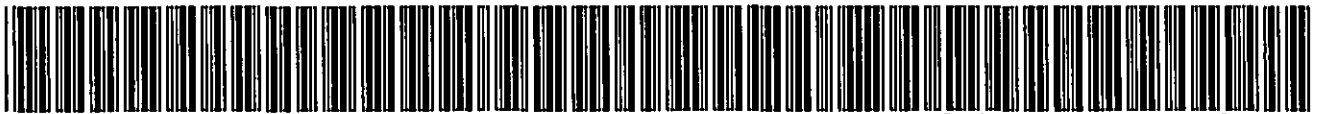


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Jorge Fábrega P.

CONSTITUTION OF THE REPUBLIC OF PANAMA

Translated by
**JORGE FABREGA P.
ANNEL L. GRIMISON
and
DAVID D. CONTRERAS**

**Editora Jurídica Panameña
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TITLE I. THE PANAMANIAN STATE

ARTICLE 1. The Panamanian Nation is organized as a sovereign and independent State, and its name is the Republic of Panama. Its Government is unitary, republican, democratic and representative.

ARTICLE 2. Public power emanates solely from the people. It is exercised by the State, in conformity with this Constitution, through Legislative, Executive, and Judicial Branches of Government which act within limits and separately, but in harmonious cooperation.

ARTICLE 3. The territory of the Republic of Panama comprises the land surface, the territorial sea, the undersea continental shelf, the subsoil and the air space between Colombia and Costa Rica, in accordance with the boundary treaties concluded by Panama with those States.

National territory can never be ceded, assigned, or transferred, neither temporarily nor partially, to another State.

ARTICLE 4. The Republic of Panama abides by the rules of International Law.

ARTICLE 5. The territory of the Panamanian State is divided politically into Provinces, these, in turn, into Districts and the Districts into Precincts (Corregimientos).

Other political divisions may be created by law, either to be subject to special rules, or for reasons of administrative convenience or public service.

ARTICLE 6. The symbols of the Republic are the anthem, the flag, and the coat of arms adopted by Law No. 34 of 1949.

ARTICLE 7. Spanish is the official language of the Republic.

TITLE II. CITIZENSHIP, AND STATUS OF FOREIGNERS

ARTICLE 8. Panamanian citizenship is acquired by birth, by naturalization or by Constitutional provision.

ARTICLE 9. The following are Panamanian by birth:

1. Those born in the National territory.
2. The offspring of parents who are Panamanian by birth, born outside the territory of the Republic, provided they establish their domicile in the National territory.
3. The offspring of parents who are Panamanian by naturalization, born outside the territory of the Republic, provided they establish their domicile in the Republic of Panama and state their desire to elect Panamanian citizenship, not later than one year after reaching legal age.

ARTICLE 10. The following may request Panamanian citizenship by naturalization:

1. Aliens with five years of continuous residence within the territory of the Republic, if, after having reached legal age, they declare their intention to become naturalized, expressly renounce their citizenship of origin or any other citizenship, and establish that they have a command of the Spanish language and an elementary knowledge of Panamanian geography, history and political organization.
2. Aliens with three years of continuous residence within the territory of the Republic, who have children born on national territory of Panamanian father or mother, or who have a spouse of Panamanian citizenship, provided they make the statement and submit the evidence to which the preceding section refers.
3. Those nationals by birth, of Spain or any Latin American nation provided they fulfill the same requirements necessary in their country of origin for the naturalization of Panamanians.

ARTICLE 11. All children born abroad who, before their seventh

birthday, were legally adopted by Panamanian nationals are Panamanians without the requirement of naturalization papers, provided they establish their domicile in the Republic of Panama, and, not later than one year after they become of legal age, state their intention to elect Panamanian citizenship.

ARTICLE 12. Regulations concerning naturalization shall be established by law. The State may refuse a request for naturalization papers for reasons of morality, security, health, and physical or mental impairment.

ARTICLE 13. Panamanian nationality by origin or acquired by birth can not be lost, but express or implied renunciation of it, suspends citizenship.

Panamanian nationality derived from or acquired by naturalization shall be lost for the same reasons.

There is express renunciation when the person states in writing to the Executive Authority that he desires to abandon Panamanian citizenship; and implied renunciation when the person acquires the citizenship of a foreign state, or enters the service of an enemy state.

ARTICLE 14. Immigration shall be regulated by law, considering social, economic and demographic interests of the country.

ARTICLE 15. Both nationals and aliens who are within the territory of the Republic shall be subject to the Constitution and the Law.

ARTICLE 16. Panamanians by naturalization shall not be obliged to take up arms against the country of their birth.

TITLE III. INDIVIDUAL AND SOCIAL RIGHTS AND DUTIES

Chapter 1. Fundamental Guarantees

ARTICLE 17. The authorities of the Republic are established for the purpose of protecting the lives, honor and property of all nationals, wherever they may be, and aliens who may be under the Republic's jurisdiction, of insuring the effectiveness of individual and social rights and duties, and of observing and enforcing the Constitution and the Law.

ARTICLE 18. Private persons are solely responsible to the authorities for violation of the Constitution or the Law. Public Officers are responsible, for the same reasons, and also for exceeding their authority, or for dereliction in the performance of their duties.

ARTICLE 19. There shall be no public or private privileges, or discrimination, by reason of race, birth, social class, sex, religion or political ideology.

ARTICLE 20. All Panamanians and aliens are equal before the Law, but the Law, for reasons of labor, health, morality, public security and national economy, may subject to special conditions, or may deny the exercise of specific activities to aliens in general. Likewise, the Law or the Authorities may, according to circumstances, take measures that exclusively affect nationals of certain countries, in case of war, or in accordance with what may be established in international treaties.

ARTICLE 21. No one may be deprived of his liberty except by an order in writing from a competent authority, issued in accordance with legal formalities, and for reasons previously defined by law. Those executing said order are obliged to give a copy thereof to the person concerned, if he requests it.

An offender surprised in the act of committing a crime (*flagrante delicto*) may be apprehended by any person and must be turned over immediately to the authorities.

No one may be detained for more than twenty-four hours, without being brought before a Competent Authority. Public officers who violate this precept shall suffer immediate loss of employment and shall be subject to all other penalties established by law, concerning this violation.

There shall not be imprisonment, detention or arrest for debts or strictly civil obligations.

ARTICLE 22. All persons placed under arrest must be informed immediately, and in an understandable manner, of the reasons for their arrest, and of their Constitutional and corresponding legal rights.

Persons accused of committing a crime have the right to be presumed innocent until proven guilty, at a public trial, under due process of law. Whoever is arrested shall have the right, from that moment, to legal counsel in all police and judiciary proceedings.

This matter shall be regulated by law.

ARTICLE 23. Every individual arrested for reasons not specified or without the legal formalities prescribed by this Constitution or by law, shall be released upon his or another person's petition, through a writ of Habeas Corpus, which can be presented before a Court immediately after the arrest, regardless of the applicable penalty. The writ shall be processed with preference over other cases pending, through a summary proceeding, which will not be delayed even when offices are closed for the day, or, because of a holiday.

ARTICLE 24. The State may not extradite its nationals, nor may it extradite aliens, for political offenses.

ARTICLE 25. No person is obliged to testify against himself, his spouse, relatives to the fourth degree of consanguinity or second degree of affinity in criminal, correctional or police proceedings.

ARTICLE 26. The domicile, or residence, is inviolable. No one may enter therein without the consent of the owner, except by written order of a Competent Authority and for a specific purpose, or to assist the victims of a crime or disaster.

Labor, Social Security and Health Officials, upon presentation of valid identification, may make domiciliary visits, or inspections of work centers, to check on the fulfillment of social and public health laws.

ARTICLE 27. Every person may travel freely throughout the National territory and change domicile, or residence, without restrictions other than those which the transit, fiscal, health, and immigration laws or regulations may prescribe.

ARTICLE 28. The penitentiary system is based on principles of security, rehabilitation and social defense. It is unlawful to apply measures which may damage the physical, mental, or moral integrity of incarcerated individuals.

A program for training prisoners in an occupation shall be established, which should permit them to be usefully reintegrated into society.

Prisoners who are minors shall be governed by a special system of custody, protection and education.

ARTICLE 29. Correspondence and other private documents are inviolable, and shall not be seized or examined except by order of a Competent Authority, for specific purposes, and in accordance with legal formalities. In all cases secrecy shall be maintained with respect to matters not related to the reason for the seizure or examination.

Private telephone communications are also inviolable, and may not be intercepted. The examination of documents must always be effected in the presence of the person concerned, or of a member of his family, or, for lack of same, before two honorable residents of the same place.

ARTICLE 30. There is no penalty of death, expatriation, or confiscation of property.

ARTICLE 31. Only those acts shall be punished which have been declared punishable by law antedating their perpetration, and exactly applicable to the imputed act.

ARTICLE 32. No one shall be tried except by Competent Authority and in accordance with legal formalities, nor more than once for the same criminal, police or disciplinary cause.

ARTICLE 33. The following may inflict penalties without previous trial, and within the precise terms of law:

1. Officials exercising authority and jurisdiction, who can fine, or arrest, anyone who insults them or is in contempt of their authority in the act of their discharge of official duties, or because of their performance of same;

2. Chiefs of Public Forces, who can arrest their subordinates in order to subdue an insurrection or mutiny or for an infraction of discipline;

3. Captains of ships or aircraft who have power, when outside of port, to repress insurrection or mutiny, or to maintain order on board, and to detain temporarily any actual or presumed culprit.

ARTICLE 34. In case of manifest violation of a Constitutional or legal precept, to the detriment of any person, the order of a superior does not relieve from responsibility the agent who executed it. Exception is made of individuals of the Public Forces when they are in actual service, in which case the responsibility falls exclusively on the immediate superior who gave the order.

ARTICLE 35. All religions may be professed and all forms of worship practiced freely, without any other limitation than respect for Christian morality and public order. It is recognized that the Catholic religion is practiced by the majority of Panamanians.

ARTICLE 36. Religious organizations have juridical capacity and manage and administer their property within the limits prescribed by law, the same as other juridical persons.

ARTICLE 37. Every person may express his opinion freely, either orally, in writing or by any other means, without being subject to prior censorship. Legal responsibility (liability) will, however, be incurred when by any of these means, the reputation or honor of persons is assailed, or when social security or public order is attacked.

ARTICLE 38. All inhabitants of the Republic have the right to assemble peacefully, without arms, for lawful ends. Public demonstrations or gatherings in open air are not subject to permission. Only previous notification of the local Administrative Authorities, twenty-four hours in advance, is required to hold such gatherings.

Authorities may take Police action to prevent or restrain abuse of this right, when the form in which it is exercised causes, or may cause, traffic disturbances, breach of the peace, or violation of the rights of others.

ARTICLE 39. The formation of companies, associations, or foundations that are not contrary to morals or legal order, is permitted. These may obtain recognition as juridical persons.

Recognition shall not be granted to associations whose ideologies are based on the supposed superiority of any race or ethnic

group or which defend or promote racial discrimination.

The capacity, recognition and regulation of these companies and other juridical persons shall be determined by Panamanian law.

ARTICLE 40. Every person is free to exercise any profession or trade, subject to regulations established by law with respect to competence, morality, social welfare and security, professional affiliation, public health, unionization, and compulsory dues.

No taxes or assessments for the exercise of liberal professions, trades, and arts shall be established.

ARTICLE 41. Every person shall have the right to present respectful petitions and complaints to Public Officials for reasons of social or private interest, and to obtain a prompt decision.

A Public Official to whom such a petition, inquiry, or complaint is presented, must make a decision on it within thirty days.

Penalties which apply to a violation of this provision shall be determined by law.

ARTICLE 42. Ministers of religious faiths and members of religious orders, aside from the performance of duties inherent to their missions, may hold public posts only when such are positions related to social welfare, public education, or scientific research.

ARTICLE 43. Laws have no retroactive effect, except those of public order or social interest when such is expressed. In criminal matters the law favorable to the accused always has preference and retroactivity, even though the judgement may have become final.

ARTICLE 44. Private property acquired by juridical or natural persons is guaranteed in accordance with law.

ARTICLE 45. Private property implies obligations on the part of its owners because of the social function it must fulfill.

For reasons of public utility or social interest defined by law, there may be expropriation through special proceeding and compensation.

ARTICLE 46. When the application of a law enacted for reasons of public benefit or social interest results in a conflict between private rights and the need recognized by the law itself, private interest must yield to the public or social interest.

ARTICLE 47. In case of war, grave disturbance of public order or urgent social interest requiring prompt action, the Executive Authority may decree the expropriation or seizure of private property.

When return of the seized object is feasible, the seizure will be only for the duration of the circumstances that may cause it.

The State is always responsible for all expropriations that the Executive Authority thus carries out, and for the losses and damage caused by the seizure, and will pay the value thereof as soon as the determining cause for the expropriation or seizure ends.

ARTICLE 48. No person is obliged to pay a tax or impost which has not been legally established and its manner of collection prescribed by law.

ARTICLE 49. Every author, artist, or inventor enjoys the exclusive ownership of his work or invention during the time and in the manner prescribed by law.

ARTICLE 50. Every person against whom a Public Officer shall issue or execute a mandatory order or an injunction violating the rights and guarantees established by this Constitution, shall have the right of the order being revoked upon his petition or the petition of any other person.

The writ for protection of constitutional guarantees, (amparo de garantías constitucionales) to which this Article refers, shall be subject to summary proceedings and the Cognizance of Courts of Law.

ARTICLE 51. In case of foreign war or internal disturbance that threatens peace or public order, all, or a part, of the Republic may be declared in a State of Emergency, and the guarantees of Articles 21, 22, 23, 26, 27, 29, 37, 38, and 44 of this Constitution may be temporarily suspended, partially or totally.

The State of Emergency and the suspension of Constitutional guarantees mentioned above shall be declared by the Executive Branch of Government through a Decree, agreed upon in Cabinet Council. The Legislative Branch of Government, in its own right, or at the request of the President of the Republic, shall take cognizance of the State of Emergency if it lasts longer than ten days, and confirm or revoke, totally or partially, the measures adopted by the Cabinet Council relative to said State of Emergency.

When the conditions that had motivated the State of Emergency Decree cease to exist, the Legislative Branch of Government, if it is in session, or, if not, the Cabinet Council, shall rescind the Decree and end the State of Emergency.

Chapter 2. The Family

ARTICLE 52. The State protects marriage, motherhood and the family. What is relative to civil status shall be determined by law.

The State shall protect the physical, mental and moral health of minors and shall guarantee their rights to support, health, education and social security. In an equal manner, the elderly and the sick who are destitute shall have the right to this protection.

ARTICLE 53. Marriage is the legal basis of the family. It rests on equality of rights of both spouses and may be dissolved in accordance with the provisions of the law.

ARTICLE 54. The de facto, or common-law union between persons legally capable of contracting marriage, maintained continuously during five years under conditions of singleness and stability, shall have all the effects of civil marriage.

To this end, it will suffice that the interested parties request the Civil Registrar, jointly, to record the de facto union which can be processed through the Precinct Representatives ("Corregidores"). When this request has not been made, the marriage may be proved, for the purpose of claiming the rights thereof, by any of the spouses or any interested person, in accordance with the procedures established by law. But the Public Ministry, in the interest of morals and of law, or third persons who assert rights susceptible of being affected by the aforesaid recording, provided always that the recording was contrary to fact, may object to the recording, or contest it after it has been effected.

ARTICLE 55. Parental authority (*patria potestad*) is the aggregate of rights and duties parents have in respect to their children.

Parents are obliged to support, educate and protect their children to ensure their proper physical and spiritual upbringing and development, and the latter are obliged to respect and assist their parents. The exercise of parental authority shall be regulated by law in accordance with social interests and the welfare of the children.

ARTICLE 56. Parents have, with respect to their children born out of wedlock, the same duties as towards their children born in wedlock. All children are equal according to law, and have the same rights of inheritance in intestate successions. The rights of minors or incapacitated children and of destitute parents in testate successions, shall be recognized by law.

ARTICLE 57. Investigation of paternity shall be regulated by law. Classifications as to the nature of the relationship are abolished. There shall not be entered any statement establishing differences of birth, or, on the civil status of the parents, in the registration records, or in any attestation, baptismal or christening records, or certificate referring to the relationship.

Authority is hereby granted to the father of a child born before the effective date of this Constitution to protect the child by the provisions of this Article, by means of rectifying any record or attestation in which any classification may have been established with respect to said child. The consent of the mother is not required but if the child is of legal age, he must give his consent thereto.

In acts of acknowledgment of paternity, anyone who is legally affected by said act may oppose this measure.

Procedures shall be established by law.

ARTICLE 58. The State shall protect the social and economic development of the family and shall organize the family homestead, determining the nature and amount of property that must constitute it, on the basis that it is inalienable and unattachable.

ARTICLE 59. The State shall create an Entity for the protection of the family, for the purposes of:

1. Promoting responsible parenthood through family educational programs;
2. Establishing educational programs for pre-school age children, in specialized centers, which children may attend upon the request of their parents or guardians;
3. Protecting minors, and the elderly, and accomplishing the social readjustment of those who are abandoned, helpless, morally misguided, or who have behavior maladjustment problems.

The functioning of a special jurisdiction over minors, which

among other duties, shall take cognizance of suits concerning the investigation of paternity, family desertion, and juvenile behavior problems, shall be organized and determined by law.

Chapter 3. Work

ARTICLE 60. Work is a right and duty of the individual and accordingly the State is obliged to devise economic policies to promote full employment, and to ensure to every workman the necessary conditions for a decent existence.

ARTICLE 61. Every workman in the service of the State, of public or private enterprises or private persons, is guaranteed a minimum wage or salary. Workers of enterprises specified by law shall share in the profits thereof in accordance with the economic conditions of the country.

ARTICLE 62. Rules of periodic adjustment of the minimum salary or wage of the worker shall be set by law, to cover the normal requirements of his family, to improve worker's standard of living according to specific conditions of each economic region and activity. The law may also determine the method of fixing minimum salaries or wages for professions or trades.

Whenever job or piece work is performed, it is obligatory that the minimum wage be ensured for each day's work.

The minimum of all wages or salaries is unattachable, except for support obligations as established by law. Working tools of the workmen are also unattachable.

ARTICLE 63. A like wage or salary shall always be paid for like work under identical conditions, irrespective of the person who performs it, without taking into account sex, nationality, age, race, social standing, political or religious ideologies.

ARTICLE 64. The right of organization is acknowledged for employers, employees, workers and professionals of all classes, for purposes of economic and social activities.

The Executive Authority shall have a non-extendable term of thirty days in which to grant or reject the registration of a union. Recognition by the Executive Authority of unions, whose legal status shall be determined by registration, shall be regulated by law.

The Executive Authority may not dissolve a union except when it deviates from its exclusive purposes, and this is so declared by a competent court, by means of a final judgement.

The Boards of Directors of these associations shall be constituted exclusively of Panamanians.

ARTICLE 65. The right to strike is hereby recognized. Regulations concerning the exercise of this right, including special restrictions for public service, shall be established by law.

ARTICLE 66. The maximum work day shall be eight hours, and the labor week up to forty eight hours. The maximum night work shall not be more than seven hours. Overtime shall be paid with surcharge.

The maximum work day may be reduced to six hours per day for those over fourteen and under eighteen. Employment of children under 14, and night work of those under 16, is unlawful, save for the exceptions established by law. Likewise, it is unlawful to employ children under 14 as domestic servants, and to employ children and women in unhealthy occupations.

In addition to a weekly day of rest, all workers shall be entitled to paid vacations.

The weekly day of rest with pay may be established by Law in accordance with social and economic conditions of the country, and for the benefit of workers.

ARTICLE 67. All stipulations that imply waiver, diminishment, modification, or relinquishment of any right recognized in favor of the worker are void, and, as such, do not bind the contracting parties although expressed in a labor agreement or in any other pact. Everything relating to labor contracts shall be regulated by law.

ARTICLE 68. Motherhood of the working woman is protected. The pregnant women may not be separated from her public or private employment for this reason. For a minimum of six weeks prior to confinement and eight weeks thereafter, she is entitled to rest with the same remuneration that she was receiving, and her job shall be kept for her, as well as all the rights inherent to her contract. Upon returning to work, the mother may not be dismissed for one year, except in special cases prescribed by law, which shall in

addition, regulate the special working conditions of the pregnant working woman.

ARTICLE 69. It is unlawful to engage foreign workers who can lower the working conditions or standards of living of the National worker. Hiring of foreign managers, administrative and executive directors, technicians, and professionals for public and private services shall be regulated by law, always ensuring the rights of the Panamanian in regard to National interest.

ARTICLE 70. No worker can be dismissed without just cause and without the formalities established by law. These will specify the just reasons for the dismissal, its special exceptions, and corresponding compensation.

ARTICLE 71. Free professional education for the worker is established, imparted by the State or private enterprise, and regulated by law.

ARTICLE 72. Training of union members is established. It will be imparted exclusively by the State and by Panamanian union organizations.

ARTICLE 73. All controversies arising from relations between capital and labor shall be subjected to labor jurisdiction, which shall be exercised in accordance with the provision of the law.

ARTICLE 74. Relations between capital and labor, shall be regulated by law, placing them on a basis of social justice, and establishing special state protection for the benefit of workers.

ARTICLE 75. The rights and guarantees established in this chapter shall be considered as minimum benefits for workers.

Chapter 4. National Culture

ARTICLE 76. The State recognizes the right of every individual to participate in the Culture of the Nation, and shall foster the participation of all inhabitants of the Republic in National Culture.

ARTICLE 77. National Culture consists of the artistic, philosophic and scientific manifestations produced by man in Panama through the ages. The State shall promote, develop and safeguard this cultural heritage.

ARTICLE 78. The State shall supervise the defense, dissemination and purity of the Spanish language.

ARTICLE 79. The State shall formulate national scientific policy destined to promote the development of science and technology.

ARTICLE 80. The State recognizes the individuality and universal value of artistic work; it shall sponsor and encourage Panamanian artists by making their works known through channels of cultural communication, and shall promote, at the National level, the development of art in all its manifestations, by means of academic institutions of information and recreation.

ARTICLE 81. The historical heritage of the Nation is composed of its archeological objects and sites, historical documents, monuments, and personal or real property that testify to the Nation's past. The State shall decree the expropriation of those items which are in the hands of private parties. Regulations concerning custody of such items shall be established by law, based on the historical primacy of same. Necessary steps to adapt historical heritage items to commercial, tourist, industrial, and technological programs shall be regulated by law.

ARTICLE 82. The State shall foster the development of physical culture, through sport, education, and recreation centers which shall be regulated by law.

ARTICLE 83. The State recognizes that folkloric tradition constitutes an essential element of national culture, and shall promote its study, preservation and publication, establishing its primacy over manifestations or tendencies that adulterate it.

ARTICLE 84. Aboriginal languages shall be the object of special study, conservation and dissemination. The State shall promote programs of bilingual literacy in indigenous communities.

ARTICLE 85. The social communications media are instruments of information, education, recreation, and cultural and scientific dissemination. When they are used for the dissemination of publicity and propaganda, these must not be contrary to health, morals, education, cultural formation of the local and national conscience. Operation of above mentioned media shall be regulated by law.

ARTICLE 86. The State recognizes and respects the ethnic identity of national indigenous communities, and shall establish

programs to develop the material, social and spiritual values of each of their cultures. It shall establish an institution for the study, preservation and publication of these cultures and their languages, and for promotion of full development of said human groups.

Chapter 5. Education

ARTICLE 87. All have the right to an education, and the responsibility to become educated. The State organizes and directs national education as a public service, and guarantees parents the right to participate in the process of their children's education.

Education is based on science, uses its methods, promotes its growth and dissemination, and applies its results in order to ensure the development of the human person, and of the family, and equally to ensure the affirmation and strengthening of the Panamanian nation as a cultural and political community.

Education is democratic, and is founded on principles of human solidarity and social justice.

ARTICLE 88. Education must accomplish the harmonious and integral development of the person being educated, within the physical, intellectual, moral, esthetic, and civic standards of society, and must provide the student with the capacity for useful work, in his own interest, and for the benefit of all.

ARTICLE 89. It is recognized that the purpose of Panamanian education is to encourage in the student the formation of a national conscience based on knowledge of the history and problems of the country.

ARTICLE 90. Freedom of education is guaranteed, and the right to create private schools, subject to law, is recognized. The State has the power to intervene in the teachings of private educational establishments in order that national and social purposes of the culture, as well as the intellectual, moral, civic, and physical formation of students, be fulfilled.

Public education is that taught in official public schools and private education, that taught in private schools.

Educational institutions, whether public or private, are open to all students without distinction of race, social position, political ideology, religion, or the nature of the relationship of the student's parents or guardians.

Official, and private education shall be regulated by law.

ARTICLE 91. Official education is free at all pre-university levels. Primary level or general basic education is compulsory.

Free education obliges the State to furnish students with all supplies necessary for their instruction until they complete their general basic education.

Free education does not prevent a tuition fee at the noncompulsory level.

ARTICLE 92. The State agency that shall formulate and approve study plans, educational programs and levels, as well as the organization of a national educational guidance system, in accordance with national needs, shall be determined by law.

ARTICLE 93. Occupational education is established as a special element of the educational system, with basic education and special training programs.

ARTICLE 94. Private undertakings whose operations significantly alter the school population in a certain area, shall contribute to meet the educational requirements of the children of their workmen in accordance with official regulations. Urban development enterprises shall have the same responsibilities with respect to the areas in which they operate.

ARTICLE 95. Only academic and professional titles issued by the State, or authorized by it, in accordance with the Law, are recognized. The Official University of the State shall supervise the degrees of private Universities officially approved, to guarantee the degrees they use, and shall revalidate those of foreign Universities in the cases established by law.

ARTICLE 96. Education shall be imparted in the official language. Only in specially qualified cases of public interest can an educational establishment be permitted by law to teach in a foreign language.

The history of Panama and civic education shall always be taught by Panamanians.

ARTICLE 97. The law may establish economic incentives benefiting public and private education, as well as the publication of national instructional works.

ARTICLE 98. The State shall establish a system of economic benefits through scholarships, supplements, or any economic assistance to students who deserve or require it.

Under equal circumstances, preference shall be given to those who are financially in need.

ARTICLE 99. The Official University of the Republic is autonomous. Juridical status, its own patrimony, and the right to administer it are hereby recognized. It is empowered to organize its own study programs, and to appoint and dismiss personnel in the manner determined by law. It will include in its activities the study of national problems and diffusion of National Culture. Equal importance shall be given to University education provided in Regional Centers as that provided in the capital city.

ARTICLE 100. In order that the economic autonomy of the University be made effective, the State shall provide it with what is essential for its establishment, operation, and future development, as well as the endowment dealt with in the preceding article, and the necessary resources to increase it.

ARTICLE 101. Freedom of teaching is recognized subject to no other limitations than those that for reasons of public order may be established in the University charter.

ARTICLE 102. Exceptional students of all types shall be afforded special education, based on scientific research and educational guidance.

ARTICLE 103. The Catholic religion shall be taught in public schools, but, upon the requests of parents or guardians, certain students shall not be obliged to attend religion classes, nor to participate in religious services.

ARTICLE 104. The State shall develop programs of education and promotion for indigenous groups which possess their own cultural mores, in order to ensure their active participation in public life.

Chapter 6. Health, Social Security and Social Welfare

ARTICLE 105. It is an essential function of the State to protect the health of all the people of the Republic. The individual, as part of the national community, is entitled to promotion, protection,

conservation, recovery, and rehabilitation of his health and the obligation to preserve it, health being understood to be complete physical, mental and social well-being.

ARTICLE 106. In matters of health, the State is primarily obliged to develop the following activities, integrating the functions of prevention, cure and rehabilitation in the:

1. Establishment of a national policy of food and nutrition, ensuring optimum nutritional conditions for the entire population, by promoting the availability, consumption, and biological benefit of suitable food.
2. Training of individuals and social groups by means of educational actions concerning individual and collective rights and responsibilities, with respect to personal and environmental health.
3. Protection of the health of mother, young child and adolescent, guaranteeing health care during the periods of pregnancy, lactation, childhood and adolescence;
4. Combatting of contagious diseases through environmental health, development of potable water availability, and adopting methods of immunization, prophylaxis, and treatment to be provided collectively and individually to all the population;
5. Establishment, in accordance with the requirements of each region, of centers which provide comprehensive health care services, and supply medicines to all the people. These services and medicines shall be given free to those who lack economic means to purchase them.
6. Regulation, and supervision of the fulfillment of conditions of health and safety in places of work, establishing a national policy of medicine and hygiene for Industry and Labor.

ARTICLE 107. The State shall develop a national policy regarding medical products that promotes the production, availability, obtainability, quality, and control thereof throughout the country.

ARTICLE 108. The State is obliged to establish a population policy that is responsive to the social and economic development needs of the country.

ARTICLE 109. All individuals are entitled to the security of their

economic means for subsistence in case of disability or impossibility of obtaining remunerated work. Social Security services shall be granted or administered by Autonomous Entities and shall cover sickness, maternity, disability, family subsidies, old age, widowhood, orphanhood, compulsory lay off, labor accidents and occupational diseases, and all other contingencies that may be included in social security. The establishment of such services, as and when demanded by social requirements, shall be provided for by law.

The State shall create assistance and social welfare institutions. The fundamental tasks of these are the economic and social rehabilitation of the dependent sectors or those lacking economic means, care of the mentally and chronically ill, and indigent invalids, and groups that have not been integrated into the Social Security System.

ARTICLE 110. The State may establish complementary funds, with the support and participation of public and private sector workers, to improve Social Security services concerning retirements. This shall be regulated by law.

ARTICLE 111. Government Health Agencies, including Autonomous and Semi-autonomous Institutions, shall be integrated organically and functionally. This shall be regulated by law.

ARTICLE 112. Communities have the duty and the right to participate in the planning, execution and evaluation of the different Health Programs.

ARTICLE 113. The State shall establish a National Housing Policy in order to provide housing for all people, especially those in lower income groups.

Chapter 7. The Ecology

ARTICLE 114. The State has the fundamental obligation to guarantee that its population lives in a healthy environment, free of

1. Grant necessary farm lands to rural dwellers and regulate the use of the water. A special system of collective ownership for rural communities which so request may be established by law.
2. Organize credit assistance to meet the financial needs of agricultural and cattle operations, and particularly those of low income persons and groups, and give special attention to small and medium producers;
3. Take measures to ensure stable markets and fair prices for products and to foster the establishment of Agencies, Corporations and Cooperatives for production, processing, distribution and consumption;
4. Establish means of communication and transportation to link rural and indigenous communities with centers of storage, distribution and consumption;
5. Settle new lands and regulate the tenure and use of such lands and of those incorporated into the economy as a result of the construction of new highways;
6. Foster the development of the Agrarian Sector by means of technical assistance and promotion of organization, training, protection, mechanization and other activities determined by law, and
7. Perform studies of the land in order to establish the agrological classification of Panamanian land.

The policy established for the implementation of this Chapter shall be applicable to Indian Communities in accordance with scientific methods of cultural change.

ARTICLE 123. The State guarantees to indigenous communities the reservation of necessary lands and collective ownership thereof, to ensure their economic and social well-being.

Procedures to be followed for obtaining this purpose, and the definition of boundaries within which private appropriation of land is prohibited, shall be regulated by law.

ARTICLE 124. Agrarian Jurisdiction is established. Organization and functions of Agrarian Courts shall be determined by law.

contamination (pollution), and where air, water, and foodstuffs satisfy the requirements for proper development of human life.

ARTICLE 115. The State, and all the inhabitants of the national territory, have the obligation of promoting economic and social development that prevents environmental contamination, maintains ecological balance, and avoids the destruction of ecosystems.

ARTICLE 116. The State shall regulate, supervise, and apply, at the proper time, the measures necessary to guarantee rational use of, and benefit from, land, river and sea life, as well as forests, lands and waters, to avoid their misuse, and to ensure their preservation, renewal, and permanence.

ARTICLE 117. Benefits gained from non-renewable natural resources shall be regulated by law, to avoid social, economic and environmental abuses that could result.

CHAPTER 8. Agrarian System

ARTICLE 118. The State shall pay special attention to all aspects of Cattle and Agricultural development, promoting optimum use of the land, seeing to its reasonable distribution, and its proper use and conservation, so that it may be maintained in productive conditions. The State shall guarantee each farmer the right to live with dignity.

ARTICLE 119. The State shall not permit the existence of uncultivated, unproductive or idle lands, and shall regulate work relations on the farms, promoting maximum productivity and fair distribution of the benefits of same.

ARTICLE 120. The State shall give special attention to indigenous farming communities, with the purpose of promoting their economic, social, and political participation in the national life.

ARTICLE 121. The proper use of agricultural land is a duty of the owner to the community, and shall be regulated by law in accordance with its ecological classification, to avoid underutilization and a decrease of its production potential.

ARTICLE 122. To fulfill the objectives of the Agrarian Policy, the State shall carry out the following activities:

TITLE IV. POLITICAL RIGHTS

Chapter 1. Citizenship

ARTICLE 125. All Panamanians over eighteen years of age are citizens of the Republic, without regard to sex.

ARTICLE 126. Political rights and the capacity to perform public functions with power and jurisdiction are reserved to natural born Panamanian citizens.

ARTICLE 127. The exercise of citizen rights is suspended:

1. In cases mentioned expressly in Article 13 of this Constitution.
2. For penalties according to law.

ARTICLE 128. Suspension and recovery of citizenship shall be governed by law.

Chapter 2. Suffrage

ARTICLE 129. Suffrage is a right and a duty of all citizens. The vote is free, equal, universal, secret and direct.

ARTICLE 130. The authorities are obliged to guarantee the freedom and honesty of suffrage. It is prohibited:

1. To give direct or indirect official support to any candidate for office in a popular election, even if the means used are covered;
2. To allow publicity or party affiliation activities in public offices;
3. To collect funds or contributions from public employees for political purposes, even under the pretext of voluntary contributions;
4. To impede or obstruct a citizen in obtaining, keeping, or exhibiting personally his/her personal identity card. (cedula).

Electoral offenses shall be tipified and their penalties fixed by law.

ARTICLE 131. Conditions under which public employees are eligible to become candidates for office in a popular election shall be defined by law.

ARTICLE 132. Political parties express political pluralism, contribute to the formation and manifestation of the popular will, and are fundamental instruments of political participation, without affecting free nomination in the form prescribed by law.

Recognition, and continuing existence of political parties shall be regulated by law, which, in no case, is able to establish that the number of votes necessary for a political party's existence, be more than five percent (5%) of the valid votes cast in elections for President, Legislators, or Community Representatives, according to the total vote most favorable to the party.

ARTICLE 133. It is unlawful to form political parties based on sex, race, or religion, or that have as their purpose the destruction of the democratic form of government.

ARTICLE 134. Political parties shall have the right, in equal conditions, to the use of communications media administered by the Central Government, and to ask for, and receive, information from all government officials on any matter under their jurisdiction, except that information which is concerned with the country's classified diplomatic relationships.

ARTICLE 135. The State may supervise and contribute to the payment of expenses incurred by natural persons and political parties in the electoral process. Such supervision and payment shall be determined and regulated by law, ensuring equality of expenditures to all parties and candidates.

Chapter 3. The Electoral Tribunal

ARTICLE 136. In order to guarantee the freedom, honesty and effectiveness of popular elections, an autonomous tribunal is established. It is recognized as a legal entity with its own patrimony and the right to administer it. It shall be the sole entity responsible for interpretation and application of Electoral Law and it shall direct,

supervise, and verify the recording of vital statistics, deaths, naturalizations, and all other legal acts related to the civil status of persons, the insurance of personal identity cards, and the stages of the electoral process.

The Tribunal shall have jurisdiction throughout the Republic, and shall be composed of three justices who must meet the same requirements as are necessary to become Justice of the Supreme Court. They shall be appointed for ten year terms, as follows: one from the Legislative Branch of Government, one from the Executive Branch, and one from the Supreme Court of Justice, and each shall be a person not a member of the nominating authority. For each principal, two alternates shall be appointed in the same manner, who shall not be officials of the Electoral Tribunal.

The Justices of the Electoral Tribunal are responsible before the Supreme Court for any offenses or crimes committed in the exercise of their duties, and are subject to Articles 202, 205, 207, 208, 209 and 213 hereof, and to the penalties determined by law.

ARTICLE 137. Apart from those that are conferred by law, and except for those mentioned in Numbers 5 and 7 of this Article, the Electoral Tribunal shall have functions which it shall exercise, solely, as follows:

1. To record births, marriages, deaths, naturalizations, and the rest of the facts and legal acts related to the civil status of persons, and to make the necessary explanatory notes in the respective records;
2. To issue personal identity cards (cédulas);
3. To regulate, interpret and apply Electoral Law, and to decide on disputes that could originate through such application;
4. To punish offenses and crimes against freedom and honesty of suffrage, in accordance with law;
5. To conduct an electoral census;
6. To organize, direct and supervise the registration of voters, and to resolve disputes, claims and denouncements that may arise in this respect;
7. To process records for immigration and naturalization applications;

8. To name the members of the Electoral Boards, on which shall be guaranteed representation of legally constituted political parties. This shall be regulated by law.

The decisions of the Electoral Tribunal may be reviewed only before the same, and once legal proceedings have been fulfilled, they will be definitive, irrevocable and binding. Petition of unconstitutionality is excepted.

ARTICLE 138. The Office of the Electoral Prosecutor is an agency of independent instruction, coadjutant with the Electoral Tribunal.

The Electoral Prosecutor shall be appointed by the Executive Branch of Government, subject to the approval of the Legislative Branch, for a ten year term. He/She must have the same qualifications as those required to be a Supreme Court Justice, and shall have the same restrictions.

His functions are:

1. To safeguard the political rights of citizens;
2. To watch over the official conduct of public employees, with respect to political and electoral rights and responsibilities;
3. To prosecute electoral violations and offenses;
4. To exercise all other powers determined by law.

ARTICLE 139. Public authorities are obligated to follow and fulfill orders and decisions emanating from electoral jurisdiction officials, giving such obedience, cooperation and assistance as required for the exercise of their powers. Omission or negligence in complying with such obligations shall be punished in accordance with penalties provided by law.

TITLE V. THE LEGISLATIVE BRANCH OF GOVERNMENT **(El Organo Legislativo)**

Chapter 1. The Legislative Assembly

ARTICLE 140. The Legislative Branch of Government shall be composed of a body named the Legislative Assembly, whose members shall be elected by means of party nominations, and direct popular vote, in accordance with that which is established in this Constitution.

ARTICLE 141. The Legislative Assembly shall be composed of Legislators, elected in each Electoral Circuit, in conformity with the following rules:

1. Each Province and the San Blas Territory shall be divided into Electoral Circuits;
2. The Province of Darien and the San Blas Territory shall have two Electoral Circuits in each, and one Legislator shall be elected for each Electoral Circuit;
3. Each present Administrative District that, according to the latest census, has more than forty thousand (40,000) inhabitants, shall form an Electoral Circuit, and there shall be elected one Legislator for each thirty thousand (30,000) people, and one more for a remainder of not less than ten thousand (10,000) inhabitants. The District of Panama shall be divided into four Electoral Circuits in accordance with Number 5 of this Article, and according to law. In the Electoral Circuits in which two or more Legislators must be elected, the election shall conform to the system of proportional representation established by law;
4. Except for the Province of Darien, the San Blas Territory and the present Administrative districts referred to in Number 3 of this Article, and, after subtracting the population of such Administrative Districts from the total Province population, in each

Province there shall be as many Electoral Circuits as correspond to the rate of one for every thirty thousand (30,000) inhabitants, plus one more for a remainder of no less than ten thousand (10,000) inhabitants, according to the latest national census. In each of these Electoral Circuits shall be elected one Legislator;

5. Each Electoral Circuit shall have a maximum of forty thousand (40,000) inhabitants, and a minimum of twenty thousand (20,000), but Electoral Circuits exceeding the maximum or less than the minimum stated above, can be created by law, in order to take into account present political divisions, territorial proximity, the concentration of an indigenous population, neighborhood connections, means of communication, and historic and cultural factors, as basic criteria for the grouping of the population in Electoral Circuits;
6. Political parties that may have reached the number of votes required to be in existence as such, and that have not attained the election of a Legislator in any Electoral Circuit, have the right to seat one Legislator. This seat will be awarded the candidate that has obtained the greatest number of votes for Legislator, within that party.
7. Only political parties shall have the power to nominate candidates for Legislators.

For each Legislator there shall be two alternates elected, in the same manner, and on the same day, who will take the place of the Legislator in his/her absence, according to the order of their election.

After the first election of Legislators dealt with in the present Article, definite standards of the formation of Electoral Circuits shall be established by law, different than the ones contained in this provision, but taking into account as a starting point for the structures of Electoral Circuits the present administrative and political division of Districts.

ARTICLE 142. Legislators shall be elected for a term of five years on the same day as ordinary elections are held for President and Vice-President of the Republic.

ARTICLE 143. The Legislative Assembly shall convene, in its own right, without need for previous convocation, in the capital city

for sessions that last eight months in a one year period, divided into two ordinary legislative sessions of four months duration.

Such sessions shall extend from September 1 through December 31, and March 1 through June 30.

The Legislative Assembly shall meet in extraordinary session when convoked by the Executive Branch of Government and during the time it designates, to hear exclusively, matters that this Branch submits for the Legislators' consideration.

ARTICLE 144. Legislators shall act in the interest of the nation and shall represent in the Legislative Assembly their respective political parties and their Electoral Circuit constituents.

ARTICLE 145. Political parties shall have the power to recall principal or alternate Legislators they have nominated under the following conditions and formalities:

1. The reasons for recall and the applicable procedure must have been established in the Party By Laws;
2. The reasons must refer to grave violations of the By-Laws and of the ideological, political and program platform of the party, and must have been approved by means of a written resolution issued by the Electoral Tribunal prior to the date of nomination;
3. The accused shall have the right to be heard within his Party and defend himself in two instances during the course of his case;
4. The Party's decision to recall shall be subject to an appeal which can only be heard by the Electoral Tribunal and which shall have suspensive effect.

Political parties have the power to recall principal and alternate Legislators who have renounced their Party expressly and in writing.

ARTICLE 146. Sessions dedicated to the exercise of jurisdictional powers of the Legislative Assembly shall be called judicial sessions, no matter what date they are held, or how such a Legislative Assembly has been convoked. These meetings shall not alter the continuity or duration of a Legislative Session, and shall end only when the Assembly has decided the pending question. To exercise law making functions the Legislative Assembly shall have the power to meet in its own right without prior convocation.

ARTICLE 147. To be a Legislator it is required:

1. To be Panamanian by birth, or through naturalization, and to have resided for fifteen years in the country after naturalization;
2. To be a citizen in the exercise of his legal rights.
3. To be at least twenty one years of age at the time of election;
4. Not to have been convicted by the Judicial Branch of Government for a crime against the public administration, and punished by a prison sentence, or by the Electoral Tribunal for a crime against the freedom and honesty of Suffrage.
5. To be a resident of the respective Electoral Circuit for at least one (1) year before being nominated for office.

ARTICLE 148. Members of the Legislative Assembly are not legally responsible for opinions expressed or votes given in the discharge of their duties.

ARTICLE 149. Five days before the period of each Legislature, during it, and up to five days after, members, of the Legislative Assembly shall be granted immunity. In such a period they may not be prosecuted or arrested for penal or police reasons without prior authorization by the Legislative Assembly.

This immunity shall have no effect when the Legislator renounces his immunity, or if he's caught in the act of committing a crime (*flagrante delicto*).

The Legislator shall be subject to civil jurisdiction, but not subject to garnishment, attachment or other prejudgment remedies, against his property, from the day of his election to the end of his term.

ARTICLE 150. Principal and alternate Legislators (when the latter is performing the duty) may not accept any remunerated public employment. If this should happen, a permanent vacancy is produced in the office of Legislator or alternate Legislator, whichever the case may be. Appointments as Minister, Vice-Minister, General Director or Manager of Autonomous or Semi-autonomous Entities and Diplomatic Agent are exceptions. Acceptance of any of these positions causes a temporary vacancy for the time in which the office is held. Holding the position of teacher or professor in an

official or private center of education is compatible with the office of Legislator.

ARTICLE 151. Legislators shall receive emoluments as provided by law which shall be paid by the National Treasury, but an increase in such emoluments shall not become effective until after the Legislative Assembly term in which it was approved, has expired.

ARTICLE 152. Legislators may not themselves, or through other parties, make any contracts with powers of the State, or with institutions or entities related thereto, nor accept from anyone, authority to conduct negotiations with these Branches, institutions or entities.

The following cases are excepted:

1. When a Legislator makes personal or professional use of public services or performs current operations of the same nature with institutions or entities affiliated with the State;
2. When contracts awarded through public bidding exist between Branches or Entities mentioned in this Article and non-anonymous companies in which a Legislator is a partner if said contracts were entered into before the date on which the Legislator was elected to office;
3. When contracts, awarded with or without public bidding, are held with Branches or entities and corporations in which one or more Legislators hold no more than a total of twenty percent (20%) of the capital stock;
4. When a Legislator who is an attorney takes a leave of absence to practice his legal profession.

In cases of Numbers 1, 2, and 3 of this Article, the Legislator shall lose his immunity in all matters dealing with such contracts or proceedings.

ARTICLE 153. Legislative functions of the Nation are vested in the Legislative Assembly and consist in issuing laws necessary for the fulfillment of the purposes of the performance functions, of the State declared in this Constitution, and especially for the following:

1. To issue, modify, amend or repeal national codes;
2. To issue a general law covering salaries proposed by the Executive Branch of Government;

3. To approve or disapprove, before ratification, treaties and international agreements negotiated by the Executive Branch of Government.
4. To participate in the approval of a National Budget according to that which is established in Title IX of this Constitution;
5. To declare war and to empower the Executive Branch of Government to negotiate peace;
6. To declare amnesty for political offenses;
7. To establish or restate the political division of national territory;
8. To determine the standard, weight, value, form, type, and denomination of the national currency;
9. To decide upon the use of national property for public purposes;
10. To establish taxes, duties, revenues, and official monopolies to pay for public services;
11. To issue general or specific standards which apply to the Executive Branch of Government, Autonomous and Semi-Autonomous Entities, State and Mixed Enterprises, when, with respect to the latter, the State has administrative, financial or investment control, for the following purposes: to negotiate and contract Government loans, to organize public credit; to recognize (acknowledge) the National debt and to arrange for its servicing; to set and modify tariffs, rates and other provisions concerning the management of customs;
12. To determine as proposed by the Executive Branch of Government, the structure of the national administration, through the creation of Ministries, Autonomous and Semi-autonomous Entities, State Enterprises and other public institutions, and to distribute among them the functions and transactions of the Administration with the purpose of ensuring the effectiveness of administrative performance;
13. To organize public services established in this Constitution, to issue, or authorize articles of incorporations and by laws for mixed economy companies, and organic laws of industrial or commercial State Enterprises, as well as to issue standards corresponding to the careers described in Title XI;
14. To issue standards relative to the execution of contracts in which the State, or any of its Entities or Enterprises, is a part of, or has interest in;

15. To approve or disapprove contracts in which the State or one of its Entities takes part, or has an interest in if such contracts' negotiation have not been regulated previously in accordance with Number 14 herein or if some contractual stipulation does not conform to the respective authorization law;
16. To grant the Executive Branch of Government, when it so requests, and when the need exists, precise extraordinary powers that shall be exercised during the Legislative Assembly recess by means of Decree Laws.

The law which confers such powers shall express specifically the matters and purposes that shall be the object of the Decree Laws and shall not include the matters mentioned in Numbers 3, 4, and 10 of this Article, nor the development of fundamental guarantees, suffrage, political party regulations and specification of crimes and punishments. The extraordinary powers law shall expire when the next ordinary session of the Legislative Assembly begins.

Every Decree Law that the Executive Authority issues in the exercise of powers that are conferred upon it, must be submitted to the Legislative Branch of Government, so that the latter may legislate upon the matter, in ordinary session, immediately following promulgation of the respective Decree-Law. The Legislative Branch shall have the power at all times, and on its own initiative, to repeal, amend, or add to without limitation as to matters, the Decree-Laws that have been issued;

17. To determine and approve the basic rules of its proceedings.

ARTICLE 154. Judicial functions of the Legislative Assembly are:

1. To take cognizance of accusations or charges lodged against the President of the Republic and the Justices of the Supreme Court, and to judge them, should the occasion arise, for acts performed in the exercise of the free functioning of the public power, or in violation of the Constitution or laws;
2. To take cognizance of the accusations or charges lodged against the members of the Legislative Assembly, and determine if there is probable cause, in which case it is authorized to bring the Legislator to trial for the specific offense of which he is accused.

ARTICLE 155. Administrative functions of the Legislative Assembly are the following:

1. To examine the credentials of its own member and decide whether or not the credentials are in the form prescribed by law;
2. To accept or reject the resignation of the President and Vice Presidents of the Republic;
3. To give permission to the President of the Republic, when he asks for it, to leave the national territory according to the provisions of this Constitution;
4. To approve or disapprove appointments of Justices to the Supreme Court, of Attorney General of the Nation, of Solicitor General of the Administration, and of others that are made by the Executive Power and under this Constitution, or by law, requiring ratification by the Legislative Assembly;
5. To appoint the Comptroller General of the Republic and the Deputy Comptroller, the Justice of the Electoral Tribunal, and his alternate in accordance with this Constitution;
6. To appoint the permanent Committees of the Legislative Assembly, and Committees of Investigation over any matters of public interest, in accordance with this Constitution and the rules for its internal proceedings, for the information of a full session of the Assembly so that measures considered appropriate will be issued;
7. To give votes of censure against the Ministers of State when they, in the opinion of the Legislative Assembly, are responsible for threatening or illegal acts, or for grave errors that are considered detrimental to the interests of the State. In order that the vote of censure may be in order, it must be proposed in writing six days before its debate, by no less than half of the Legislators, and approved by the vote of two thirds of the Assembly.
8. To examine and approve, or determine, the responsibilities of the General Account of the Treasury, that the Executive Authority presents, with the concurrence of the Comptroller General of the Republic;
9. To call, or request, from officials that the Legislative Branch of Government appoints or confirms, from the Ministers of State, the General Directors or Managers of all Autonomous and Semi-auto-

nomous Entities, decentralized organizations, industrial or commercial state enterprises, as well as mixed enterprises referred to in Number 11 of Article 153, the submission of written or oral reports on subjects under their authority, that the Legislative Assembly requires, to better discharge its duties, or to have knowledge of administration actions, except for that which is stated in Number 7 of Article 157. When the reports are to be oral, the call should be delivered at least forty-eight hours ahead of time, and be in the form of specific written questions. The officials who are asked to give such reports must attend and be heard during the session for which they were called, regardless of the debate to continue in later sessions for a decision by the Legislative Assembly. Such a debate shall not extend to subjects unrelated to the specific question.

10. To rehabilitate those who have lost inherent rights of citizenship;
11. To approve, amend or repeal a State of Emergency Decree, and the suspension of Constitutional guarantees in accordance with the provisions of this Constitution.

ARTICLE 156. All Legislative Assembly Committee Members shall be elected by means of a system that guarantees the proportional representation of the minority.

ARTICLE 157. The Legislative Assembly is forbidden:

1. To issue laws which may be contrary to the letter or the spirit of this Constitution;
2. To interfere by means of resolutions in affairs that are the exclusive province of the other Branches of Government;
3. To acknowledge on behalf of the Public Treasury indemnifications that have not been previously declared by competent authorities, and vote appropriations to pay for scholarships, pensions, retirement funds, grants or expenditures that have not been decreed in accordance with pre-existing general laws;
4. To decree acts of proscription (bills of attainder) or persecution against persons or corporations;
5. To incite or compel public officers to adopt determined measures;
6. To make appointments other than those pertaining to it in accordance with this Constitution and by law;

7. To demand from the Executive Branch of Government the communication of instructions given to Diplomatic Agents, or reports from confidential negotiations;
8. To order and authorize other expenditures and programs not designated in the General Budget, except in cases of emergency, expressly declared as such, by the Executive Branch of Government;
9. To delegate any of its functions, except what is provided in Number 16 of Article 153;
10. To give votes of confidence, or censure with respect to acts of the President of the Republic.

Chapter 2. Formation of Laws

ARTICLE 158. Laws originate in the Legislative Assembly and are divided as follows:

- a) Organic, which are those issued in fulfillment of sections 1,2,3,4, 7,8,9,10,11,12,13,14,15 and 16 of Article 153;
- b) Ordinary, which are those issued under the other sections of said Article.

ARTICLE 159. Laws shall be proposed:

- a) When they are organic:
 1. By Permanent Committees of the Legislative Assembly;
 2. By the Ministers of State, as authorized by the Cabinet Council;
 3. By the Supreme Court, Attorney General of the Republic, and Solicitor General of the Administration, when they refer to enactment or amendment of National Codes.
- b) When they are ordinary, by any member of the Legislative Assembly, by Ministers of State, or Presidents of Provincial Councils, as authorized by the Cabinet Council and the Provincial Councils, respectively.

All officials mentioned previously shall have the right of voice during Legislative Assembly sessions. In the case of Provincial Council Presidents, they shall have the right of voice when laws they have proposed are being considered. Enactment of organic laws requires an absolute majority of favorable (or yea) votes by members

of the Legislative Assembly in second and third readings. Ordinary laws need only the approval of a majority of Legislative Assembly members present during the corresponding sessions.

ARTICLE 160. No bill shall become the Law if it has not been approved by the Legislative Assembly, in three readings on different days, and approved by the Executive Authority in the manner prescribed by this Constitution.

The first reading of any bill is that given in Committee, dealt with in the preceding Article.

A bill in Committee may proceed to a second reading when the majority of the Legislative Assembly, at the request of one of its members revokes the opinion of the Committee and gives its approval to the bill.

ARTICLE 161. Every bill that has not been presented by one of the Committees shall be given by the President of the Legislative Assembly, to an Ad Hoc Committee, for study and discussion within a reasonable time period.

ARTICLE 162. When a bill has been approved it will go to the Executive Authority and if he approves it, he will order it to be promulgated as law. In the opposite case, he will return it with a statement of objections, to the Legislative Assembly.

ARTICLE 163. The Executive Authority shall be allowed a period of no more than thirty working days to return a bill with objections.

If the Executive Authority does not return the bill with his objections within the terms prescribed therefor, he must approve it and order it to be promulgated.

ARTICLE 164. A bill vetoed as a whole by the Executive Authority, will be returned to the Legislative Assembly for a third reading. If it has been objected to only in part, it will be returned for a second reading for the sole purpose of the objections being considered.

If the objections having been considered by the Legislative Assembly the bill is approved by the two thirds of the Legislators composing the Assembly, the Executive Authority will approve it and have it promulgated without power to present new objections. If it does not obtain the approval of that number of Legislators, the bill shall be rejected.

ARTICLE 165. When the Executive Authority vetos a bill as unconstitutional and the Legislative Assembly by majority vote insists that it be adopted, the bill shall be sent to the Supreme Court for a decision on its constitutionality. If the Supreme Court's judgement declares the bill constitutional, the Executive Authority is obliged to approve it and have it promulgated.

ARTICLE 166. If the Executive Authority does not comply with the duty of approving and having the laws promulgated within the periods and according to the terms established by this Title, they shall be approved and ordered to be promulgated by the President of the Legislative Assembly.

ARTICLE 167. Every law shall be promulgated within six working days following its approval, and shall be in force from its promulgation, except when the law itself establishes a later date for its entrance into force. The delay in the promulgation of a law has no effect on its constitutionality.

ARTICLE 168. Laws may be accompanied by an explanatory statement, and their text shall begin with the following preamble:

The Legislative Assembly

DECREES:

ARTICLE 169. Bills, which may remain pending during a period of sessions, may only be considered as new bills.

TITLE VI. THE EXECUTIVE BRANCH OF GOVERNMENT

Chapter 1. The President and Vice-Presidents of the Republic

ARTICLE 170. The Executive Branch of Government is composed of the President of the Republic and the Ministers of State, according to the provisions of this Constitution.

ARTICLE 171. The President of the Republic exercises his powers alone, or with the participation of the respective Minister, or with all of the Ministers in the Cabinet Council, or in any other way determined by this Constitution.

ARTICLE 172. The President of the Republic shall be elected by a majority of votes in popular, direct suffrage for a period of five years. Together with the President of the Republic there shall be elected, in the same manner and for an equal term, a first Vice-President and a Second-Vice-President, who shall replace the President in his absence in accordance with the provisions of Articles 182, 183 and 184 of this Constitution.

ARTICLE 173. The citizen who has been elected President or Vice-President of the Republic may not be reelected for the same office in the two Presidential terms immediately following.

ARTICLE 174. In order to be President or Vice-President of the Republic, it is required:

1. To be Panamanian by birth;
2. To have reached thirty-five years of age.

ARTICLE 175. Persons who have been convicted of crimes against the public administration by the Judicial Branch of Government may not be elected President or Vice-President of the Republic.

ARTICLE 176. The President and the Vice-Presidents of the Republic shall take possession of their respective offices before the Legislative Assembly, on the first day of September, following the

elections, and shall take the oath of office in these words "I swear to God and to the Country to comply faithfully with the Constitution and the laws of the Republic".

A citizen who professes no religious belief may dispense with the invocation to God in the oath.

ARTICLE 177. If for any reason the President or Vice-Presidents of the Republic can not take office before the Legislative Assembly, it shall be done before the Supreme Court of Justice, and in lieu of the latter, before a Notary-Public, and if this is not possible, before two competent witnesses.

ARTICLE 178. Functions which may be exercised by the President of the Republic by himself are:

1. To appoint and remove freely the Ministers of State;
2. To coordinate the work of the Administration and Public establishments;
3. To supervise the preservation of public order;
4. To adopt the means necessary for the Legislative Assembly to meet on the day designated by this Constitution, or by a Decree convoking the Assembly to extraordinary sessions;
5. To submit, at the beginning of each Legislature in the first day of ordinary sessions, a message relative to the affairs of the Administration.
6. To veto bills that he considers to be improper or unconstitutional;
7. To invalidate orders or provisions issued by a Minister of State according to Article 181;
8. To exercise all other powers granted him by this Constitution or by law.

ARTICLE 179. Functions that the President of the Republic must exercise with the participation of the respective Minister are:

1. To approve and promulgate laws, to obey them and to see that they are faithfully executed.
2. To appoint Chiefs and Officers of the Public Force, according to military rank (Escalafón Militar) and to direct the use of same;
3. To appoint and dismiss freely the Governors of the Provinces;

4. To inform the Legislative Branch of Government of vacancies produced in positions which the latter must fill;
5. To supervise the collection and administration of national revenues;
6. To appoint in accordance with the provisions of Title XI hereof persons who are to hold national offices or positions, appointment which does not fall within the competence of any other public office or entity.
7. To send to the Legislative Branch of Government within the time limit set in Article 267, the projected general budget for the following fiscal year, except when the date the President of the Republic takes office coincides with the start of such sessions. In this case the President shall accomplish this task within the first forty days of this same session;
8. To enter into administrative contracts for the performance of services and the execution of public works, in accordance with the provisions of this Constitution and by law;
9. To direct foreign relations, to negotiate treaties and public agreements which shall be submitted for consideration to the Legislative Branch of Government, and to assign and receive Diplomatic officers and Consuls;
10. To direct, regulate and inspect services established in this Constitution;
11. To appoint the chiefs, managers and directors of the Autonomous and Semi-autonomous Public Entities and State Enterprises, in accordance with the provisions of the pertinent law;
12. To decree pardons for political offenses, reduce penalties, and grant parols to those guilty of common crimes;
13. To confer military ranks according to pertinent legal provisions
14. To regulate laws requiring it, for the better compliance, without deviating from the text nor spirit thereof;
15. To grant to nationals who request it, the permission to accept positions in foreign government offices in cases when such permission is necessary in accordance with law;
16. To exercise the other functions granted him by this Constitution and by law.

ARTICLE 180. Powers exercised by the Vice-Presidents of the Republic are:

1. To take place of the President of the Republic as ordered, in the temporary or permanent absence of the President;
2. To participate with voice, but not vote, in sessions of the Cabinet Council;
3. To advise the President of the Republic in matters determined by same;
4. To assist and/or represent the President of the Republic in public acts and national and international congresses, or on special missions assigned by the President.

ARTICLE 181. No acts of the President of the Republic, except those which may be exercised by him alone, will have any validity or effect, unless counter signed by the respective Minister of State, who by this action renders himself responsible thereof.

Orders and resolutions that a Minister of State issues on the instructions of the President of the Republic, are obligatory, and shall only be invalidated by the latter when they are against the Constitution or law, without prejudice to legal remedies.

ARTICLE 182. The President and Vice-Presidents may be absent from their offices with permission granted by the Cabinet Council, for a period not to exceed ninety days. For an absence of more than ninety days permission is required from the Legislative Assembly.

During a President's leave of absence the First Vice-President shall replace him, and in lieu thereof, the Second Vice-President. Whoever replaces the President shall have the title of Acting President.

When for any reason the Vice-Presidents cannot fulfill the duties of the President, then the Ministers of State shall elect by majority vote, one from among their number, who is qualified to become President, and he shall be called the Minister Acting as President of the Republic.

In the time periods designated in this and the following Articles, non-work days are included.

ARTICLE 183. The President of the Republic may be absent from National Territory, on each occasion, without asking permission:

1. Up to and including ten days without authorization;

2. Over ten days, but no more than thirty days, with authorization from the Cabinet Council;
3. For a period of over thirty days as authorized by the Legislative Assembly.

If the President will be absent for more than ten days, the First Vice-President shall take charge, and in lieu thereof the Second Vice-President. Whoever takes charge shall be called Acting President of the Republic. If the Second-Vice-President cannot take charge, then one of the Ministers of State shall do so, in accordance with Article 182.

ARTICLE 184. Upon the permanent absence of the President of the Republic, the First Vice-President will be sworn in as President for the remainder of the term, and if this is not possible, the Second Vice-President.

When the First Vice-President assumes the office of President, the Second Vice-President becomes the First Vice-President.

When for any reason the permanent absence of the President cannot be filled by the Vice-Presidents, a Minister of State shall assume the office, after being elected by the majority of votes cast by all Ministers of State, and who has all the qualifications to become President of the Republic. He/She shall be called Minister Acting as President of the Republic.

When the permanent absence of the President and Vice-Presidents occurs at least two years before the expiration of the Presidential term, the Minister Acting as President shall call an election for President and Vice-Presidents within four months, in a manner that allows those elected to assume the offices within the six months following the call, and serve out the term. A decree stating this shall be issued no later than eight days after the Minister Acting as President has taken office.

ARTICLE 185. Emoluments assigned by law to the President and Vice-Presidents of the Republic may be modified, but the change shall enter into force in the following Presidential term.

ARTICLE 186. The President and the Vice-Presidents of the Republic are responsible only in the following cases:

1. For exceeding their constitutional powers;

2. For acts of violence or coercion during the electoral process; for impeding the meeting of the Legislative Assembly, for blocking its exercise of functions, and the exercise of functions of the rest of the public organizations or authorities that are established by this Constitution.
3. For offenses against the international personality of the State, or against public authority.

In the first and second cases, the penalty shall be removal from office, and disqualification to hold public office for a period of time fixed by law.

In the third case ordinary law shall apply.

ARTICLE 187. There may not be elected President of the Republic:

1. A citizen who, called to exercise the Presidency because of permanent absence of the President, has held the position at any time during the three years immediately preceeding the term for which the election is held.
2. Relatives within the fourth degree of consanguinity or second degree of affinity of a President of the Republic who has held office in the term immediately preceeding, or such relatives of the citizen referred to in Number 1 of this Article.

ARTICLE 188. There may not be elected Vice-Presidents of the Republic:

1. The President of the Republic currently serving his term of office when the election for Vice President of the Republic is for the term immediately following said term;
2. Relatives within the fourth degree of consanguinity or the second degree of affinity of the President of the Republic, for the term following that in which said President has held office;
3. A citizen who, as Vice-President of the Republic, has held the Presidency in a permanent manner at any time during the three years preceding the term for which the election is being held;
4. Relatives within the fourth degree of consanguinity or second degree of affinity of the citizen mentioned in the preceding

section, for the term immediately following that in which that citizen has held the Presidency of the Republic.

5. Relatives within the fourth degree of consanguinity or the second degree of affinity of the President of the Republic.

Chapter 2. The Ministers of State

ARTICLE 189. The Ministers of State are Chiefs of their respective branches and cooperate with the President of the Republic in the exercise of their functions in accordance with this Constitution and the law.

ARTICLE 190. The distribution of the business of State according to its affinities, among the Ministers of State will be effected in accordance with Law.

ARTICLE 191. Ministers of State must be Panamanian by birth, must have reached twenty-five years of age, and must not have been convicted by the Judicial Branch of Government for a crime against the public administration, subject to a penalty of prison.

ARTICLE 192. No person may be appointed Minister of State who is a relative of the President of the Republic within the fourth degree of consanguinity or the second degree of affinity, or by person of those relationships be members of the same Cabinet.

ARTICLE 193. Each Minister of State shall personally submit to the Legislative Assembly an annual report or statement concerning the state of affairs of his Ministry and such reforms as he may deem expedient to introduce.

Chapter 3. The Cabinet Council

ARTICLE 194. The Cabinet Council is the meeting of the President of the Republic, which shall preside it, or else Acting President, with the vice-Presidents of the Republic and the Ministers of State.

ARTICLE 195. Functions of the Cabinet Council are:

1. To act as an advisory body in matters submitted to it by the President of the Republic, and in those matters in which it should be heard by virtue of the Constitution or the law;

2. To approve, with the President of the Republic, appointments of Justices of the Supreme Court, the Attorney General of the Nation, the Solicitor General of the Administration, and their alternates, subject to the approval of the Legislative Assembly;
3. To approve the execution of contracts, the negotiation of loans and the transfer of personal or real national property in the manner prescribed by law;
4. To approve, in conjunction with the President of the Republic, settlement or submission to arbitration of litigious matters to which the state is a party. In such cases, the favorable opinion of the Attorney General of the Nation is required.
5. To issue a Decree, under the joint responsibility of all its members, declaring a State of Emergency, and the suspension of pertinent Constitutional guarantees, in accordance with Article 51 of this Constitution.
6. To request from Public Officials, Government Entities and Mixed Enterprises, those reports deemed necessary or appropriate for the dispatch of affairs it must consider, and to summon said Officials and representatives of said Entities and Enterprises, to give oral reports;
7. To negotiate and contract, loans, organize public credit, to acknowledge the National Debt and arrange for its servicing, to set and modify tariffs, rates, and the other provisions concerning Custom Regulations, subject to the standards set by law, in accordance with Number 11 of Article 153 of this Constitution. Where as the Legislative Branch of Government has not issued a law or laws that contain the corresponding general norms, the Executive Branch of Government may exercise these powers and will send to the Legislative Branch, copies of all the Decrees issued in exercise of this power.
8. To issue regulations for its internal government and to exercise the rest of its functions as established by this Constitution, or by law.

Chapter 4. The General Council of State

ARTICLE 196. The General Council of State consists of the meeting of the President of the Republic, who shall preside over it

with the Vice-Presidents of the Republic, the Ministers of State, General Directors of Autonomous and Semiautonomous Entities, the Commander in Chief of the National Guard, the Comptroller General of the Republic, the Attorney General of the Nation, the Solicitor General of the Administration, the President of the Legislative Assembly and the Presidents of Provincial Councils

ARTICLE 197. The General Council of State has the power to act as an advisory body on matters presented by the President of the Republic or the President of the Legislative Assembly.

TITLE VII. THE ADMINISTRATION OF JUSTICE

Chapter 1. The Judicial Branch of Government

ARTICLE 198. The Administration of Justice is free, expeditious, and uninterrupted.

The pleadings and action of all Court proceedings shall be recorded on simple paper, and shall not be subject to any tax.

Vacations of the Justices, Judges or Judicial Branch employees shall not interrupt the continuous functioning of the respective Tribunals.

ARTICLE 199. The Judicial Branch is composed of the Supreme Court of Justice, courts, and such other lesser courts as the law may establish.

ARTICLE 200. The Supreme Court of Justice shall be composed of the number of Justices determined by law, appointed with the agreement of the Cabinet Council, subject to the approval of the Legislative Branch of Government, for a ten year term. If a Justice-ship becomes permanently vacant during the course of a term, a new Justice shall be appointed to serve the remainder of said term.

Every two years, two Justices shall be appointed, except in cases when, because of the number of Justices then part of the Court, more or less than two Justices shall be appointed.

When the designated number of Justices is increased, necessary appointments shall be made. The principle of successive appointment shall be maintained in accordance with the respective law.

Each Justice shall have an alternate appointed in the same manner, for the same term, who shall replace the Justice in his/her absence.

The Court shall be divided into Chambers, each with three permanent Justices.

ARTICLE 201. To be Justice of the Supreme Court, the following is required:

1. To be Panamanian by birth;
2. To have reached thirty-five years of age;
3. To be in full possession of civil and political rights;
4. To hold a University Degree in Law, registered in the office prescribed by law;
5. To have completed a ten year period in either the practice of law, employment in a position of the Judicial Branch of Government or Electoral Tribunal for which a University Degree in Law is required, or to have been a Professor of Law at University level.

The validity of credentials for Justices of the Supreme Court, issued in accordance with the preceding Constitutional provisions, is recognized.

ARTICLE 202. A person who has been convicted of a crime through a final sentence rendered by a Court of Law shall not hold office in the Judicial Branch of Government.

ARTICLE 203. In the course of exercising from its Constitutional and legal powers, the Supreme Court of Justice shall:

1. Guard the integrity of the Constitution. For this purpose, and after hearing the opinion of the Attorney General of the Nation or the Solicitor General of the Administration, the Court in plenary session shall try and rule on cases concerning the unconstitutionality of laws, decrees, decisions, resolutions and other acts that for reasons of substance or form are challenged before it, by any person.

When, during the proceedings of a case, the public official entrusted with the administration of Justice considers, or it is observed by one of the parties, that the legal or regulatory provision applicable to the case is unconstitutional, he shall submit the question to the cognizance of the Court in plenary session, except when the provision has already been the object of a decision, and shall order a continuance of the case, until the question of constitutionality is decided.

The Court shall be divided by law into Chambers, each with three permanent Justices.

The parties only shall be able to formulate such observations one time during the process of a case.

2. Exercise contentious-administrative jurisdiction (administrative litigation) over acts, omissions, faulty or deficient public services, resolutions and orders or provisions which are executed, adopted, issued, or committed in the performance or duties, or on the pretext of performing them, by National, Provincial, and Municipal Government Employees, as well as those of Autonomous and Semi-autonomous Public Entities. In such cases, the Supreme Court of Justice, after hearing the opinion of the Solicitor General of the Administration, shall have the power to annul the acts that have been accused of unlawfulness, reestablish the private rights violated, enact new provisions in lieu of those opposed, and render a judgement with regard to the meaning, applicability or legal validity of an administrative act.

Persons affected by the act, resolution, order or decision in question may resort to contentious-administrative jurisdiction; and any natural or juridical person, domiciled in the country may exercise popular action.

The decisions issued by the Supreme Court in exercise of the powers conferred on it by this Article are final, definitive and binding, and must be published in the Official Gazette.

ARTICLE 204. Neither writ of unconstitutionality, nor for constitutional guarantees (amparo) shall be admitted against the judgements of the Supreme Court of Justice or its Chambers.

ARTICLE 205. The incumbent Justices and Judges shall not occupy any other public position except that of Professor of Law in an educational institution at University level.

ARTICLE 206. In the Court of Appeals and Lower Courts established by law, Justices shall be appointed by the Supreme Court of Justice and Judges shall be appointed by their immediate superiors. Subordinate personnel shall be appointed by the respective Tribunal or Judge. All these appointments shall be made according to the Judicial Career, pursuant to Title XI hereof.

ARTICLE 207. Justices and Judges are independent in the performance of their functions and are subject only to the Constitution

and to Law. But, lower courts are obliged to abide by and comply with the decisions that superior courts may issue on revoking or reversing, by virtue of legal proceedings, decisions rendered by the former.

ARTICLE 208. Justices and Judges will not be discharged from office, nor suspended or transferred from the exercise of their functions, except in cases and with the formalities established by law.

ARTICLE 209. Officials in the Judicial Branch of Government shall not participate in politics, except to vote in elections, nor practice law, nor commerce, nor hold any other remunerated position, except that which is provided in Article 205 hereof.

ARTICLE 210. Salaries and allowances for Justices of the Supreme Court shall not be less than those of the Ministers of State. All elimination of positions in the Judicial Branch of Government shall be carried out upon the expiration of the corresponding term.

ARTICLE 211. The Supreme Court of Justice and the Attorney General of the Nation shall formulate the respective Budgets of the Judicial Branch of Government and the Public Ministry, and shall send them, at the proper time, to the Executive Branch of Government, to be included in the projected General Budget of the public sector. The President of the Court and the Attorney General shall support all stages of their respective projected Budgets.

The Budget of the Judicial Branch and of the Public Ministry shall not, together, be less than two percent of the current Central Government income.

However, when this amount is more than necessary to cover fundamental necessities proposed by the Judicial Branch and the Public Ministry, the Executive Branch shall include the excess in other areas of expenditures or investments in the projected Budget of the Central Government, in order that the Legislative Assembly determine whatever is proper.

ARTICLE 212. Procedural laws that are approved shall be based, among others, on the following principles:

1. Simplification of procedures, expeditiousness and absence of formalism;
2. The object of the procedure is to recognize the rights granted by substantive law.

ARTICLE 213. Justices and Judges may not be detained nor arrested except by virtue of a written order from a Judicial Authority competent to judge them.

ARTICLE 214. The means of giving advice and legal defense to those who, because of their economic situation cannot pay for same, shall be established by law, whether from an official organization created for this purpose, or through professional associations of lawyers recognized by the State.

ARTICLE 215. Trial by jury is (hereby) established. Cases to be adjudicated by this system shall be determined by law.

Chapter 2. The Public Ministry

ARTICLE 216. The Public Ministry shall be conducted by an Attorney General of the Republic**, the Solicitor General of the Administration***, by the District and Municipal Attorneys****, and such other officers as the law may designate. Officials of the Public Ministry may be delegated to exercise the functions of the Attorney General in the manner prescribed by law.

Each officer of the Public Ministry shall have two alternates who shall replace him, during temporary absences and during permanent absence while the vacancy is being filled.

ARTICLE 217. Functions of Officers of the Public Ministry are:

1. To defend the interest of the Nation, or of the Municipality;
2. To promote the compliance or execution of laws, court decisions, and administrative orders;
3. To supervise the official conduct of Public Officials and Employees and to take care that all completely discharge their duties;
4. To prosecute offenses and violations of Constitutional or legal provisions;

* Corresponds roughly to the Attorney General Office.

** Procurador General de la Nación.

*** Procurador de la Administración.

**** Fiscales y Personeros.

5. To serve as legal advisors to the Administrative Officers, and
6. To exercise the other functions established by law.

ARTICLE 218. The same qualifications are required to be Attorney General of the Nation and Solicitor General of the Administration as are required to be a Justice of the Supreme Court, and both shall be appointed for a term of ten years.

ARTICLE 219. The special functions of the Attorney General of the Republic are:

1. To arraign before the Supreme Court of Justice those Officials whose trials correspond to that body;
2. To see to it that the other Officers of the Public Ministry faithfully discharge their duties and to take appropriate action to hold them responsible for offenses or crimes committed by them.

ARTICLE 220. The same provisions are effective with respect to the Officers of the Public Ministry as are established with respect to Judicial Officers by Articles 202, 205, 207, 208, 209 and 213.

ARTICLE 221. The Attorney General of the Nation and the Solicitor General of the Administration and their alternates shall be appointed in the same manner as are the Justices of the Supreme Court.

District and Municipal Attorneys shall be appointed by their immediate superior. Subordinate employees shall be appointed by the respective District or Municipal Attorney. All these appointments shall be made as arranged in the Judicial Career, in accordance with the provisions of Title XI.

TITLE VIII. MUNICIPAL AND PROVINCIAL SYSTEMS

Chapter 1. Precinct Representatives

ARTICLE 222. Each Precinct shall elect a Representative* and his alternate, by direct popular vote for a five years term. Precinct Representatives may be re-elected indefinitely.

ARTICLE 223. In order to be a Precinct Representative it is required:

1. To be Panamanian by birth, or to have acquired definitively, Panamanian nationality ten years before the election date;
2. To be eighteen years of age;
3. Not to have been convicted by the Judicial Branch of Government, of a crime against the Public Administration, and incarcerated for same, or of a crime against the freedom and honesty of suffrage;
4. To be a resident of the Community represented for at least one year immediately preceding the election.

ARTICLE 224. A Precinct Representative shall lose his office for the following reasons:

1. A voluntary change of residence to another Community;
2. Conviction by a Court of Law for a criminal act;
3. Revocation of the mandate, ("recall"), in accordance with regulations established by law.

ARTICLE 225. In the case of the temporary or permanent absence of the principal Precinct Representative, his alternate shall take charge.

* Representante de Corregimiento: Borough Representative.

In case of a permanent absence of the principal and alternate Precinct Representatives an election must be held within the following six months to elect a new Precinct Representative and his/her respective alternate.

ARTICLE 226. Precinct Representatives shall not be appointed to remunerated public positions in their respective Municipalities. An infraction of this precept will nullify the appointment.

An appointment to the Judicial Branch of Government, the Public Ministry, or Electoral Tribunal will produce a permanent Precinct Representative vacancy, and temporary, when designated as a Minister of State, Chief of an Autonomous or Semi-Autonomous Institution, or Diplomatic Mission, or the Governor of a Province.

ARTICLE 227. Precinct Representatives are not legally responsible for opinions stated during the exercise of their offices as members of the Provincial Council.

ARTICLE 228. Precinct Representatives shall receive remuneration, paid by the National or Municipal Treasury, as determined by law.

Chapter 2. The Municipal System

ARTICLE 229. The Municipality is the autonomous political organization established within a district.

The Municipal organization shall be democratic and will respond to the essentially administrative character of local government.

ARTICLE 230. It is the duty of the Municipalities to promote the development of the Precinct and the execution of social welfare, and to collaborate with the National Government for these purposes. The portion of the Municipal income that must be allocated to these ends and specifically for education shall be determined by law, taking into account population, geographical location and economic-social development.

ARTICLE 231. The Municipal Authorities have the duty to comply with, and cause to be complied with, the Constitution and laws of the Republic, the decrees and orders of the Executive Authority, and the decisions of the ordinary or administrative Courts of Justice.

ARTICLE 232. No Municipal Civil Servant may be suspended or discharged by the National Administrative Authorities.

ARTICLE 233. The State shall supply Municipal management when the latter may be insufficient in cases of epidemic, grave disturbance of the public order, or other reasons of general interest, in the manner prescribed by law.

ARTICLE 234. In each District there shall be an organization called the Municipal Council, composed of all Precinct Representatives that have been elected within said District. If, in any District there exists less than five Precinct Councilmen shall be elected by direct popular vote, according to the procedure and systems of proportional representation established by law, so that there are five members in a Municipal Council.

The Council shall designate one President and one Vice-President from among its members. The latter shall take the place of the former, in his/her absence.

ARTICLE 235. By popular initiative and through the vote of the respective Councils, two or more Municipalities may request their incorporation into a single one, or into an association, for reasons of common benefit. Corresponding procedures shall be established by law.

The Municipalities of a Province (with like requisites may unify their regime, establishing a common treasury and fiscal administration. In this case there may be created an Intermunicipal Council whose composition shall be determined by law.

ARTICLE 236. Citizens have the right of initiative and referendum in the matters entrusted to the Councils.

ARTICLE 237. The law may establish, in accordance with economic capacity and human resources of the municipalities, which of them shall be governed by a system of expert commissioners to render those services that the law itself may establish.

ARTICLE 238. In each District there shall be a Mayor (alcalde) who is Chief of the Municipal Administration, and two alternates, elected by direct popular vote, for five year terms.

However, as provided by law, in all Districts, or one, or more of them, Mayors and their alternates may be freely appointed and removed by the Executive Branch of Government.

ARTICLE 239. Each District shall have a Treasurer elected by the Council, for a term which shall be determined by law, and who shall be the Chief of the office or department of collection of the municipal revenues and of payment.

In those Districts whose total amount of income reaches a sum determined by law, an auditing office or department may function under the charge of an official who will be appointed by the Office of the Comptroller General of the Republic, as established by law.

ARTICLE 240. The Mayors, apart from the duties established in Article 231 of this Constitution and by law, shall have the following functions:

1. To submit bills, especially of the budget for revenues and expenditures;
2. To put in order the expenditures of the local administration, conforming to the budget and the rules and accounting regulations;
3. To appoint and remove Precinct Representatives (corregidores) and to appoint and remove Municipal Employees whose appointment does not come under another Authority, subject to what is stated in Title XI hereof, and
4. To promote progress in the Municipal Precinct and to supervise Municipal Employees in the fulfillment of their obligations.

ARTICLE 241. Mayors and Precinct Officials (Corregidores) shall receive a remuneration for their services, that shall be paid from the National or Municipal Treasury, according to what is determined by law.

ARTICLE 242. Municipal taxes are those which have no effect outside of the District, but exceptions shall be established by law which specify taxes as Municipal notwithstanding that they so originate. On this basis, the proper separation of National revenues and expenditures and those that are Municipal shall be established by law.

ARTICLE 243. The following shall be sources of Municipal income apart from those provided by law in accordance with the preceding Article:

1. Income from public lands or properties or from Municipal assets.
2. Fees for the use of goods or services.

3. Duties on public performances.
4. Taxes on the sale of alcoholic beverages.
5. Duties on the extraction of sands, quarried stone, rock, clay, coral, gravel and limestone.
6. Fines imposed by Municipal Authorities.
7. State subsidies and grants.
8. Duties, on the extraction of woods, and on lumbering.
9. Tax on the slaughtering of bovine and porcine livestock which shall be paid in the Municipality of the animal's origin.

ARTICLE 244. Municipalities shall be able to create Municipal an/or mixed enterprises for the development of properties or services

ARTICLE 245. The State shall not grant exemptions of Municipal duties, charges or taxes. Municipalities alone shall do so by means of a Municipal Resolution.

ARTICLE 246. Municipalities shall contract loans with prior authorization of the Executive Branch of Government. Procedure shall be determined by law.

ARTICLE 247. There shall be a Precinct Board in each Community* that shall promote the development of the Community and supervise the solution of its problems.

Precinct Boards shall exercise functions of voluntary conciliation, and others designated by law.

ARTICLE 248. The Community Board shall be composed of the Community Representative, who shall preside over it, the Precinct Officer, and five citizen residents chosen in the manner determined by law.

Precinct Boards shall be able to request the cooperation and advice of National or Municipal Officials, and of private persons.

Special rules for Precinct Boards that shall function in Communities which are not administratively constituted in Municipalities, shall be established by law.

* Precinct

Chapter 3. The Provincial System

ARTICLE 249. There shall be in each Province a Governor whose free appointment and removal shall be by order of the Executive Authority, and who shall represent the latter within his jurisdiction. Each Governor shall have an alternate, also designated by the Executive Branch.

Functions and duties of Governors shall be determined by law.

ARTICLE 250. Each Province shall include the number of districts provided by law.

ARTICLE 251. A Provincial Council shall function in each Province, made up of all Precinct Representatives of the respective Province, and other members determined by the law that regulates the organization and operation of the Council. Such members shall have only the right of voice.

Each Provincial Council shall elect a President and Board of Directors from among the respective Precinct Representatives, and shall issue the rules for its internal proceedings.

The Governor of the Province, and Mayors of the Districts may participate with right of voice at Provincial Council meetings.

ARTICLE 252. Along with others designated by law, the Provincial Council has the following duties:

1. To act as an advisory body, to the Governor of the Province, to Provincial Authorities, and to National Authorities in general;
2. To request reports on matters concerning the Province from National, Provincial and Municipal Officials. For these purposes the Provincial and Municipal Officials are obliged, when the Provincial Council so requests, to appear personally before it, and give oral reports. National Officers may submit written reports.
3. To prepare each year for the consideration of the Executive Branch of Government, the ~~plan for public works, investments,~~ and services of the Province, and to supervise, the execution of same;
4. To supervise the performance of public services offered in the respective Province;
5. To recommend to the Legislative Assembly changes considered appropriate in political divisions of the Province.

6. To request from National and Provincial Authorities studies and programs of interest to the Province.

ARTICLE 253. The Provincial Council shall meet once a month, in ordinary session, in the Capital of the Province or at a place in the Province determined by the Council, and in extraordinary sessions when such are convoked by the President, or at the request of no less than one-third of its members.

TITLE IX. PUBLIC FINANCE

Chapter 1. Properties and Rights of the State

ARTICLE 254. The following belong to the State:

1. Properties existing in the territory that belonged to the Republic of Colombia.
2. Rights and actions which the Republic of Colombia possessed as owner, inside or outside of the Country, by reason of sovereignty that it exercised over the territory of the Isthmus of Panama.
3. Properties, revenues, estates, securities, rights, and actions which pertained to the extinct Department of Panama.
4. Vacant and free lands.
5. The subsoil, which could be exploited by State or Mixed enterprises or may be the object of concessions or contracts for the exploitation of its resources, as established by law. Mining rights granted and not exercised within the period and conditions fixed by law, will revert to the State.
6. Salt works, mines, underground and thermal waters, hydrocarbons, quarries, and deposits of all kinds, which may not be the object of private appropriation but may be exploited directly by the State, through State or Mixed enterprises, or to be the subject of concessions, or other contracts for operation by private enterprises. Regulation of all matters pertaining to the various forms of exploitations shall be determined by law.
7. Historical monuments, documents and other assets which are evidences of the past history of the Republic. The procedure by which they will revert to the State when held by private parties under any title shall be determined by law.
8. Archeological sites and objects, the exploration, study and restoration of which shall be regulated by law.

ARTICLE 255. The following belong to the State and are of public use and therefore may not be the object of private appropriation:

1. Territorial sea, lake and river waters, the shores and banks of same and of navigable rivers and ports and estuaries. All these properties are of free and common benefit, subject to the regulations established by law;
2. Lands and waters destined for public services and all kinds of communications;
3. Lands and waters designated, or that the State may designate, for public irrigation services, hydroelectric production, drainage and aqueducts;
4. Air space, the undersea continental shelf, the bed and subsoil of the territorial sea;
5. All other properties defined by law for public use.

In all cases in which property of private ownership is converted by law into property for public use, the owner thereof shall be compensated.

ARTICLE 256. Concessions for the exploitation of the soil, subsoil, forests and for utilization of waters, means of communications or transportation, and other public service undertakings, shall be inspired by social welfare and public interest.

ARTICLE 257. All artistic and historical wealth of the country constitutes the Cultural Heritage of the Republic and will be under the guardianship of the State which may prohibit its destruction, exportation or transmission.

ARTICLE 258. The power of issuing money belongs to the State, which may transfer it to official banks of issue in the manner determined by law.

ARTICLE 259. There shall not be in the Republic paper money of legal tender.

ARTICLE 260. There shall be created and regulated by law Official or Semi-Official Banks which function as Autonomous Entities supervised by the State. Subsidiary responsibilities of the State shall be established by law with respect to the obligations assumed by these banks. The banking regime shall be regulated by law.

ARTICLE 261. By law, all taxes imposed upon the taxpayer shall be, as far as possible, in direct proportion to his economic capacity, subject to the need to receive public funds and protect domestic production.

ARTICLE 262. There may be established by law, for revenue purposes, official monopolies on imported articles or those not produced in the country.

Upon the establishment of a monopoly by virtue of which any person is deprived of the right to engage in a lawful business or industry, the State shall compensate in advance those persons or enterprises whose businesses have been expropriated under the terms of this Article.

ARTICLE 263. The execution or repair of National works, purchases made from State funds or funds of its Autonomous or Semi-autonomous Entities or of the Municipalities, and the sale or lease of property belonging thereto, shall be effected by public bidding except in the cases specified by law.

Measures shall be established by law to ensure in all bidding the maximum benefit to the State and full justice in the award.

Chapter 2. The General Budget of the State

ARTICLE 264. The Executive Branch of Government is responsible for planning the projected Budget of State and the Legislative Assembly is responsible for its examination, modification, rejection or approval.

ARTICLE 265. The Budget shall be annual and shall contain the total investments, revenues and expenditures of the Public which includes Autonomous and Semi-autonomous Entities and State Enterprises.

ARTICLE 266. The Executive Branch of Government will hold budgetary consultation with different dependencies and entities of the State. The Budget Committee of the Legislative Assembly will participate in such consultations.

ARTICLE 267. In the Budget planned by the Executive Branch, expenditures shall be balanced with revenues and must be presented to the Legislative Assembly no less than three months before the

expiration date of the Budget for the present fiscal year, except for those special cases stated in Article 179, Number 7, (of this Constitution.).

ARTICLE 268. The Legislative Assembly may eliminate or reduce amounts of expenditures provided for in the projected Budget, except those meant for payment of the public debt, in fulfillment of other State contractual obligations and the financing of public investments previously authorized by law.

The Legislative Assembly may not increase expenditures described in the projected Budget, or include a new expenditure without the approval of the Cabinet Council, nor add to total revenues without the agreement of the Comptroller General of the Republic.

If, according to that which is established in this Article, total revenues are increased or portions of expenditures are eliminated or reduced, the Legislative Assembly shall use such available monies for other expenses, or investments, after obtaining approval from the Cabinet Council.

ARTICLE 269. If the projected General Budget of State does not receive final approval (by the Legislative Assembly) by the first day of the new Fiscal year, the Budget as proposed by the Executive Branch shall enter into force, adopted by decision of the Cabinet Council.

ARTICLE 270. If the Legislative Assembly rejects the projected General Budget of State, the Budget immediately preceding shall be automatically extended until a new Budget is approved, and also, the amounts in the rejected Budget, designated for the payment of the public debt, fulfillment of other State contractual obligations, and financing public investments previously authorized by law, shall be automatically approved.

ARTICLE 271. Any supplementary or extraordinary appropriations, with reference to the present Budget can be requested by the Executive Branch and approved by the Legislative Assembly in the manner designated by law.

ARTICLE 272. The Legislative Assembly shall not issue laws that eliminate or modify those that establish revenues included in the Budget without, at the same time, establishing new revenues in their place or increasing those in existence, with previous information

5. Juridical persons formed by Panamanians or by foreigners authorized to engage in it individually, in accordance with this Article, as well as those who, although not constituted in the manner herein provided, are legally engaged in retail trade at the time this Constitution becomes effective. Foreigners not authorized to engage in retail trade may not participate in those companies which sell products manufactured by same, as well. Retail trade is defined as engaging in sales to the consumer, acting as agent or representative of productive or mercantile concerns, or engaging in any other activities classified by law as pertaining to such trade.

There are excepted from this rule cases in which the farmer, or manufacturer in manual industries, sells his own products.

A system of supervision and sanctions shall be established by law in order to prevent those persons who, pursuant to this Article may not engage in retail trade, from doing so through interposed persons* or in any fraudulent manner.

ARTICLE 289 Wholesale trade is understood to be that which is not covered by the preceding Article, and may be engaged in by any person, natural or juridical. When it is necessary to protect wholesale trade operated by Panamanians, the exercise of such trade by foreigners may be restricted by law. In no case shall this restriction affect the foreigners who, at the time the pertinent provisions enter into effect, are engaged legally in wholesale trade.

ARTICLE 290. Any combination, contract or action which tends to restrict or prevent free trade and competition, and which has the effect of a monopoly to the detriment of the public, is prohibited in Commerce and Industry.

In this practice is included the operation by a single natural or juridical person of a series or chains of mercantile retail establishments in a manner that ruins or tends to eliminate the competition of small merchants or industrialists.

Any person may file a public action** before the courts in order to oppose any combination, contract or action, the object of which

* Interposita persona.

** Acción popular.

The Office of the Comptroller shall determine the cases in which it will exercise prior and subsequent control over management of funds, as well as those in which it will only exercise the latter;

3. To examine, audit and close accounts of Public Employees, Entities or Persons who administer, manage or guard funds or other public property. Criminal responsibility is subject to the cognizance of ordinary courts.
4. To conduct inspections and investigations to determine the regularity or irregularity of operations affecting public assets and if appropriate, to present the corresponding complaints.
5. To request from Public Employees reports corresponding to the fiscal management of National, Provincial, Municipal, Autonomous, or Semi-autonomous Public Institutions, and State Enterprises;
6. To adopt, and promote the adoption, of necessary measures to provide credits for Public Entities.
7. To demand the declaration of unconstitutionality or illegality, depending on the cases, of laws and other acts in violation of the Constitution or law, which affect public assets;
8. To establish accounting systems of the Public Entities mentioned in Number 5 of this Article.
9. To inform the Legislative Assembly and the Executive Branch of Government about the financial state of the Public Administration and to submit opinions on the feasibility and convenience of providing supplementary or extraordinary appropriations;
10. To direct and compile National statistics;
11. To appoint employees of its departments in accordance with this Constitution, and by law;
12. To submit to the Executive Branch of Government and Legislative Assembly, an annual report of its activities;
13. To examine the accounts of agents and management personnel, when such accounts are objected to because of supposed irregularities.

TITLE X. NATIONAL ECONOMY

ARTICLE 277. The exercise of economic activities corresponds primarily to private parties. But the State will guide, direct, regulate, replace or create such activities in accordance with social need and within the norms of the present Title, for the purpose of increasing National wealth and assuring its benefits to the largest possible numbers of inhabitants of the country.

The State shall plan economic and social development by means of special sections or departments, the organization and functions of which shall be determined by law.

ARTICLE 278. Measures which shall be established by law to accomplish the purpose dealt with in a preceding Article are:

1. The creation of Commission of technicians and specialists to study the conditions and the possibilities of all types of economic activities, and to formulate recommendations for developing them;
2. The promotion of the creation of private enterprises that will function in accordance with the recommendations mentioned in the preceding sections, and the establishment of State enterprises and the encouragement of the formation of mixed companies with State participation. State companies shall be established to meet social needs and for public security and the public interest;
3. The establishment of credit and development institutions or other appropriate facilities to serve those engaged in small economic activities;
4. The establishment of theoretical-practical centers for teaching of Commerce, Agriculture, Cattle-raising, Tourism and Arts and Crafts, including the Manual Arts, and for the training of workers and specialized industrial managers.

ARTICLE 279. The State will intervene in any kind of private

enterprise, in accordance with the regulations established by law, to ensure social justice to which the present Constitution refers and especially for the following purposes:

1. To regulate, through special institutions, service rates and prices of items of any nature and specially those of basic necessity;
2. To demand proper efficiency in services and adequate quality in articles mentioned in the preceding section;
3. To coordinate services and the production of goods.

Articles of basic necessities shall be defined by law.

ARTICLE 280. Panamanian capital must constitute the majority invested in private undertakings of public utility that operate in the country. Exceptions shall be permitted and defined by law.

ARTICLE 281. The State shall create public utility enterprises through Autonomous or Semi-autonomous Entities, and other adequate means. In the same manner, it shall assume ownership, through expropriation and compensation, of public utility enterprises belonging to private persons, if authorized in each case by law, and when necessary for collective welfare.

ARTICLE 282. In areas or regions in which the level of social or economic development so requires, the State may establish Autonomous or Semi-autonomous National, Regional or Municipal Institutions to promote comprehensive development of the section or region. These institutions may coordinate State and Municipal programs in cooperation with Municipal or Inter-Municipal Councils. The organization, jurisdiction, financing and supervision of fiscal duties of such development institutions shall be regulated by law.

ARTICLE 283. It is the duty of the State to promote and supervise Cooperatives, and for this purpose it shall create those institutions that may be necessary. A special rule for their organization, functioning, recognition and registration, which shall be free, shall be prescribed by law.

ARTICLE 284. The State shall regulate the suitable use of land in accordance with its potential use and National development programs, in order to yield optimum benefits.

ARTICLE 285. No foreign Government nor foreign Official or Semi-official Entities or Institutions may acquire title over any part

of the National territory, except for Embassies in accordance with the provisions of the law.

ARTICLE 286. No foreign natural or juridical person, nor National juridical person having foreign capital, entirely or in part, may acquire ownership of National or private lands situated at a distance less than ten kilometers from the border.

Insular territory may only be transferred for specific purpose of National development and under the following conditions:

1. When it is not considered a strategic area or reserved for Governmental Programs.
2. When it is declared an area of special development, and legislation has been prescribed for its development, provided National safety is guaranteed.

The transfer of insular territory does not affect the State ownership of properties for public use.

In the preceding cases, vested rights operating at the time this Constitution becomes effective will be respected; however the respective property may be expropriated at any time through payment of an adequate compensation.

ARTICLE 287. There shall be no property that may not be freely transferred, nor irredeemable obligations, except what is stipulated in Article 58 and 123 hereof. Nevertheless, temporary limitations to the right of transfer and the conditions or modes that suspend or retard the redemption of the obligations shall be valid for a maximum period of twenty years.

ARTICLE 288. Only the following may engage in retail trade:

1. Panamanians by birth.
2. Individuals who, at the time this Constitution becomes effective, were naturalized and married to a Panamanian national or had children by a Panamanian national.
3. Naturalized Panamanians, not included in the preceding case, after three years from the date of their obtaining their final papers.
4. National or foreign juridical persons and foreign natural persons who at the time this Constitution becomes effective, were engaged in retail trade, in accordance with the law.

5. Juridical persons formed by Panamanians or by foreigners authorized to engage in it individually, in accordance with this Article, as well as those who, although not constituted in the manner herein provided, are legally engaged in retail trade at the time this Constitution becomes effective. Foreigners not authorized to engage in retail trade may not participate in those companies which sell products manufactured by same, as well. Retail trade is defined as engaging in sales to the consumer, acting as agent or representative of productive or mercantile concerns, or engaging in any other activities classified by law as pertaining to such trade.

There are excepted from this rule cases in which the farmer, or manufacturer in manual industries, sells his own products.

A system of supervision and sanctions shall be established by law in order to prevent those persons who, pursuant to this Article may not engage in retail trade, from doing so through interposed persons* or in any fraudulent manner.

ARTICLE 289. As wholesale trade is understood that which is not covered by the preceding Article, and may be engaged in by any person, natural or juridical. When it is necessary to protect wholesale trade operated by Panamanians, the exercise of such trade by foreigners may be restricted by law. In no case shall this restriction affect the foreigners who, at the time the pertinent provisions enter into effect, are engaged legally in wholesale trade.

ARTICLE 290. Any combination, contract or action which tends to restrict or prevent free trade and competition, and which has the effect of a monopoly to the detriment of the public, is prohibited in Commerce and Industry.

In this practice is included the operation by a single natural or juridical person of a series or chains of mercantile retail establishments in a manner that ruins or tends to eliminate the competition of small merchants or industrialists.

Any person may file a public action** before the courts in order to oppose any combination, contract or action, the object of which

* Inreposita persona.

** Acción popular.

is to establish monopolistic practices. This matter shall be regulated by law.

ARTICLE 291. Hunting, fishing and exploitation of forests shall be regulated by law, with special care in protecting and conserving the fauna and flora of the country.

ARTICLE 292. Only the State may operate games of luck and chance, and activities that give rise to wagers.

All types of games as well as any activities which give rise to wagers whatever the system may be, shall be regulated by law.

ARTICLE 293. There shall not be any private monopolies.

TITLE XI. PUBLIC EMPLOYEES

Chapter 1. Fundamental Provisions

ARTICLE 294. Public employees* are persons appointed temporarily or permanently to posts in the Executive, Legislative or Judicial Branches of Government, as well as Municipalities, and Autonomous and Semi-Autonomous Entities, and in general those who receive remuneration from the State.

ARTICLE 295. Public Employees shall be of Panamanian nationality, without discrimination for reasons of race, sex, religion or political activities. Their appointment and removal may not be the absolute and discretionary prerogative of any Authority, except as provided in this Constitution.

Public Employees shall be governed by the merit system. Stability in their positions shall depend on their competence, loyalty and morality in service.

ARTICLE 296. Students and graduates of Educational Institutions shall render temporary services to the Community before freely practicing their profession or trade under compulsory Civil Service established by this Constitution. The Law shall regulate this matter.

Chapter 2. Basic Principles of Personnel Administration

ARTICLE 297. The rights and duties of Public Employees, as well as the principles governing tenure, promotion, suspension, transfer, dismissal, separation and retirement shall be established by law.

Appointments of Career Personnel shall be based on the merit system.

Public Employees are obliged to personally discharge their duties to which they shall dedicate their maximum capabilities and for which they shall receive a fair remuneration.

* Servidores públicos.

ARTICLE 298. Public Employees may not receive two or more salaries paid by the State, except in special cases determined by law, nor may they hold positions with simultaneous periods of work.

The pensions of Public Servants shall be based on actuarial studies and reasonable budgetary allocations.

ARTICLE 299. The President and Vice-Presidents of the Republic, Justices of the Supreme Court, and of other ordinary or special tribunals, the Attorney General of the Nation and the Solicitor General of the Administration, Judges, the Ministers of State, the Comptroller General of the Republic, the President of the Legislative Assembly, the Commander in Chief of the National Guard, Chief, Deputy Chief and members of the National Guard's General Staff, Chiefs of the Military Zone, General Director, Managers or Chiefs of Autonomous Entities, and money-handling Public Employees and Officers in conformity with the Fiscal Code, must present sworn declarations of their assets upon taking, and leaving, office.

These shall be witnessed by a Notary-Public, free of charge.

This provision shall be in force immediately, regardless of its regulation by law.

Chapter 3. Organization of Personnel Management

ARTICLE 300. The following Careers are established in public service, in accordance with the merit system:

1. The Administrative Career;
2. The Judicial Career;
3. The Educational Career;
4. The Diplomatic and Consular Career;
5. The Health Career;
6. The Military Career;
7. Other Careers as determined by law.

The structure and organization of these Careers shall be established by law, in accordance with the requirements of the Administration.

ARTICLE 301. All official departments shall function on the

basis of a Manual of Procedures and a Position Classification Manual

ARTICLE 302. The following do not form part of the Administration Career (Civil Service):

1. Officials whose appointments are regulated by this Constitution;
2. General and Deputy Directors of Autonomous and Semiautonomous Entities, Public Officials appointed for a specific time or for fixed periods established by law, and those serving in honorary positions;
3. Secretarial staff service personnel immediately attached to Public Officials who do not form part of any Career;
4. Public Officials with authority and jurisdiction who are not part of a Career;
5. Professionals, technicians or manual workers required for temporary or special services in the Ministries and in Autonomous or Semi-autonomous Institutions;
6. Public Employees whose positions are regulated by the Labor Code;
7. Chiefs of Diplomatic Missions as determined by law.

Chapter 4. General Provisions

ARTICLE 303. The provisions contained in Articles 202, 205, 207, 208, 209 and 213 herein, shall be applied in accordance with the stipulations set forth in this Title.

ARTICLE 304. Public Employees may not themselves, or through third parties (interposita persona) execute contracts with the department or agency in which they work, when such contracts are for profit and of a character unsuited to the service rendered.

TITLE XII. NATIONAL DEFENSE AND PUBLIC SECURITY

ARTICLE 305. National Defense and Public Security shall be the responsibility of a professional institution known as the National Guard that shall be a dependency of the Executive Branch of Government, and whose activities shall be subject to the National Constitution, and law. In no case shall the National Guard intervene in party politics, except to vote.

ARTICLE 306. All Panamanians are obliged to bear arms to defend national independence and territorial integrity of the State, except as provided in Article 16 hereof. Enforcement of this provision and the conditions for exemption from compliance with it shall be regulated by law.

ARTICLE 307. The Government alone may possess arms and implements of war. For their manufacture, importation and exportation, previous permission is required from the Executive Authority. Arms which are not considered as arms of war, and their importation, manufacture and use shall be defined and regulated by law.

its ratification by the Legislative Assembly, or within thirty (30) working days following its approval through referendum, whichever the case may be, without a later publication being the cause of the Act's being unconstitutional.

TITLE XIII. CONSTITUTIONAL AMENDMENT

ARTICLE 308. The initiative to propose Constitutional amendments belongs to the Legislative Assembly, the Cabinet Council, or the Supreme Court of Justice. Such amendments must be approved by one of the following procedures:

1. Through a Legislative Act, approved in three readings by an absolute majority of Legislative Assembly members, which must be published in the Official Gazette and sent from the Executive Branch of Government to the same Assembly within the first five days of ordinary sessions following elections for the new Legislative Branch of Government, for the purpose of, in this final Legislature, being newly read and approved, without modification, in a single reading and by an absolute majority of all members of the Assembly.
2. Through a Legislative Act approved in three readings by an absolute majority of Legislative Assembly members, in one Legislature period, and approved equally, in three readings by an absolute majority of the members of the already mentioned Assembly, in the Legislature period immediately following. At this time the text approved during the previous Legislature period may be modified. The Legislative Act approved in this manner must be published in the Official Gazette and submitted to the people for direct, popular consideration through a referendum that shall be held on the date designated by the Legislative Assembly, within a time period no less than three months, nor more than six months from the date of the Act's approval by the second Legislature.

The Legislative Act approved according to either of the two procedures mentioned will enter into force upon its publication in the Official Gazette, which shall be accomplished by the Executive Branch of Government within ten (10) working days following

TITLE XIV. FINAL PROVISIONS

ARTICLE 309. This Constitution shall enter into force starting from October 11, 1972.

ARTICLE 310. Treaties or international agreements that may be executed by the Executive Branch of Government with respect to the Panama Canal, its adjacent area and the protection of said Canal, as well as the construction of a sea-level canal, or third set of locks, shall be approved by the Legislative Branch of Government, and after being approved shall be submitted to a national referendum, to be held no sooner than three months from the date of approval by the Assembly.

No amendment, reservation, or understanding that refers to such treaties or agreements shall be valid if it does not comply with the requirements treated in the previous paragraph.

This provision shall apply also to any contract executed by the Executive Branch of Government with any private enterprise or enterprises, or pertaining to another State or States, with respect to the construction of a sea level canal, or a third set of locks.

ARTICLE 311. All laws and other legal provisions contrary to this Constitution are repealed, except those pertaining to parental authority* and support, the contrary parts of which shall continue in force for a period not exceeding twelve months from the date this Constitution enters into effect.

TRANSITORY PROVISIONS

ARTICLE 312. The following transitory provisions shall be adopted:

* Patria potestad

1. As a general rule; the provisions of this Constitutional amendment are immediately in force upon their promulgation *, except in the following cases:
 - A. When a temporary provision is designated to come into force on a different date.
 - B. When specific Titles or Articles of the 1972 Constitution, which will be replaced or amended, remain in force temporarily.
2. The President and Vice-Presidents of the Republic who shall be elected in 1984, shall take possession of their offices when the current Presidential term expires.
3. The provisions of the 1972 Constitution relevant to the Executive Branch of Government, the National Assembly of Precinct Representatives (except for Article 140), the National Legislative Council, and the Municipal and Provincial Systems shall continue in force until their current terms expire.
4. The provisions of Title V (Legislative Branch of Government), Title VI (Executive Branch of Government), and Title VIII (Municipal and Provincial Systems) relevant to the elections of 1984, shall be in force upon their promulgation.
5. The provisions of the 1972 Constitution relevant to the Judicial Branch of Government shall continue in force until the promulgation of these Constitutional Amendments.
6. The provisions of this Constitutional Amendment relevant to Title IX, concerning the General Budget of State, shall come into force with the Budget of 1985.
7. The present Justices of the Electoral Tribunal shall hold office until the term for which they were appointed, expires.
8. The new terms of both the Attorney General of the Nation and Solicitor General of the Administration shall begin on January 1, 1985.
9. The new terms of the Comptroller and Deputy Comptroller General of the Republic shall begin on January 1, 1985.

* Publication in the Official Gazette.

10. The Electoral Tribunal, after consulting with the political parties of record, shall submit before the National Legislative Council, the bill regulating the elections of 1984 for President and Vice-Presidents of the Republic, Legislators, District Mayors, Precinct Representatives, and members of Municipal Councils within thirty calendar days of the entrance into force of this transitory Article.

If within sixty (60) calendar days of the presentation of said bill, the Electoral Law has not been issued, the 1984 elections shall be governed by Electoral Regulations issued by the Electoral Tribunal, after consulting with legally constituted political parties. In this case, the Electoral Tribunal shall issue Decrees necessary for the execution of the Electoral Regulations, and, in these shall be included the regulatory provisions that the Constitution assigns to the law.

11. Until the indigenous territories of the Republic of Panama are created and delineated, an Electoral Circuit is created by law formed by the eastern Precinct of Chiriqui in which the majority of inhabitants are Guaymi Indians. In this Electoral Circuit shall be elected one (1) principal and one (1) alternate Legislator, as members of the Legislative Assembly.
12. The appointments of the current Justices of the Supreme Court are recognized. To ensure successive designation of Justices for terms that end on different dates, the current Justices shall remain in office until they become eligible for retirement, or until they have been replaced by new appointees.
- On December 1, 1985, two new principal Justices, and their alternates, shall be appointed for a term that begins on January 1, 1986, in replacement of two Justices who have, by the former date, become eligible for retirement. If more than two Justices are so eligible, the two oldest shall be replaced.
 - On December 1, 1987, two new principal Justices, and their alternates, shall be appointed for a term that begins on January 1, 1988, in replacement of two (2) Justices who have, by the former date, become eligible for retirement, or who are closest to being eligible for retirement in accordance with Legislation currently in force.
 - On December 1, 1989, two new principal Justices, and their

alternates, shall be appointed for a term that begins on January 1, 1990, in replacement of two Justices who have, by the former date, become eligible for retirement, or who are closest to being eligible for retirement in accordance with Legislation currently in force.

- On December 1, 1991, two new principal Justices, and their alternates, shall be appointed for a term that begins on January 1, 1992, in replacement of two (2) Justices who have, by the former date, become eligible for retirement, or who are the closest to being eligible for retirement, in accordance with Legislation currently in force.
- On December 1, 1992, one (1) new principal Justice and his/her alternate, shall be appointed for a term that begins on January 1, 1993, in replacement of one (1) Justice who will have completed his/her term of office by the end of 1992.

If a current Justice, who is not eligible for retirement, according to the Legislation in force at the time, is provided with a replacement before the end of his/her term of office, this provision mandates his/her right to receive the emolument, including expenses, of the position, until his/her term expires.

13. The Electoral Tribunal shall issue a regulatory Decree concerned with Electoral Circuit division that shall serve as the basis for the election of Legislators in 1984, in accordance with the respective provisions of these Constitutional Reforms, including those that are assigned to law.
14. Since these Constitutional Reforms modify and eliminate Articles of the 1972 Constitution, and introduce in it new Articles leaving numerous Articles unchanged, the Executive Branch of Government shall be empowered, in order that these Constitutional Reforms be approved, to unify this text by placing all Articles, new, modified, and unchanged, in contextual and numerical order, and this being done, to publish the unified text of the Constitution in the Official Gazette, twenty (20) days from the date on which the Electoral Tribunal announced the result of the referendum.

This same unified text shall be published in an official edition booklet, and given wide distribution.

Given in the city of Panama on the eleventh day of October, 1972, and amended by Reform Acts No. 1 and No. 2 of the fifth and twenty-fifth days of October, 1978, and by the Constitutional Act approved on the twenty-fourth of April, 1983.

Este libro se terminó de imprimir en los talleres gráficos de EDITORIAL TEXTO LTDA., en el mes de octubre de 1985. San José, Costa Rica, C. A.

Office of Public
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