their action in conformance with the law.

Article 108. The Mayor shall be appointed by the respective regional development council on the proposal of the communal 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 communes which the law may determine, taking into account the population and the geographical location thereof.

The 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 communal development, presided by the Mayor. It shall be integrated by representatives of community organizations of a territorial and functional nature, and of the relevant activities in the commune, with the exception of those of a guild or union nature, and of the public administration.

The organic constitutional law relative to municipalities shall determine, according to the characteristics of each commune, the number, form of designation and term of office of the council members, as well as all that relates to the organization and functioning of the council.

Article 110. The function of the Council for communal development is to advise the Mayor and assure the effective participation of the community in the economic, social and cultural progress of the commune.

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 communal 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 provide for the coordination formulas for the administration of all or any of the municipalities of the regions, regarding their common problems, as well as with regard to 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 that other requisites of capacity described in the law, be met.

The posts of Intendant, Governor, and Mayor are incompatible with each other. Excepted from this norm are local Regional Governors who may be governors of a province which is the head of the 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 communes, should cease in their posts.

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

It shall, likewise, establish the manner for reconciling discrepancies which occur between the Intendant and the regional councils, and between the Mayor and communal councils, with regard to the approval of projects relative to development plans and budget, respectively.

CHAPTER XIV.

Amendment of the Constitution

Article 116. Projects to amend the Constitution may be initiated by a message from the President of the Republic or by motion of any of the members of the National Congress, with the limitations indicated in the first paragraph of Article 62.

Approval of the amendment project by each Chamber shall require the supporting vote of three-fifths of the deputies and senators in office.

The system of urgencies shall be applicable to projects of constitutional amendment.

Article 117. Both Chambers, in meeting of Congress in plenary and in public session, with the attendance of the majority of the

total membership, held 60 days following approval of a project as prescribed for in the preceding article, shall take cognizance thereof and proceed to vote on the project without debate.

If on the day appointed, a majority of the total membership should not meet, the session shall be held on the following day with such Deputies and Senators as may attend.

The project approved by the majority of the Congress in plenary, shall be sent to the President of the Republic.

If the President of the Republic totally rejects an amendment project approved by Congress and the latter should insist on the totality of the project by three-fourths of the members in office in each Chamber, the President must promulgate said project, unless he should consult the citizens through a plebiscite.

If the President makes partial observations regarding the project of amendment approved by Congress, it will be understood that those observations are approved with a vote in the affirmative by an absolute majority of the members in office of each Chamber, and it shall be returned to the President for its promulgation.

If both Chambers should not approve all or some of the observations of the President, there will be no constitutional amendment with regard to the points of discrepancy, unless both Chambers should insist by two-thirds of their members in office on the part of the project approved by them. In the latter case, the part of the project which has been insisted upon shall be returned to the President for its promulgation, unless the President should consult the citizens through a plebiscite with respect to the questions in dispute.

As for the rest, the organic constitutional law relative to Congress shall regulate matters concerning the vetoes of the amendment projects and processing thereof in Congress.

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

In order that amendment projects devolving on Chapters I, VII, X and XI of this Constitution be approved, the requisites indicated in the preceding paragraph should be met. However, the project thus approved shall not be promulgated and will be held through the following joint renewal of the Chambers; on the first session held by these Chambers, they shall submit the text already approved to debate and voting; no modifications to said project shall be allowed. Only in the 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 seek the opinion of the citizens through a plebiscite.

Article 119. A plebiscite shall be convoked by means of a Supreme Decree, 30 days following the date on which both Chambers have insisted on the project approved by them. Prescribed in said decree shall be the date on which the plebiscite is to be held; voting may not be held prior to 30 days nor after 60 days from the date of publication of said decree. Should the President not have convoked plebiscite within such period of time, the project approved by Congress shall be promulgated.

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

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

Once the project has been promulgated, and as of the date it enters into force, it 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 plebiscite, with the exception of transitory provisions ninth and twenty-third which shall be in force as of the date of such approval. The official text shall be that appearing in this decree-law.

A decree-law shall prescribe for the occasion 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, secret, and with respect to nationals, mandatory.

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

TRANSITORY PROVISIONS

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

SECOND. Pending issuance of the new Mining Code which is to regulate, among other matters, the form, conditions and effects of mining concessions referred to in paragraphs 7 to 10 of number 24 of Article 19 of this Constitution, the titulars of mining rights, in the capacity of concessionaries, shall be subject to the legislation prevailing at the time this Constitution has entered into force.

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 extinguishment thereof, provisions of said new Mining Code shall prevail. This new code shall grant a term for concessionaries to comply with the new requisites which may be established for deserving legal protection.

In the time lapsing between the date on which this Constitution enters into force and that on which the new code has become effective, mining rights constituted as a concession as prescribed for in paragraph 7-10 of No. 24 of Article 19 of this Constitution, shall continue to be governed by the current legislation, as well as the concessions granted.

THIRD. The Large Copper Mining Industry and the enterprises considered as a part thereof, nationalized by virtue of transitory provision 17 of the Political Constitution of 1925, shall continue to be governed by constitutional norms in effect on the date of the promulgation of the present Constitution.

FOURTH. The Justices of the Supreme Court referred to in letter a) of Article 81, who should have been elected in the second and third balloting, and the Lawyer appointed by the President of the Republic, referred to in letter b) of said Article, shall serve four years in the Constitutional Tribunal, when such Tribunal is established for the first time; the other members shall serve for eight years.

FIFTH. It is to be understood that the laws currently in force on matters which, in accordance with this Constitution, are to be governed by organic constitutional laws or approved by a qualified quorum, meet with these requisites and shall continue to be applied insofar as they should not be contrary to the Constitution, until such time as the pertinent legal bodies are issued.

SIXTH. Despite the provisions in No. 8 of Article 32, the legal precepts which at the time of the promulgation of this Constitution should have regulated matters not covered in Article 60, will be maintained in force as long as they are not expressly derogated by law.

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

EIGHTH. The norms relative to age established in the second paragraph of Article 77, shall not apply with regard to magistrates of superior courts of justice on duty at the time of the legal effect of this Constitution.

During the period referred to in the 13th transitory provision, the immovability of the Commander-in-Chief of the Armed Forces and the Director-General of the Armed Police shall be ruled by the 20th transitory provision; the limitation on the period referred to in Article 93 of this Constitution shall not be applicable. That period shall commence four years following completion of the aforementioned presidential term.

NINTH. The members of the Constitutional Tribunal referred to in Article 81, must be designated at least 10 days prior to the date on which the first presidential term begins. The National Security Council will be constituted for this sole purpose 30 days prior to the date on which this Constitution enters into force.

TENTH. Until such time as the organic constitutional law relative to political parties referred to in No. 15 of Article 19 comes into force, all activities, actions or negotiation of a political-partisan nature shall be banned, whether carried out by individuals or juridical persons, organizations, entities or groups of persons. Those who violate this prohibition shall incur the sanctions prescribed for in the law.

ELEVENTH. Article 84 of the Constitution related to the Electoral Qualifying Court shall be effective as of the appropriate date in accordance with the respective law, at the time of the first election of Senators and Deputies, and their members must be designated 30 days prior to that date.

TWELFTH. Until such time as the Electoral Qualifying Court is constituted, members of the regional electoral courts whose appointments appertain to such court, 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 Constitution, with the amendments and exceptions indicated in the following transitory provisions, shall be applicable.

FOURTEENTH. During the term referred to in the preceding provision the present President General of the Army Augusto Pinochet Ugarte shall continue as President of the Republic and shall remain in office through 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 titular 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 for ordering full or gradual enforcement of provisions contained in Article 108.

B. He will 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 should be necessary due to 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 30 days or for any time during the last 90 days of his term of office.

SIXTEENTH. If as a result of a temporary impediment, either illness, absence from the national territory or some other serious cause, the President of the Republic should not be able to perform his duties, he shall be subrogated by the titular member of the Government Junta, in the appropriate order of precedence, with 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 be, unanimously, appointed by the Government Junta for the remainder of the presidential term; the latter shall meet immediately for that purpose. Until such time as the designation is made, the titular member of the Government Junta, who should follow as per the established order of precedence, shall assume office as Vice President of the Republic.

If after 48 hours counted 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 remainder of the presidential term, assume the post of Commander-in-Chief of his Institution or of Director-General of the

Armed Police, as the case may be; should he be qualified for the post. In that event, the Officer General of Arms or of Order and Security who follows him in seniority in the respective Institution, shall become a titular member of the Government Junta; and the final part of the third paragraph of the 14th transitory provision with regard to his Institution shall be applied.

EIGHTEENTH. During the period referred to in the 13th transitory provision, the Government Junta shall, by unanimity of its members, exercise the following exclusive powers:

A. Exercise the Constituent Power, always subject to approval by plebiscite, which shall be held in compliance with the rules determined by law;

B. Exercise the Legislative Power;

C. Issue laws to interpret the Constitution, whenever necessary;

D. Approve or reject international treaties, prior presidential ratification thereof;

E. Lend its agreement to the President of the Republic in the cases specified in letter B of the 15th transitory provision;

F. Lend agreement to the President of the Republic 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 reinstatement 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 well-founded, and, consequently, accept or reject such demissions, and

K. Other attributions 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; | 3. Commander-in-Chief of the Air Force, and |
| 2. Commander-in-Chief of the Navy; | 4. Director-General of the Armed Police. |

The order of precedence previously established shall be modified in the situation called for in the third paragraph of the 14th transitory provision and in the final paragraph of the 17th transitory provision; in such cases, the member of the Government Junta alluded to in these provisions, shall assume, as titular, 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 of the foregoing paragraphs.

In the case foreseen in letter B, No. 1, of the 15th transitory provision, the new member or members who should be incorporated in the Government Junta shall be subject to the order of precedence indicated in the second paragraph.

Whenever one of the titular members of the Government Junta should be temporarily prevented from exercising his post, he shall be subrogated by the corresponding senior Officer General of Arms or of Order and Security, in accordance with the rules on succession of command in the respective Institution, who shall join 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 indicated 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 of 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 members of the Government Junta and by the President of the Republic as a sign of promulgation thereof.

A complementary law shall establish the working organs and procedures of which the Government Junta should avail itself for exercising the aforesaid Constituent and Legislative Powers. These complementary norms shall, in addition, 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 or is not of such a nature that should call for his replacement, the titular 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 when it is of the same nature 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 13th transitory provision and until such time as the Senate and the Chamber of Deputies have been constituted, the following provisions of the Constitution shall not apply:

a) Articles 26 to 31, inclusive, Nos. 2, 4, 5 and 6, and the 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 5, 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 Articles 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, tenth, twelfth, fourteenth and fifteenth paragraphs. Neither shall 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 referring to the President of the Republic, nor the references to that number made by the second and thirteenth paragraphs concerning the matter, be in force;

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 provision contrary to those governing the presidential term, referred to in the 13th transitory provision.

TWENTY-SECOND. For the effects of provision contained in the third paragraph of Article 82 of the Constitution, the Government Junta must send the project referred to in said provision to the Constitutional Tribunal prior to promulgation thereof by the President of the Republic.

Without prejudice to the power conferred upon the President of the Republic in paragraphs 4 and 7 of Article 82, the Government Junta, in plenary shall formulate the request related to these norms.

In the case of paragraphs 11 and 16 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 referred to in the 14th transitory provision should, for any reason, be absolutely prevented from assuming his functions, the Government Junta, with the unanimity of its members, shall designate the person who is to assume the post of President of the Republic for the period referred to in the 13th 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 titular member.

If the Government Junta, constituted as provided for in the preceding paragraph, should not have, after 48 hours of meeting, 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 14th transitory provision refers to him.

TWENTY-FOURTH. Without prejudice to what is prescribed for in Article 39 et seq. the states of exception contemplated by this Constitution, if during the period referred to in the 13th transitory provision acts of violence, designed to alter public order, occur, or should there 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 grave consequences, he may extend this period for 15 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 alluded to in Article 8 of the Constitution, those accused of being or have reputed to be activist 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 mandatory 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 Interior, in the form of "By Order of the President of the Republic". The measures adopted by virtue of this provision shall not be subject to any recourse whatsoever, except that for reconsideration thereof by the authority who ordered them.

TWENTY-FIFTH. During the period referred to in the 13th provision, the National Security Council shall be chaired by the President of the Republic and integrated by the members of the Government Junta, the President of the Supreme Court and the President of the Council of State.

TWENTY-SIXTH. The Council of State shall continue in functions until such time as the Senate is constituted.

TWENTY-SEVENTH. The titular 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 post of President of the Republic in the presidential term following that referred to in the 13th transitory provision, who is to meet with 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 that same Article. To this effect, they shall meet at least 90 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 effects of convoking the plebiscite.

Should unanimity not have been reached in the 48 hours following the meeting of the Commanders-in-Chief and the General-Director referred to in the previous paragraph, the proposal shall be made as prescribed for in the second paragraph of the 17th transitory provision and the National Security Council shall communicate its decision to the President for the same effects as those indicated in the previous paragraph.

The plebiscite shall be held not prior to 30 nor after 60 days from the date of the proposal and shall be carried out in the form 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 post on the same day on which his predecessor is to cease in office; 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, 9 months after assuming his post, 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 30 nor later than 45 days following the convocation and it shall be carried out in accordance with provisions of the respective organic law.

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

The Deputies of this first Congress shall remain in office three years. The Senators elected by the regions of uneven numbers shall likewise remain three years in office, and the Senators elected by the even-numbered regions and the metropolitan area as well as those who should 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 referred to in the 13th provision, shall continue in force.

TWENTY-NINTH. It shall be understood that if the citizens should not approve the proposal submitted to plebiscite referred to in the 27th transitory provision, the presidential term referred to in the 13th transitory provision shall be 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 this effect, 90 days prior to the expiration of the extended period referred to in the above paragraph, the incumbent President shall convoke to election of the President of the Republic and of the congressmen, in accordance with the permanent precepts of this Constitution and the law.

