



RULES OF THE COURT OF APPEALS OF PUERTO RICO

SUPREME COURT OF PUERTO RICO

RULES OF THE COURT OF APPEALS OF PUERTO RICO (2004)*

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TABLE OF CONTENTS
RULES OF THE COURT OF APPEALS OF PUERTO RICO

PART I
THE COURT

Rule 1.	Title; authority to adopt these Rules.....	1
Rule 2.	Construction; purposes	1
Rule 3.	Organization and Seal	1
Rule 4.	Administration	2
Rule 5.	Clerk	3
Rule 6.	Term of Court	5
Rule 7.	Operation.....	5
Rule 8.	Management of Court Proceedings	7
Rule 9.	Disqualification; recusal; inability to participate	8
Rule 10.	Adjudication on the Merits	8
Rule 11.	Form of Decisions; publication and circulation.....	9
Rule 12.	Progress Reports	9
Rule 12.1.	Rules of Construction of Provisions on Notice and Form of Filings.....	10

PART II
APPEALS FROM JUDGMENTS IN CIVIL CASES

Rule 13.	Time for Filing the Appeal.....	10
Rule 14.	Filing and Service	12
Rule 15.	Certificate of Service	13
Rule 16.	Content of the Appeal in Civil Cases.....	13
Rule 17.	Joint or Consolidated Appeals	15
Rule 18.	Effect of Filing an Appeal in Civil Cases	15
Rule 19.	Reproduction of Oral Evidence	16
Rule 20.	Transcript; stipulated statement; narrative statement	16
Rule 21.	Supplementary Brief.....	16
Rule 22.	Appellee's Brief.....	16

PART III
APPEALS FROM JUDGMENTS IN CRIMINAL CASES

Rule 23.	Time for Filing the Appeal.....	17
Rule 24.	Filing and Service	17
Rule 25.	Joint or Consolidated Appeals	18
Rule 26.	Content of the Appeal in Criminal Cases.....	18
Rule 27.	Effect of Filing an Appeal in a Criminal Case	19
Rule 28.	Contents of Briefs in Criminal Cases	19
Rule 29.	Procedure for the Reproduction of Oral Evidence for Appeals and Petitions for Certiorari in Criminal Cases	20
Rule 30.	Bail on Appeal	21
Rule 30.1.	Appeal by Prisoners and Indigent Defendants	21

PART IV
CERTIORARI

Rule 31.	In General.....	22
Rule 32.	Time for Filing a Petition for Certiorari	22
Rule 33.	Filing and Service	22
Rule 34.	Content of the Petition for Certiorari.....	23
Rule 35.	Effect of Filing the Petition for Certiorari	26
Rule 36.	Subsequent Motions and Papers	26
Rule 37.	Opposition to the Issuance of the Writ of Certiorari	26
Rule 38.	Orders to Show Cause; issuance of the writ of certiorari	27
Rule 39.	Briefs.....	27
Rule 40.	Criteria for Issuing the Writ of Certiorari	28

PART V
**CERTIORARI TO REVIEW CASES ORIGINATING IN THE
COMMONWEALTH ELECTIONS COMMISSION**

Rule 41.	In General.....	28
Rule 42.	Time for Filing the Petition	28
Rule 43.	Filing and Service	29
Rule 44.	Form of Petition for Certiorari in Cases Originating in the Commonwealth Election Commission.....	29
Rule 45.	Effect of Filing the Petition for Certiorari and of Issuing the Writ	29

Rule 46.	Opposition to the Issuance of the Writ of Certiorari	30
Rule 47.	Subsequent Motions and Papers	30
Rule 48.	Service of Papers	31
Rule 49.	Procedure Simultaneous with the Decision to Issue or to Deny the Writ; service	31
Rule 50.	Original Record	32
Rule 51.	Disposition of the Petition	32
Rule 52.	Reconsideration; mandates	33
Rule 53.	General Provisions	33

PART VI

HABEAS CORPUS AND MANDAMUS

Rule 54.	Applicability	33
Rule 55.	Contents of Application for a Writ of Habeas Corpus or Mandamus; procedure	34

PART VII

REVIEW OF ADMINISTRATIVE DECISIONS

Rule 56.	In General.....	35
Rule 57.	Time for Filing the Petition for Review.....	36
Rule 58.	Filing and Service	36
Rule 59.	Content of the Petition for Review	37
Rule 60.	Venue	39
Rule 61.	Effects of Filing the Petition for Review; appearance by the State; fungible goods	39
Rule 62.	Subsequent Motions and Papers	40
Rule 63.	Respondent’s Brief in Opposition	40
Rule 64.	Orders to Appear	41
Rule 65.	Resolution of the Petition for Review	41
Rule 66.	Reproduction of Oral Evidence	41
Rule 67.	Special Review Proceeding	41

PART VIII

RULES APPLICABLE TO ALL APPEALS

Rule 68.	Motions	43
Rule 69.	Signing of Pleadings, Motions and Other Papers; sanctions.	43

Rule 70.	Form of Papers; copies	44
Rule 71.	Service.....	44
Rule 72.	Time for Filing Papers; extensions.....	45
Rule 73.	Briefs for Appellee, Respondent, or Intervenor	45
Rule 74.	Appendices.....	46
Rule 75.	Table of Contents	47
Rule 76.	Transcript of Oral Evidence in Appeals and Petitions for Certiorari.....	47
Rule 76.1.	Stipulated Statement of Oral Evidence and Narrative Statement of the Evidence.....	48
Rule 77.	Record	50
Rule 78.	Application to Proceed <i>In Forma Pauperis</i>	51
Rule 79.	Orders in Aid of Jurisdiction	52
Rule 80.	Oral Argument, Sessions, and Reports	52
Rule 80.1.	Consolidated Actions.....	53
Rule 81.	Brief of an Amicus Curiae.....	53
Rule 82.	Substitution of Parties	54
Rule 83.	Dismissal	55
Rule 83.1	Ruling without Adequate Grounds.....	55
Rule 84.	Motion for Reconsideration; mandates.....	55
Rule 85.	Costs and Sanctions	56
Rule 86.	Correction of Record.....	57
Rule 87.	Other Provisions.....	57
Rule 88.	Repealing Clause.....	57
Rule 89.	Effectiveness.....	57

RULES OF THE COURT OF APPEALS OF PUERTO RICO (2004)

PART I THE COURT

Rule 1. Title; authority to adopt these Rules

These Rules shall be known and cited as the Rules of the Court of Appeals, and these rules shall govern all proceedings before said Court.

These Rules are adopted by the Supreme Court pursuant to the authority invested in this Court by Article V of the Constitution of the Commonwealth of Puerto Rico and by the provisions of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, Law No. 201 of August 22, 2003, as amended.

Rule 2. Construction; purposes

These Rules shall be construed so as to propitiate a judicial system that provides immediate and affordable access to the citizenry to address their claims, that is sensitive to the specific realities of the various components of our society, and that informs the people of their rights and responsibilities, in keeping with the purposes set forth in the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

To such ends, these Rules shall be directed to:

(1) Offer easy, inexpensive, and effective access to the court, eliminating obstacles and barriers that hinder the imparting of appellate justice to citizens with valid claims.

(2) Promote the effective, speedy, and equitable adjudication of complex cases, special proceedings, or matters that warrant special attention.

(3) Implement the guiding principle that controversies brought before a court are to be considered on the merits and shall not be dismissed due to defects of form or notice that do not affect the rights of the parties and *in forma pauperis*.

(4) Allow for the effective appearance of appellants *pro se* and *in forma pauperis*.

(5) Establish efficient mechanisms and systems for classifying appeals, caseload management, and the time for the final disposition of cases.

Rule 3. Organization and Seal

(A) This intermediate appellate court shall be known as the Court of Appeals, shall be composed of the number of judges established by law, will consist of a single division, its seat and its clerk's office shall be established in the city of San Juan, and it shall be organized pursuant to law and these Rules.

(B) The seal of the Court of Appeals of Puerto Rico shall be similar to the seal of the Supreme Court; only the name shall change.

Rule 4. Administration

(A) The Chief Justice, under the Constitutional Power invested in such office by Article V of the Constitution of the Commonwealth of Puerto Rico, shall designate an Administrative Judge and such Assistant Administrative Judges as may be necessary, who shall perform the duties of their office at the discretion of the Chief Justice, and who will be responsible for the administration and sound operation of the Court of Appeals.

(B) In situations not covered by these Rules or by any other rules or regulations applicable to the administrative operation of the Court of Appeals, the Chief Justice, or the Administrative Director of the Courts or the Administrative Judge, by delegation of the Chief Justice, shall issue the orders and adopt rules of general application.

In matters related to personnel administration of the Court of Appeals, these Rules shall be deemed suppletory to the Regulations for the Administration of the Judicial Branch Personnel System.

(C) The appointment of the Administrative Judge and of any Assistant Administrative Judge shall be for a period of two years unless the Chief Justice decides otherwise.

(D) The Chief Justice may relieve the Administrative Judge, or any Assistant Administrative Judge whose term has not expired, from the administrative duties of such office, at the judge's request or when, in the opinion of the Chief Justice, the needs of service thus warrant it.

(E) The Administrative Judge, assisted by the Assistant Administrative Judge, shall, by delegation of the Chief Justice, be responsible for the administrative tasks of the Court of Appeals. Among other functions, the Administrative Judge must:

(1) Implement the administrative systems and procedures established by the Supreme Court, by the Chief Justice, or by the Administrative Director of the Courts.

(2) Establish and implement the administrative procedures for the Court of Appeals in uniform-regulation areas not covered by these Rules or by any rule laid down by the Supreme Court, the Chief Justice, or the Office of Court Administration. The Administrative Judge must immediately notify these procedures to the appropriate officer or entity.

(3) Be subject to, and collaborate with the Office of Court Administration in the implementation of all administrative measures adopted for the development and improvement of the system.

(4) Fulfill and discharge the administrative functions and duties delegated by the Chief Justice or by the Administrative Director of the Courts.

(5) Submit recommendations to the Chief Justice and to the Administrative Director of the Courts on all matters that seek to facilitate, expedite, and standardize the administrative systems and procedures of the Court of Appeals.

(6) Coordinate the use of human and fiscal resources assigned to the Court of Appeals in order to enhance the efficiency of the system.

(7) Adopt the necessary internal administrative measures to provide easy, inexpensive, and effective access to the court, streamline cases, and allow for the prompt disposition of judicial business.

(8) Allow for the effective and inexpensive appearance of appellants *pro se* and *in forma pauperis* through special proceedings and mechanisms, including preparation of forms for such purpose.

(9) Submit the periodic reports required by the Chief Justice, by the Supreme Court, or by the Administrative Director of the Courts.

(10) Distribute and oversee the workload and judicial business of the panels, in keeping with these Rules and with the pertinent policies adopted by the Chief Justice.

(11) Designate substitute judges or reassign resources to other panels to address judicial business whenever it is necessary due to disqualification, recusal, vacation, illness, or absence of judges, as provided under these Rules.

(12) Establish special work plans in cases of resignation or retirement of judges to enable consideration of all pending matters. Such work plans shall include removal of the judge from the panels for a term that shall not exceed thirty working days.

(13) Design reports to gather information on the work of the judge, the panels, the time pending adjudication, and the manner of the final disposition of cases.

(14) Issue the necessary orders for the prompt resolution of cases that have not received a final ruling within a term of two years of being filed.

Rule 5. Clerk

The Clerk of the Court of Appeals, with the help of the staff under their supervision, is responsible for the good management of the Clerk's office. The Office of the Clerk will remain open to the public from 8:30 A.M. to 5:00 P.M., but the Court shall always be considered open for the purpose of issuing any resolution, judgment, or order. The Clerk may extend the hours when the office is open to the public or may implement an extension through the appropriate means to allow the effective appearance of the appellants, thus protecting their

rights. The Clerk is authorized to extend the office hours of all or any of the employees when the business of the Court may thus require it. The Clerk of the Court will be in charge of the following functions:

(A) Receive and file all papers filed for such ends and safekeep all records.

(B) Stamp on all papers filed in the Clerk's Office the date and time on which they were filed.

(C) See to it that all papers filed with the Court comply with the provisions of these Rules. When any paper fails to comply with said provisions, the Clerk will notify such fact to the party filing such paper, or to the party's counsel, so the party may have reasonable opportunity to correct such deficiencies, unless they be jurisdictional requirements. The Clerk has no authority to refuse a document that does not meet statutory or regulatory requirements.

(D) Subject to the indications of the Administrative Judge, establish systems for data collection regarding cases upon entering them into the system, whereby gathering information on the nature of each case, its subject matter, the judicial region from which it originates, the respondent agency, instrumentality or organism, and if a party is appearing *pro se* or *in forma pauperis*.

(E) Keep a docket of all the cases filed in this Court, according to the nature of each case and in the format chosen by the Administrative Judge. All the information listed in subdivision (D) above, as well as all documents, proceedings, orders, and decisions shall be entered in the docket and be a part thereof.

(F) Prepare all docket reports necessary to allocate resources according to the judicial region, subject matter or characteristics of a case, or gather the statistical information the Administrative Judge may require.

(G) Keep a record of the fees paid in the actions filed both in the Court of First Instance and in the Court of Appeals, and prepare the reports required for such ends.

(H) Notify the parties of any decision made by the Court, setting forth the date of entry and of the notice to the parties.

(I) Prepare and issue any order required by judgment or resolution of the Court, under their hand and the seal of the Court, directing the person involved to comply with the order of the Court. Also, the Clerk will issue an order directing the marshal to notify a specific person or persons of any decision of the Court.

(J) Keep on file and in proper order all the decisions of the Court and any other document in their custody.

(K) Include in the record of the case a copy of the petition filed with the Supreme Court to review a decision rendered by the Court of Appeals and the corresponding mandate, and promptly notify the pertinent panels of the final disposition of the case filed with the Supreme Court.

(L) Prevent removal from the Court of any original record in their custody, or of any document that is part of said record, except by order of the Panel of Judges hearing that particular case.

(M) Issue certified copies of the records and public documents in their custody upon request and upon payment of the fees prescribed by law.

(N) Prepare the calendar for oral argument and other hearings docketed by the Court.

(O) Be the keeper of the seal of the Court. All documents signed by the Clerk in original or facsimile on which the seal of the Court has been affixed, shall be deemed to be authentic.

(P) Prepare statistical reports on caseload, caseload per panel and per judge, the time it takes for cases to be resolved, and appeals dismissed and grounds therefor, among others reports.

(Q) Notify the Administrative Judge of the list of cases that have not received a final ruling within a term of two years of being filed.

(R) Perform all other functions assigned to that office.

Rule 6. Term of Court

The Court will remain open all year long. The judges on duty may take vacation leave in a manner compatible with the needs of the service.

Rule 7. Operation

(A) Panels

(1) The Court of Appeals shall sit in panels of not less than three and not more than seven judges designated by the Chief Justice of the Supreme Court, as prescribed by these Rules, whose sessions and hearings may be held in the Judicial Center of the corresponding judicial region of the Court of First Instance where the matter under consideration originated.

(2) The Chief Justice shall designate the judges who will sit in these panels and designate a judge from among the members of each panel to preside over it. The designation of judges who shall preside over a panel shall be made following a strict order of seniority among the available judges. The Administrative Judge will preside over the panel of which they are a member. The remaining panels shall be presided over by the judges of the Court who are senior in commission, unless a judge declines such designation or when removed for good cause. In such situations, the judge will be replaced by the next judge with seniority.

(3) The Chief Justice shall designate panels to entertain cases assigned to the panels regardless of the judicial region of origin. Each panel will be given an identification that shall not be circumscribed to a judicial region. The procedure to define the composition of the panels will be made at random through a drawing which will contain the names of all judges of the Court of Appeals who do not preside over a panel. The process must be recorded in a certification by a notary. The drawing will be open to public. After the first drawing, judges who shall preside over a panel of the Court of Appeals will be redistributed each year, except for the panels mentioned in the previous paragraph. The yearly distribution must follow the procedure outlined above.

(4) Pursuant to the constitutional prerogatives set forth in the Judiciary Act of the Commonwealth of Puerto Rico of 2003, the Chief Justice may assign judges of the Court of Appeals or of the Court of First Instance, as provided by the full Supreme Court, by regulation, or according to the needs of service, to sit in any of the panels of the Court of Appeals or to the Court of First Instance, or designate them individually to entertain a case or address any matter or task related to the Judicial Branch.

(B) Distribution of cases

(1) Once the panels have been constituted, cases will be assigned solely following the date and time of filing. Only in the event of disqualification, recusal, or the inability of a judge to participate in the determination of a matter may this order be altered. Under these circumstances, the case must be assigned to the next panel, following the order of seniority as to the judge presiding over a panel. The presiding judge in each panel shall without delay assign the cases to the members of the panel. Cases involving inmates or indigent litigants will be evenly distributed among the panels, regardless of the date and time of filing.

The Administrative Judge will keep a separate list of new cases assigned where a motion for order in aid of jurisdiction or any other urgent motion is filed together with the new appeal. These cases will be assigned to the panels solely following the date and time of filing. Only in the event of disqualification, recusal, or the inability of a judge to participate in the determination of a matter may this order be altered.

Where a judge is disqualified, recused, or is unable to participate in the adjudication of a case assigned to their panel, the Administrative Judge shall designate a Special Panel to hear the matter. The remaining judges will sit in the panel along with one additional judge who shall be designated by the Administrative Judge. Such designation will be made in order of reverse seniority, starting with the most recently appointed judge who is not sitting in the panel of the judge being replaced, and ending with the judge who is senior in commission.

As for special panels that may be constituted during the summer term, the same seniority rule applies to the designation of the presiding judge.

The judges of a panel who entertain a matter or an appeal shall continue sitting as a panel until the case is adjudicated, without prejudice to their responsibilities in other panels.

(2) All the judges of each panel must take part in the disposition and resolution of the matters submitted to the panel. The judges may agree in writing, with the approval of the Administrative Judge, that resolutions decided in chambers may be issued by a majority of the judges. The issuance of a discretionary writ will require the vote of a majority of the judges of the panel. The decisions shall be identified by panel, stating the names of the judges who make up the panel.

(3) Motions for reconsideration (rehearing) will be decided by the same panel of judges that rendered the decision, and a judge other than the one who signed the order, resolution, or judgment shall be assigned to prepare and submit the position paper.

(4) In procedural situations not foreseen by the rules of Civil Procedure, the Rules of Criminal Procedure, or by the Rules of the Court of Appeals, said appellate court will conduct the proceedings in the manner it may deem that best serves the interests of all the parties, provided this does not affect their rights.

(5) The Court of Appeals reserves the power to dispense with nonjurisdictional terms, papers, notifications, or specific proceedings in any case under its consideration, in order to achieve the most efficient and fair disposition of said case and offer greater access to the courts and so as not to hinder the imparting of appellate justice.

Rule 8. Management of Court Proceedings

(A) Proceedings prior to the filing of the appeals by the parties shall be strictly and continuously monitored. The Administrative Judge shall oversee and ensure that each judge that presides over a panel sets down the necessary controls and monitoring mechanisms to assure the prompt submission and disposition of the appeals assigned, compliance with the procedural, disposition, and productivity standards, and to avoid any delays that would hinder the sound administration of justice. An adequate information system shall be set up to facilitate the evaluation of caseflow and the disposition of appeals.

(B) The average time for the decision and ruling in cases submitted to a panel shall not exceed sixty days. Except in extremely complex cases, the maximum time for deciding an appeal shall not exceed ninety days.

(C) If a case has not received a final ruling within a term of two years of being filed, the judge presiding over the panel shall notify the Administrative Judge the reasons that justify the delay in its resolution.

(D) All motions for reconsideration will be disposed of in a period that shall not exceed thirty days from the date on which the motion was taken under advisement.

Rule 9. Disqualification; recusal; inability to participate

(A) The judges of the Court of Appeals must disqualify themselves and may be recused for the causes set down in the law and in the Canons of Judicial Ethics. The judges shall provide the Administrative Judge with a list of the attorneys in whose cases or matters they will take no part in for reasons of disqualification.

(B) A motion to recuse a judge must be filed in writing and under oath, setting forth the facts on which it is grounded as soon as the movant learns of the reasons that give rise to the recusal.

(C) The motion to recuse a judge shall be sent first to the judge whose recusal is sought, who may disqualify themselves *motu proprio*. If the judge decides not to disqualify themselves, the judge will refer the matter to the Administrative Judge and may state in writing the reasons for such decision. The Administrative Judge will assign the matter to another panel of the Court of Appeals for its final resolution.

(D) If the disqualification or recusal of a judge lies in a particular case, the Administrative Judge may replace the recused or disqualified judge.

(E) When a member of a panel is unable to participate in the determination of any matter, the Administrative Judge will designate another judge to consider it, following the order provided in Rule 7(B)(1).

(F) When the inability to participate in the determination of a matter is due to the *motu proprio* disqualification of a judge sitting in the panel, the judge shall state the specific reasons for disqualification in writing by way of a resolution that shall be notified to the parties.

(G) Whenever an administrative order is issued to reassign an appeal to another panel or substitute a judge due to disqualification, recusal, or inability of a judge to participate in the determination of a matter, notice of said order shall be served on the parties.

Rule 10. Adjudication on the Merits

(A) The proper panel of the Court of Appeals shall decide the appeals under its consideration in a resolution or judgment that shall include the grounds in support of its decision and, when the nature of the appeal so

requires, a statement of facts, a statement and analysis of the issues raised, or the conclusions of law.

(B) The judge who was assigned the case or who has been selected by the panel, by vote, to draw the resolution or judgment, shall circulate the paper within thirty calendar days following the date on which the vote was taken.

(C) The papers shall be simultaneously circulated among the members of the panel, who will have ten days to state their intent to express their opinion separately. In the event the separate vote is documented, the judge shall have fifteen days to circulate the position paper. At the end of this period, any paper having a majority of the votes will be immediately certified.

(D) The decisions of the Court of Appeals shall be certified by the Clerk. All decisions shall set forth that the panel of judges or a majority thereof have agreed to such decision, in addition to any concurring or dissenting vote. In such cases, the concurrence or dissent of the judge shall be stated at the end of the ruling. Should a concurring or dissenting vote or separate vote be issued in writing, it shall be jointly notified with the decision.

Rule 11. Form of Decisions; publication and circulation

(A) The Court of Appeals shall decide the cases on the merits by judgment and by resolution.

(B) The term “judgment” means the final determination made by the Court on the merits or a decision to dismiss with regard to the appeal under its consideration, a petition for judicial review to be considered as a question of law, or a discretionary remedy in which the Court has issued the writ sought.

(C) Dismissal of any other petition for want of jurisdiction, the final determination of the Court discretionarily denying issuance of the writ sought, a decision to grant a party’s voluntary dismissal, with or without prejudice, or to dismiss as a sanction, shall be made by “resolution.”

(D) The judgments and resolutions of the Court of Appeals shall be well grounded, and publishable. Published decisions may be cited and shall have persuasive value.

Rule 12. Progress Reports

(A) Each judge of the Court of Appeals shall keep a record of the status of the matters pending under their consideration, and shall submit a monthly report to the Administrative Judge, with a copy to the judge presiding over the panel, within the first ten (10) days of the following month. This report shall contain, among other information, a list of the cases and the matters assigned and decided, the manner of the final disposition, the matters pending decision, indicating the date on which the matter was taken under advisement, the time

the case has been awaiting resolution, and any other incident included in the form the Administrative Judge may prepare for such purposes.

(B) Each judge presiding over a panel shall submit, as required by the Administrative Judge, progress reports of the work executed by their panel, including caseflow, motions for reconsideration, and cases dismissed, among others.

(C) The Administrative Judge shall submit to the Chief Justice the progress and status reports of the Court of Appeals as often as required.

Rule 12.1. Rules of Construction of Provisions on Notice and Form of Filings

The provisions on the requirements of notice to the parties and to the court and the form of filings provided in the Rules of the Circuit Court of Appeals of 1996, the Rules of Civil Procedure, the Rules of Criminal Procedure concerning petitions for appeal, certiorari, and judicial review shall be construed so as to reduce to a minimum the number of actions dismissed. For good cause shown, the Court of Appeals shall provide reasonable opportunity for the correction of defects of form or notice that do not affect the rights of the parties.

PART II APPEALS FROM JUDGMENTS IN CIVIL CASES

This part shall govern appeal proceedings in civil cases in the Court of Appeals.

Rule 13. Time for Filing the Appeal

(A) Filing the appeal

Appeals from judgments rendered in civil cases by the Court of First Instance shall be filed within the jurisdictional term of thirty days from the date of entry in the record of the case of a copy of the notice of the judgment.

In cases in which one of the parties is the Commonwealth of Puerto Rico, its officers or one of its instrumentalities, other than a public corporation, or the Municipalities of Puerto Rico or its officers, the appeal shall be perfected by any of the parties aggrieved by the judgment, by filing a petition for appeal within the jurisdictional term of sixty days from the date of entry in the record of a copy of the notice of the judgment rendered by the court from which appeal is taken.

If the date of entry in the record of a copy of the notice of the judgment is different from that of the mailing of the notice, the term shall be calculated as of the mailing date the notice.

(B) Service

(1) When required

The appellant shall serve the petition, including its appendices, within the jurisdictional term for filing the appeal. This term is of strict compliance.

The appellant or appellant's counsel shall certify the date of service with their signature on the appeal. This rule applies to all petitions.

(2) How made

The appellant shall serve the petition, duly time-stamped with the filing date, by certified mail, return receipt requested, or through a similar personal delivery service with acknowledgment of receipt. Service shall also be made through any of the following methods, subject to the provisions of these Rules: regular mail, personal delivery, fax, or email, provided that the document served is a true and exact copy of the original document.

When service is made by mail, notice shall be sent to the parties' counsel or to the parties, if unrepresented, at the mailing address appearing on the latest document in the record of the case. When the party is represented by counsel and no address appears in the record, notice shall be sent to the party's counsel at the address appearing in the roll of attorneys kept to such effects by the Clerk of the Supreme Court.

Personal service shall be made by handing the document to the parties' counsel or to the parties, as the case may be, or leaving it at the office of the parties' attorney with a clerk or other person in charge thereof. If unrepresented, service on a party shall be made at the party's dwelling place or at the address appearing in the record of the case, on any person of suitable age present therein.

Service by fax must be made through the appropriate fax number for the parties' counsel or, if unrepresented, through the parties' fax number when the parties to be notified have provided a fax number to the court and this information arises from the record of the case in the Court of First Instance.

Service by email shall be made through the appropriate email address for the parties' counsel or, if unrepresented, through the parties' email address when the parties to be notified have provided an email address to the court and this information arises from the record of the case in the Court of First Instance.

(3) Proof of service

The date of service on the parties shall be the date appearing on the return receipt as the date on which it was deposited in the mail.

When service is made by regular mail, the postmark will be considered as the date of service on the parties.

The date of service on the parties shall be the date appearing on the document issued by the private company acknowledging that it received the document to be delivered to the addressee.

When service is made by regular mail, personal delivery, fax, or email, it shall be valid if no dispute arises as to the date of notice or as to the fact that it was received by the addressee. Providing a fax number or email address in the record of the case with the Court of First Instance shall be deemed as consent by the party to be served notice by such means.

Any party or a party's counsel may provide proof of service by stating such fact for the record.

Rule 14. Filing and Service

(A) An appeal shall be taken by filing the original and three copies of the petition for appeal in the Office of the Clerk of the Court of Appeals or in the Office of the Clerk of the Court of First Instance that rendered the judgment from which appeal is taken.

(B) If the original appeal is filed in the Office of the Clerk of the Court of Appeals with the corresponding filing fees, the appellant shall serve the Office of the Clerk of the part of the Court of First Instance that rendered the judgment from which appeal is taken with a duly time-stamped copy of the cover or first page of the petition within seventy-two hours after the filing of the appeal. This term is of strict compliance.

(C) If the appeal is filed in the Office of the Clerk of the part of the Court of First Instance that rendered the judgment from which appeal is taken, the Office of the Clerk of that part of the Court of First Instance shall retain a copy of the petition, without the appendix, and the appellant shall serve the Office of the Clerk of the Court of Appeals with the original and three copies, duly time-stamped with the filing date by the Office of the Clerk of the Court of First Instance, as well as the canceled filing fees, within forty-eight hours after the filing of the appeal. When service is made by mail, the postmark on the original and the three copies will be considered the date of delivery to the Office of the Clerk of the Court of Appeals. This term is of strict compliance.

(D) The motions and any other subsequent papers related to the appeal shall be filed only in the Office of the Clerk of the Court of Appeals, in original and three copies. Said motions and papers may be sent by mail, but they must reach the Office of the Clerk of the Court within the jurisdictional term, if any.

The motions and papers must be simultaneously served on the parties to the appeal, and the form of service shall be certified in such motion or paper.

Rule 15. Certificate of Service

The appellant shall certify to the Court of Appeals, in the very body of the appeal, the manner in which the parties were served and that they were served within the term provided therefor.

The appellant may certify to the court any change in the terms of the original certificate of service by supplementary motion within forty-eight hours after the filing of the appeal. This term is of strict compliance.

Rule 16. Content of the Appeal in Civil Cases

The appeal shall contain:

(A) Cover

The first page of the petition for appeal will be the cover and will indicate on its heading: “Commonwealth of Puerto Rico,” “Court of Appeals,” and the judicial region from which appeal is taken, and only the following:

(1) Caption

The caption of petition for appeal will contain the name of the parties in the same order as they appeared before the Court of First Instance, identified as “appellant” and “appellee.”

(2) Information on the parties and their counsel

It will include the name, address, telephone number, fax number, email address, and Supreme Court number of counsel for the appellant and for the appellee, or the name, email address, if any, and telephone number of the parties, if unrepresented, indicating that they appear pro se.

(3) Case information

The cover must also include the case number assigned by the Court of Appeals, the part of the court that issued the decision, the case number assigned by Court of First Instance, the nature of the case, and its subject matter.

(B) Table of contents

The page immediately after shall contain a detailed table of contents of the petition for appeal and of the cited authorities, conforming to the provisions of Rule 75.

(C) Body

(1) The appeal will contain the following numbered requirements in the same order set forth below:

(a) The name of the appellants shall be set forth in the opening paragraph.

(b) The citations of the legal provisions that establish the jurisdiction and venue of the Court.

(c) A reference to the judgment from which appeal is taken, including the title and number of the case, the part of the Court of First

Instance that issued the judgment, the pertinent judicial region, the date of issuance, and the date of entry in the record of a copy of the notice of judgment; also, a reference to any motion, resolution, or order by which the time for filing the appeal was interrupted or resumed, and a specification of any other proceeding concerning the same case or matter, pending in the Court of Appeals or in the Supreme Court as of the filing date.

(d) A faithful and concise statement of the procedural and material facts relevant to the case.

(e) A brief and concise assignment of errors made by the Court of First Instance, as contended by the appellant.

(f) A discussion of the errors assigned, including statutory provisions and applicable caselaw.

(g) The prayer.

(2) The petition for appeal will be the appellant's brief. The filing of a separate brief or memorandum of authorities shall not be permitted. The argument and legal grounds must be set forth in the body of the appeal.

(D) Number of pages

The petition for appeal may not exceed twenty-five pages, excluding the certificate of service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(E) Appendix

(1) The petition for appeal, except as provided by paragraph (2) of this subdivision and in Rule 74, must contain an appendix that shall include an exact copy of:

(a) the pleadings of the parties, that is, the main complaint, the crossclaims or third-party complaints, and the counterclaim, and their respective answers;

(b) the judgment of the Court of First Instance sought to be reviewed, and the notice of entry of a copy of the same in the record of the case;

(c) any motion duly stamped by the Court of First Instance, resolution, or order necessary to establish that the term for filing the appeal has been interrupted and resumed, and the notice of entry of a copy of the resolution or order in the record of the case;

(d) any resolution or order, and any motion or paper filed by any of the parties that is part of the original record of the Court of First Instance and that expressly discusses any matter raised in the appeal, or is relevant thereto;

(e) any other document that is part of the original record of the Court of First Instance and that may be useful to the Court of Appeals when deciding the controversy.

(2) The Court of Appeals, at the request of the appellant in the petition for appeal or through motion, or motu proprio, may allow appellant to file the documents mentioned in paragraph (1) after the filing date of the appeal, within fifteen days from the date of notice of the resolution of the court authorizing the filing of such documents.

Failure to include the documents for the appendix will not cause the automatic dismissal of the appeal. Should the Court of Appeals not allow the filing of such documents within the term provided above, such omission may result in the dismissal of the appeal.

(3) When the appellant wishes to have the Court consider on appeal any evidence admitted that cannot be easily reproduced, the appellant shall, by motion filed with the initial petition, request that said evidence be transmitted to the Court. When the appellant raises as an error the undue exclusion of evidence, such party shall include in a separate appendix a copy of the evidence offered but not admitted.

Rule 17. Joint or Consolidated Appeals

When two or more persons are entitled to appeal from a judgment and their rights are such as to make joinder feasible, they may file a joint appeal and subsequently appear as a single appellant. Appeals from a judgment may be consolidated by order of the Court of Appeals issued on its own motion, on motion of a party, or by stipulation of the parties to several appeals.

Rule 18. Effect of Filing an Appeal in Civil Cases

(A) Stays

The filing of an appeal shall stay all the proceedings in the Court of First Instance with regard to the judgment, or part of the judgment from which appeal is taken, or with regard to the issues involved, unless otherwise ordered by the Court of Appeals on its own motion or on motion of a party, but the Court of First Instance may continue entertaining any other matter involved in the action, but not included in the appeal.

(B) When proceedings will not be stayed

The proceedings in the Court of First Instance shall not be stayed when the judgment orders the sale of goods liable to loss or deterioration. In that case, the Court of First Instance may order said goods sold and the proceeds deposited until the appellate court renders judgment.

The effects of a decision appealed from shall not be stayed, unless otherwise ordered by the Court of Appeals on its own motion or on motion of a party, when any of the following remedies is involved:

- (1) an injunction, mandamus, or cease and desist order;
- (2) a support payment order;

(3) a custody or visitation rights order.

Rule 19. Reproduction of Oral Evidence

(A) When an error assigned by the appellant has to do with the sufficiency of the oral evidence or with a wrongful weighing of the same by the court appealed from, the Court may order the appellant to submit a transcript, a stipulated statement, or a narrative statement of the evidence.

(B) Within ten days after the filing of the appeal, the appellant shall substantiate and show that the means of reproduction of the oral evidence to be used will allow the Court to dispose of the case in the quickest manner, but the Court may determine the means best suited for this purpose.

(C) The Court may impose costs and sanctions on the party or on counsel if it deems that they obstructed the reproduction of the oral evidence and delayed the resolution of the appeal. Likewise, said Court may impose sanctions on any party, or on counsel, in cases in which a misrepresentation of the content of the oral evidence was intentionally made before the Court of Appeals.

Rule 20. Transcript; stipulated statement; narrative statement

Reproduction of the oral evidence through transcript shall be made pursuant to the provisions of Rule 76, and through a narrative statement or stipulated statement pursuant to the provisions of Rule 76.1.

Rule 21. Supplementary Brief

When questioning the weighing of the evidence made by the Court of First Instance, the appellant may file a supplementary brief thirty days after the approval of the stipulated or narrative statement of the evidence or of the filing of the transcript, in order to reference the parts of the statement or of the transcript that are relevant to the assignments of error. Upon filing the statement or transcript of the evidence, the appellant shall notify the Court that a supplementary brief will be filed.

Rule 22. Appellee's Brief

The appellee must file a brief within thirty days after the filing of the appeal. Said brief may include an appendix with the documents not included by the appellant in their appendix, and which the appellee may consider necessary and relevant to the consideration of the errors assigned.

In cases in which a part of the oral evidence presented in the Court of First Instance is to be submitted for the consideration of the Court of Appeals, the thirty-day term for filing the appellee's brief shall begin to run from the

filing date of the narrative statement of the evidence or of the transcript of evidence duly approved by the trial court, when so required.

When the appellant files the supplementary brief prescribed in Rule 21, the appellee may file a reply brief within the next thirty days for the sole purpose of rebutting the appellant's supplementary brief.

The brief of the appellee must meet the requirements established in Rule 73.

PART III

APPEALS FROM JUDGMENTS IN CRIMINAL CASES

This part shall govern appeal proceedings in criminal cases in the Court of Appeals.

Rule 23. Time for Filing the Appeal

(A) Filing the appeal

Appeals from any final judgment rendered in a criminal case originating in the Court of First Instance shall be filed within thirty days following the date on which the judgment was rendered. This term is jurisdictional, but if a motion for new trial based on Criminal Procedure Rules 188(e) and 192, or a motion for reconsideration based on Criminal Procedure Rule 194, as amended, is filed within said term, the appeal may be filed within thirty days after the date of service on the defendant of the court order denying the motion for new trial or adjudicating the motion for reconsideration.

(B) Service

Notice of the filing of the appeal shall be served on the District Attorney and the Solicitor General through personal delivery, by certified mail, return receipt requested, or through a similar personal delivery service carried out by a private company with acknowledgement of receipt, within the jurisdictional term for filing the appeal, this term being one of strict compliance.

The postmark, or the date and time of delivery by certified mail or by a similar delivery service with acknowledgment of receipt, will be considered as the date and time of service.

Service may be made by other means, subject to the form and service requirements provided in Rule 13(B).

Rule 24. Filing and Service

(A) An appeal shall be taken by filing the original and three copies of the petition for appeal in the Office of the Clerk of the Court of Appeals. The appellant shall serve the Office of the Clerk of the Court of First Instance that rendered the judgment with a duly time-stamped copy of the appeal within

forty-eight hours after the filing of the appeal. This term is of strict compliance.

(B) An appeal may also be taken by filing the original notice of appeal in the Office of the Clerk of the Court of First Instance that rendered the judgment, in which case the appellant shall serve the Office of the Clerk of the Court of Appeals with three duly time-stamped copies of the appeal within the next forty-eight hours, either through personal delivery or by mail. This term is of strict compliance.

(C) The motions and any other subsequent papers related to the notice of appeal shall be filed only in the Office of the Clerk of the Court of Appeals, in original and three copies. Said motions and papers may be sent by mail, but they must reach the Office of the Clerk of the Court within the jurisdictional term, if any.

The motions and papers must be simultaneously served on the parties to the appeal, and the form of service shall be certified in such motion or paper. It shall not be necessary to serve the District Attorney with said subsequent motions and papers, unless the Court or an applicable rule should provide otherwise.

Rule 25. Joint or Consolidated Appeals

When two or more persons are entitled to appeal from a judgment and their rights are such as to make joinder feasible, they may file a joint appeal and subsequently appear as a single appellant. Appeals from a judgment may be consolidated by order of the Court of Appeals issued on its own motion or on motion of a party.

Rule 26. Content of the Appeal in Criminal Cases

(A) Cover

The cover shall contain only the judicial region from which the appeal is taken, the caption of the case, and the name, address, telephone number, fax number, email address, and Supreme Court number of counsel for the appellant, of the prosecuting attorney who took part in the case, and of the Solicitor General. If unrepresented, the appellant must indicate that they are appearing *pro se* and provide their mailing address, email address, if any, and telephone numbers.

(B) Caption

The caption of the appeal in criminal cases shall contain the name or names of the appellant(s) in the same order in which they appeared in the Court of First Instance, identified as “appellant” or “appellants,” and the State as “appellee.”

(C) Body

(1) The names of the appellants shall be set forth in the opening paragraph.

(2) Reference shall be made to the judgment from which appeal is taken, the part of the Court of First Instance that rendered the judgment, and the date on which said judgment was rendered or the date of service of the ruling on a motion that interrupted the appellate term prescribed in the Rules of Criminal Procedure.

(3) Any other proceeding concerning the same case or matter pending at the time of filing shall also be identified.

(4) A brief and concise assignment of the errors on which the appeal is grounded shall be included.

(5) It shall be indicated whether the defendant is free on bail, on probation, or confined in a penal institution.

(D) Number of pages

The petition for appeal shall not exceed three pages, excluding the cover and the certificate of service, unless more pages are allowed by the Court pursuant to Rule 70(D).

Rule 27. Effect of Filing an Appeal in a Criminal Case

(A) Stay of execution of judgment

The filing of an appeal from a judgment of conviction in a criminal action originating in the Court of First Instance shall stay the execution of the judgment only if the Court of First Instance or the appellate court had fixed bail on appeal and such bail had been duly posted.

(B) When the effects of the judgment will not be stayed

An appeal shall not stay the effects of a judgment of conviction when:

(1) posting of bail on appeal is not allowed;

(2) the stay is barred by a special law; or

(3) the judgment contains an order releasing the convict on probation. While the appeal is pending, the trial court may modify the probation conditions or revoke the petition.

Rule 28. Contents of Briefs in Criminal Cases

(A) Filing of Appellant's Brief

The appellant shall file a brief within thirty days after transmission of the record on appeal, unless the Court of Appeals orders otherwise.

(B) Cover

The cover shall contain only the judicial region from which the appeal is taken, the caption of the case, and the name, address, telephone number, fax number, email address, and Supreme Court number of counsel for the

appellant, of the prosecuting attorney who took part in the case, and of the Solicitor General. If unrepresented, the appellant must indicate that they are appearing *pro se* and provide their mailing address, email address, if any, and telephone numbers.

(C) Body

(1) The appeal will contain the following numbered requirements in the same order set forth below:

(a) The name(s) of the appellant(s), and the number(s) of the case(s) from which appeal is taken.

(b) The citations of the legal provisions that establish the jurisdiction and venue of the Court of Appeals, the judgment from which appeal is taken, indicating the name of the judge, the case number, the part of the court, and the date on which the judgment was rendered.

(c) A faithful and concise statement of the facts of the case.

(d) An assignment of the errors that, according to appellant(s), were committed by the Court of First Instance.

(e) A discussion of the errors assigned, including the citations and an analysis of the pertinent legal authorities.

(f) The prayer.

(g) A certificate stating that a copy of the brief was sent to the District Attorney and to the Solicitor General.

(D) Number of pages

The brief and reply of the Solicitor General may not exceed twenty-five pages, excluding the table of contents, the appendix, and the certificate of service, unless more pages pursuant to Rule 70(D).

(E) The People's Brief

The reply brief shall meet the Rule 73 form requirements, and shall be filed by The People in the Court of Appeals within thirty days after the filing date of the other party's brief. If the appellee or the respondent does not agree with the statement of facts made by the appellant or the petitioner, it shall so state and include its own statement of facts. If the appellee or the respondent questions on any basis the authority of the Court of Appeals to grant the relief sought, said party shall discuss such matter separately. The reply brief shall only discuss the matters raised by the appellant or the petitioner.

Rule 29. Procedure for the Reproduction of Oral Evidence for Appeals and Petitions for Certiorari in Criminal Cases

(A) When the appellant or the petitioner deems that to resolve an appeal or a petition for certiorari, the Court of Appeals must examine a part of the oral evidence presented in the Court of First Instance, the appellant or the

petitioner shall file, in keeping with the requirements stated below, one, or a combination, of the following documents:

- (1) transcript
- (2) stipulated statement
- (3) narrative statement

(B) Within ten days after the filing of the appeal, the appellant or the petitioner shall substantiate and show that the means of reproduction of the oral evidence to be used will allow the Court to dispose of the case in the quickest manner, but the Court may determine the means best suited for this purpose.

(C) Transcript, stipulated statement, narrative statement of the evidence

Reproduction of the oral evidence through transcript shall be made pursuant to the provisions of Rule 76, and through a narrative statement or stipulated statement pursuant to the provisions of Rule 76.1.

Rule 30. Bail on Appeal

After conviction, if a defendant files an appeal or a petition for certiorari before the Court of Appeals, the application for bail on appeal shall be governed by the provisions of Criminal Procedure Rule 198, as amended.

Rule 30.1. Appeal by Prisoners and Indigent Defendants

(A) When the appellant is confined in a penal institution or in any other institution under the custody of the Correctional System and appeals *pro se*, an appeal shall be taken by delivering the appeal within the term for filing the appeal to the authorities who has the appellant under custody. It shall be the duty of said authorities to file immediately the appeal and a copy thereof with the clerk of the court that issued the judgment or with the clerk of the Court of Appeals; in latter case, a copy shall be transmitted to the court from which appeal was taken. Upon receipt of the appeal, the clerk of the trial court or of the Court of Appeals shall notify the District Attorney and the Solicitor General.

(B) When the inmate delivers the appeal to the prison authorities in time to be received by the Clerk of the trial court or the Clerk of the Court of Appeals before the term to appeal expires and those officers fail to transmit it, the delivery to them of the appeal constitutes a constructive filing within the prescribed term and serves as notice served on the District Attorney and the Solicitor General.

**PART IV
CERTIORARI**

Rule 31. In General

Certiorari shall be perfected by filing a petition for writ of certiorari within the terms, and in the manner prescribed by Judiciary Act of the Commonwealth of Puerto Rico of 2003 and by these Rules.

Rule 32. Time for Filing a Petition for Certiorari

(A) The petition for certiorari to review judgments in cases involving guilty-plea convictions shall be filed within thirty days after the date on which the judgment sought to be reviewed was rendered. This term is jurisdictional.

(B) The petition for certiorari to review the decisions of the Court of First Instance under the special proceeding of Section 18.006 of Law No. 81 of August 30, 1991, as amended, known as the Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991, shall be filed within ten days after the entry in the record of a copy of the notice of the decision of the Court of First Instance. This term is jurisdictional in nature.

(C) The petition for certiorari to review final resolutions of the Court of First Instance in voluntary jurisdiction proceedings shall be filed within thirty days after the date of entry in the record of a copy of the notice of the resolution or order sought to be reviewed. This term is jurisdictional.

(D) The petition for certiorari to review any other resolution or order or a final judgment of the Court of First Instance reviewing an arbitration award shall be filed within thirty days after the date of entry in the record of a copy of the notice of the resolution or order sought to be reviewed. This term is of strict compliance.

Rule 33. Filing and Service

(A) Manner of filing

Petitions for writ of certiorari submitted for the consideration of the Court of Appeals, and the three copies thereof, may be filed either in the Office of the Clerk of the Court of Appeals or in the Office of the Clerk of the part of the Court of First Instance that decided the controversy sought to be reviewed.

When the petition for certiorari with the appropriate filing fee is filed in the Office of the Clerk of the Court of Appeals, the petitioner shall serve the Office of the Clerk of the respondent court with a duly time-stamped copy of the cover or the first page of said petition within seventy-two hours after filing the same. This term is of strict compliance. When the petition for certiorari is filed in the Office of the Clerk of the part of the Court of First Instance that decided the controversy sought to be reviewed, the Office of the Clerk of the

respondent court shall retain a copy of the petition for certiorari, and the petitioner shall serve the Office of the Clerk of the Court of Appeals with the original and three copies of said petition, duly time-stamped by the Office of the Clerk of the part of the Court of First Instance, as well as the canceled filing fees, within forty-eight hours after the filing of the same. This term is of strict compliance.

(B) Service

The petitioner shall serve the duly time-stamped petition for certiorari on counsel of record or, in the alternative, on the parties, as well as on the Solicitor General and the District Attorney, in criminal cases, within the term for filing the petition. This term shall be of strict compliance. Service shall be made by certified mail, return receipt requested, or through a similar personal delivery service carried out by a private company with acknowledgment of receipt. When service is made by mail, notice shall be sent to the parties' counsel or to the parties, if unrepresented, at the mailing address appearing on the latest document in the record of the case. When the party is represented by counsel and no address appears in the record, notice shall be sent to counsel at the address appearing in the roll of attorneys kept to such effects by the Clerk of the Supreme Court. The petitioner shall certify the fact of such service on the very petition for certiorari. The postmark will be considered as the date of service on the parties. Personal service shall be made at the office of the parties' counsel, and delivery shall be made to them or to any person in charge thereof. If unrepresented, service on a party shall be made at the party's dwelling place or at the address appearing in the record of the case, on any person of suitable age present therein. When personal delivery is made, the manner and circumstances of such service must be certified within the next forty-eight hours. This term is of strict compliance.

Service may be made by other means, subject to the form and service requirements provided in Rule 13(B).

Rule 34. Content of the Petition for Certiorari

The petition for certiorari shall contain:

(A) Cover

The first page of the petition for certiorari will be the cover and will indicate on its heading: "Commonwealth of Puerto Rico," "Court of Appeals," and the judicial region from which review is sought, and only the following:

(1) Caption

The caption of the petition for certiorari will contain the names of the parties in the same order as they appeared in the Court of First Instance, identified as "petitioner" and "respondent."

(2) Information on the parties and their counsel

It will include the name, address, telephone number, fax number, email addresses, and Supreme Court number of counsel for the petitioner and for the respondent, or the name, mailing address, email address, if any, and telephone number of the parties, if unrepresented, indicating that they appear *pro se*.

(3) Case information

The cover must also include the case number assigned by the Court of Appeals, the part of the court that decided the controversy sought to be reviewed, the case number assigned by the Court of First Instance, the nature of the case, and its subject matter.

(B) Table of contents

The page immediately after shall contain a detailed table of contents of the petition for certiorari and of the cited authorities, conforming to the provisions of Rule 75.

(C) Body

(1) The petition for certiorari will contain the following numbered requirements in the same order set forth below:

(a) The names of petitioners shall be set forth in the opening paragraph.

(b) The citations of the legal provisions that establish the jurisdiction and venue of the Court.

(c) A reference to the decision sought to be reviewed, including the title and number of the case, the pertinent judicial region, the part of the Court of First Instance that issued the decision, the date of issuance, and the date of service; also, a reference to any motion, resolution, or order by which the time for filing the petition for certiorari was interrupted or resumed, and a specification of any other proceeding concerning the same case or matter, pending in the Court of Appeals or in the Supreme Court as of the filing date.

(d) A faithful and concise statement of the procedural and material facts of the case.

(e) A brief and concise assignment of the errors made by the Court of First Instance, as contended by the petitioner.

(f) A discussion of the errors assigned, including the statutory provisions and applicable caselaw.

(g) The prayer.

(2) The filing of a separate memorandum of authorities shall not be permitted. The argument and legal grounds must be set forth in the body of the petition for certiorari.

(3) When any of the issues raised in the petition for certiorari has to do with errors in the weighing of the evidence or with the sufficiency of the

evidence, the petitioner shall proceed as prescribed in Rule 76.1 once the writ is issued, or prior to issuance, if so ordered by the Court.

If the petition for certiorari seeks review of judgments in cases involving guilty-plea convictions under Rule 32(A), the petitioner shall proceed as prescribed in Rule 29.

(D) Number of pages

The petition for certiorari may not exceed twenty-five pages, excluding the certificate of service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(E) Appendix

(1) The petition, except as provided in paragraph (2) of this subdivision and in Rule 74, must contain an appendix that shall include an exact copy of:

(a) The parties' pleadings of the parties; that is:

(i) in civil cases: the main complaint, the crossclaims or third-party complaints, and the counterclaim, and their respective answers;

(ii) in criminal cases: the complaint and information, if any.

(b) The decision of the Court of First Instance sought to be reviewed, including the findings of fact and conclusions of law on which it is grounded, if any, and the notice of entry in the record of the case of a copy of the notice of the decision, if any.

(c) Any motion duly stamped by the Court of First Instance, resolution, or order necessary to establish that the term for filing the petition for certiorari has been interrupted and resumed, and the notice of entry of a copy of the resolution or order in the record of the case.

(d) Any resolution or order, and any motion or paper filed by any of the parties that is part of the original record of the Court of First Instance and that expressly discusses any matter raised in the petition for certiorari, or that is relevant thereto.

(e) Any other document that is part of the original record of the Court of First Instance and that may be useful to the Court of Appeals when deciding the controversy.

(2) The Court of Appeals, at the request of the petitioner in the petition for certiorari or through motion, or motu proprio, may allow the petitioner to file the documents of the appendix mentioned in this rule after the filing date of the petition for certiorari, within fifteen days from the date of notice of the resolution of the court authorizing the filing of such documents.

Rule 35. Effect of Filing the Petition for Certiorari

(A) In civil cases

(1) The filing of a petition for certiorari shall not stay the proceedings in the Court of First Instance, unless otherwise ordered by the Court of Appeals on its own motion or on motion of a party. The issuance of the writ of certiorari shall stay the proceedings in the Court of First Instance, except when the Court of Appeals provides otherwise.

(2) If the decision sought to be reviewed orders the sale of goods liable to loss or deterioration, the Court of First Instance may order said goods sold and the proceeds deposited until the Court of Appeals decides the petition.

(3) The effects of a decision sought to be reviewed shall not be stayed, unless otherwise ordered by the Court of on its own motion or on motion of a party, when any of the following remedies is involved:

- (a) an injunction, mandamus, or cease and desist order;
- (b) a support payment order;
- (c) a custody or visitation rights order.

(B) In criminal cases

The filing of a petition for certiorari to review a judgment of conviction shall stay the execution of judgment once bail is posted, unless the judgment sought to be reviewed orders that the convict be released on probation, or the posting of bail is not allowed, or the stay is barred by a special law. While the petition for certiorari is pending, the trial court may modify the probation conditions or revoke the probation.

Rule 36. Subsequent Motions and Papers

The motions and any other subsequent papers related to the petition for certiorari shall be filed only in the Office of the Clerk of the Court of Appeals, in original and three copies. Said motions and papers may be sent by mail, but they must reach the Office of the Clerk of the Court within the jurisdictional term, if any.

The motions and papers must be simultaneously served on the parties to the petition, and the form of service shall be certified in such motion or paper. It shall not be necessary to serve the District Attorney with said subsequent motions and papers, unless the Court or an applicable rule should provide otherwise.

Rule 37. Opposition to the Issuance of the Writ of Certiorari

(A) Within ten days after the petition for certiorari is served, the other parties may file memoranda in opposition to the issuance of the writ. Such memoranda may not exceed twenty-five pages, excluding the certificate of

service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(B) The appendix, if included, shall contain only copies of documents that are part of the original record of the Court of First Instance and documents that are relevant to the controversy.

(C) All the pages of the appendix must be consecutively numbered, and the documents shall be organized in chronological order. The appendix shall also contain a table of contents indicating the page number on which each document appears.

(D) An appendix to a memorandum in opposition need not contain a document already included in the appendix to an earlier paper in the same case. When reference is subsequently made to said document, reference must be made to the corresponding page number and appendix.

Rule 38. Orders to Show Cause; issuance of the writ of certiorari

The Court of Appeals may issue show cause orders after the petition for certiorari has been filed and before determining whether to issue the writ. In such cases, the procedure shall be as follows:

(A) Once the parties and, if the Court of Appeals so orders, the Court of First Instance are served with the resolution that contains the show cause order, the party ordered to show cause shall state their position within the term prescribed in the resolution. The other party shall have the same time to oppose the show cause brief, counting from the filing date of the same. Briefs may not exceed twenty-five pages, excluding the certificate of service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(B) After said briefs are filed, any motion that discusses the petition on the merits or the show cause order may be filed only by prior authorization of the Court of Appeals.

(C) Once the term to file the brief to show cause expires, the Court of Appeals may decide whether to issue the writ, or whether to resolve the petition through a grounded judgment or resolution, as the case may be. If the Court decides to issue the writ, it may resolve the petition on the basis of the briefs filed, or follow the procedure established in Rule 39.

Rule 39. Briefs

(A) The petition for certiorari shall be considered the brief for petitioner. The respondent shall file a brief within thirty days after the notice of issuance of the writ.

(B) When the petitioner files a supplementary brief for reproduction of the oral evidence, of which the Court shall receive prior notice with the same,

the respondent may file a reply brief within the next thirty days for the sole purpose of refuting the petitioner's supplementary brief.

(C) The terms established here may be extended by the Court of Appeals on its own motion or on motion of a party

Rule 40. Criteria for Issuing the Writ of Certiorari

The Court shall take into consideration the following criteria when determining whether to issue a writ of certiorari or a show cause order:

(A) If the remedy and the decision sought to be reviewed, unlike its grounds, are contrary to law.

(B) If the facts set forth present the most adequate situation for analyzing the problem.

(C) If there has been prejudice, partiality or bias, or gross and manifest error in the weighing of the evidence by the Court of First Instance.

(D) If the issue raised requires a more thorough consideration in light of the original record, which shall be transmitted, or more elaborate briefs.

(E) If the stage of the proceedings at which the case is brought is the most appropriate for its consideration.

(F) If issuance of the writ or of the show cause order does not cause an undue fragmentation of the action and an unwanted delay in the final adjudication of the same.

(G) If issuance of the writ or of the show cause order prevents a miscarriage of justice.

PART V

**CERTIORARI TO REVIEW CASES ORIGINATING IN THE
COMMONWEALTH ELECTIONS COMMISSION**

Rule 41. In General

The petition for certiorari to review judgments of the Court of First Instance reviewing resolutions, decisions, or orders issued by the Commonwealth Election Commission under Section 1.016 of Law No. 4 of December 20, 1977, as amended, known as the "Puerto Rico Electoral Act," shall be filed within the terms, and in the manner prescribed by this Part.

The petition for certiorari for the Supreme Court of Puerto Rico to review judgments rendered by the Court of Appeals under this Part shall be governed by the terms and procedures established in Supreme Court Rule 21.

Rule 42. Time for Filing the Petition

The petition for certiorari to seek review of the judgments of the Court of First Instance, described in Rule 41, shall be filed within the jurisdictional

term of ten days after entry in the record of a copy of the notice of the judgment sought to be reviewed. When a motion for reconsideration is filed in the Court of First Instance, said term will begin to run from the date of entry in the record of a copy of the notice of the decision resolving the motion for reconsideration.

The petition for certiorari will be the petitioner's brief unless the Court of Appeals should provide otherwise under Rules 51 and 53.

Rule 43. Filing and Service

(A) Manner of filing

Petitions for certiorari submitted for the consideration of the Court of Appeals, and the three copies thereof, may be filed in the Office of the Clerk of the Court of Appeals or in the Office of the Clerk of the part of the Court of First Instance that decided the controversy sought to be reviewed.

When the petition for certiorari is filed in the Office of the Clerk of the Court of Appeals, the petitioner shall serve the Office of the Clerk of the respondent court with a duly numbered and time-stamped copy of said petition within forty-eight hours after filing the same.

When the petition is filed in the Office of the Clerk of the part of the Court of First Instance that decided the controversy sought to be reviewed, the petitioner shall serve the Office of the Clerk of the Court of Appeals with three copies of the petition duly time-stamped by the Office of the Clerk of the court whose decision is sought to be reviewed, within forty-eight hours after filing the petition.

These terms are of strict compliance.

(B) Service

Simultaneously with the filing of the petition for certiorari, the petitioner shall serve the duly time-stamped petition on counsel of record or, in the alternative, on the parties. When the petition has been filed in the Office of the Clerk of the Court of Appeals, it shall contain the filing number. Service shall be made as prescribed in Rule 48.

Rule 44. Form of Petition for Certiorari in Cases Originating in the Commonwealth Elections Commission

The form of the petition for certiorari shall be governed, insofar as it is pertinent, by the provisions of Rule 34.

Rule 45. Effect of Filing the Petition for Certiorari and of Issuing the Writ

(A) The filing of a petition for certiorari shall not stay the effects of the judgment or the proceedings in the Court of First Instance unless otherwise ordered by the Court of Appeals on its own motion or on motion of a party.

(B) The issuance of the writ of certiorari shall stay the effects of the judgment and the proceedings in the Court of First Instance, except as provided in subdivision (C) of this Rule, or unless otherwise ordered by the Court of Appeals *motu proprio* or on motion of a party.

(C) The effects of a judgment sought to be reviewed that includes an injunction, mandamus, or cease and desist order shall not be stayed unless otherwise ordered by the Court of Appeals *motu proprio* or on motion of a party.

Rule 46. Opposition to the Issuance of the Writ of Certiorari

(A) Time for filing

(1) Within ten days after the petition for certiorari is served, the other parties shall file memoranda in opposition to the issuance of the writ. These will be considered the respondents' briefs for all purposes unless the Court of Appeals should provide otherwise under Rules 51 and 53.

(2) When the petition for certiorari is filed within thirty days before an election, the respondents shall file memoranda in opposition to the issuance of the writ within five (5) days following service of the petition. These will be considered the respondents' briefs for all purposes unless the Court of Appeals should provide otherwise under Rules 51 and 53.

(3) When the petition for certiorari is filed within five days before an election, the respondents must file memoranda in opposition to the issuance of the writ on the day after the petition is served. These will be considered the respondents' briefs for all purposes.

(B) Form and content of the brief in opposition

(1) The form and content of the brief in opposition shall be governed, insofar as it is pertinent, by the provisions of Rule 37.

(C) Service

The respondents shall serve the brief in opposition on the other parties pursuant to Rule 48.

Rule 47. Subsequent Motions and Papers

The motions and any other subsequent papers related to the petition for certiorari shall only be filed by prior authorization of the Court. The original of such motion or papers and three copies shall be filed in the Office of the Clerk of the Court of Appeals. In the order authorizing the filing of such papers, the Court will state the filing and service method. In all cases, service on the parties must be simultaneous with the filing of the paper, and the form of service shall be certified in the motion or paper. Service shall be made as prescribed in Rule 48.

Rule 48. Service of Papers

All papers filed with the Court shall be served on the parties by certified mail, return receipt requested, through a similar personal delivery service carried out by a private company with acknowledgment of receipt, by fax, by personal service, or by email, provided that the document served is a true and exact copy of the original document.

The party shall certify the fact of such service on the very paper. The postmark will be considered as the date of service on the parties, but the party must make sure that delivery is made on the following day. When service is made by mail, notice shall be sent to the parties' counsel, or to the parties, if unrepresented. When service is made on the parties, notice shall be sent to the mailing address appearing on the latest document in the record of the case. When the party is represented by counsel, notice shall be sent to mailing address or email address appearing in the Master Roll of Attorneys of Puerto Rico kept by the Clerk of the Supreme Court.

Personal service shall be made at the office of the parties' counsel, and delivery shall be made to them or to any person in charge thereof. If unrepresented, service on a party shall be made at the party's dwelling place or at the address appearing in the record of the case, on any person of suitable age present therein. When personal delivery is made, the manner and circumstances of such service must be certified within the next twenty-four hours.

Service by fax must be made through the appropriate fax number for the parties' counsel or if unrepresented, through the parties' fax number as such information arises from the latest document in the record of the case. If service is made by fax, the manner and circumstances of such service must be certified within the next twenty-four hours.

When service is to be made within thirty days before an election, it shall only be made personally or by fax, and always giving notice by telephone.

Rule 49. Procedure Simultaneous with the Decision to Issue or to Deny the Writ; service

(A) The Court of Appeals may issue show cause orders after the petition for certiorari has been filed and before determining whether to issue the writ. In these cases, the Court shall establish in the order the procedure to be followed by the parties ordered to show cause. Unless otherwise ordered by the Court, the show cause order shall have no effect on the respondent's obligation to meet the term for filing the opposition to the petition for certiorari.

(B) Notwithstanding the previous subdivision, the Court may, in any case, issue the writ sought without further proceedings at any time after the petition for certiorari is filed.

(C) The Court of Appeals shall determine whether to issue the writ within a period of not more than five days from the filing date of the last show cause brief or of respondent's opposition, as the case may be.

(D) The decision of the Court of Appeals whether to issue the writ of certiorari shall be served on the parties and on the respondent court, pursuant to Rule 71(B).

Rule 50. Original Record

(A) At any time after filing a petition for certiorari, the Court of Appeals—should it deem it necessary for deciding whether to issue the writ or to resolve the petition on the merits—may order the Office of the Clerk of the Court of First Instance to transmit the original record. The foregoing does not apply to cases handled electronically at the Court of First Instance where the electronic record is available to judges and authorized staff of the Court of Appeals.

(B) When the Court of Appeals orders the transmission of the record, the Office of the Clerk of the Court of Appeals shall notify said order by telephone or by email to the Office of the Clerk of the Court of First Instance. The Office of the Clerk of the Court of First Instance shall transmit the certified record to the Office of the Clerk of the Court of Appeals within a period of not more than five days after notice unless the Court, for good cause, fixes a different term.

Rule 51. Disposition of the Petition

(A) Once the writ of certiorari is issued, the Court of Appeals may order the filing of additional papers, oral argument, or any other order that, according to the Court, is necessary and promotes a prompt disposition of the petition.

(B) The Court of Appeals shall issue a decision on the petition within a period of not more than ten days from the date on which the case is finally taken under advisement.

It is provided, however, that when the case in question is filed in the Court of First Instance within thirty days before an election, the Court of Appeals shall issue a decision on the petition for certiorari within a period of not more than five days from the date on which the case is finally taken under advisement; and that when the case is filed in the Court of First Instance within five days before an election, the Court of Appeals shall issue a decision on the petition for certiorari within twenty-four hours after the case is finally taken under advisement.

(C) A copy of the notice of the decision shall be entered in the record of the case within twenty-four hours after the decision is issued. Said notice shall

be given to the parties by telephone and by fax on the same date it is entered in the record. Following such notice, the Office of the Clerk of the Court of Appeals shall serve notice of the decision as prescribed in Rule 71(B).

Rule 52. Reconsideration; mandates

(A) In all cases, the party adversely affected by the decision of the Court of Appeals may file a motion for reconsideration within the unextendable term of fifteen days from the date of entry in the record of a copy of the notice of judgment.

(B) The Court of Appeals shall decide the motion for reconsideration within a period of not more than five days after it is filed. A copy of the notice of the decision shall be entered in the record within twenty-four hours after it is issued. Such notice to the parties shall be made as prescribed in Rule 71(B).

(C) Each party may file only one motion for reconsideration.

(D) If ten days after entry in the record of a copy of the notice of the Court's latest ruling, no motion for reconsideration is filed and no notice is given of a petition for certiorari before the Supreme Court, the Office of the Clerk of the Court of Appeals shall send the mandate to the respondent court.

Rule 53. General Provisions

(A) In all cases, the Court of Appeals may, given the circumstances of the case under its consideration, change the terms and procedures established in this Part V to ensure, in furtherance of justice, a more efficient process and disposition of the case without impairing the substantive rights of the parties.

(B) The provisions of Part V of these Rules will only govern the filing and disposition of the petitions for certiorari originating in the Commonwealth Elections Commission as prescribed in Rule 41.

(C) Matters not addressed by this Part, but covered in other Parts of these Rules, shall apply to proceedings involving petitions for certiorari to review judgments issued by the Court of First Instance in cases originating in the Commonwealth Elections Commission, provided that they are not in conflict with the promptness with which cases involving voting rights must be addressed.

**PART VI
HABEAS CORPUS AND MANDAMUS**

Rule 54. Applicability

Habeas corpus and mandamus proceedings shall be governed by the rules of civil procedure, by the applicable special laws, and by these Rules.

Rule 55. Contents of Application for a Writ of Habeas Corpus or Mandamus; procedure

(A) The application for a writ of habeas corpus or mandamus will contain the following numbered requirements in the same order set forth below:

(1) The citations of the legal provisions that establish the jurisdiction of the Court and the judicial region to which the petition corresponds according to law and subdivision (G) of this Rule.

(2) A brief statement of the facts.

(3) A brief and concise statement of the questions of law raised in the petition and of the statutory provisions and applicable caselaw.

(4) An argument of the questions raised.

(5) The prayer.

(B) In cases in which any issue raised in the habeas corpus or mandamus petition has to do with the commission of any error by a court with regard to the sufficiency or the weighing of the oral evidence, the petitioner shall proceed as prescribed in Rules 76 and 76.1.

(C) The cover of the petition shall contain only the caption, which shall identify the petitioner and the adverse parties as “respondents,” and the name, address, telephone number, fax number, email address, and Supreme Court number of petitioner’s counsel, if represented by counsel. The page immediately after shall contain a detailed table of contents of the petition, conforming to the provisions of Rule 75.

(D) Any document that should be brought to the attention of the Court of Appeals at this stage of the proceedings shall be attached to the petition as an appendix.

(E) The petition may not exceed twenty-five pages, excluding the certificate of service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(F) The filing of a separate memorandum of authorities shall not be permitted. The argument and legal grounds must be set forth in the body of the petition.

(G) The petition shall be filed in the Office of the Clerk of the Court of Appeals and shall be assigned by the Administrative Judge or by the Assistant Administrative Judge, according to the previously established guidelines, to the panel of the judicial region corresponding to the place where petitioner is. It shall be deemed improper to address a petition directly to a judge of the Court of Appeals, except in cases of extreme urgency, when neither the Court nor the Clerk is available. In such cases, the judge may individually exercise the powers vested in such office by the law, but, where appropriate, will refer the case to the proper panel through the Clerk.

(H) The decision of the judge who considered the petition in such cases will be subject to review by the corresponding regional panel of the Court of Appeals or by the special panel appointed by the Chief Justice of the Supreme Court for such purposes. If so requested by an interested party within ten days after the notice of the decision is entered in the record of the case, said panel shall review the decision of the judge and decide according to law.

(I) In any case in which the Court of Appeals deems that the petition does not warrant the exercise of its jurisdiction, it shall order such petition transferred to the corresponding part of the Court of First Instance. Such order in no way may be considered an adjudication on the merits.

(J) The petitioner must serve summons on all the parties in accordance with the pertinent provisions of the Rules of Civil Procedure and the applicable laws. When a mandamus is addressed to a judge to compel such officer to perform a ministerial duty with regard to a case pending under their consideration, the petitioner need not summon the judge as prescribed by the pertinent provisions of the Rules of Civil Procedure. In such cases, it will suffice that the petitioner serves the judge with a copy of the petition for mandamus pursuant to Rule 13(B). The petitioner must also notify the other parties to the action that gave rise to the petition for mandamus and the Court where the case is pending, as prescribed in Rule 13(B).

(K) Unless the writ itself provides otherwise, the petitioner will have ten days from the date notice of issuance was given to file a brief, and the other parties shall have ten days from the date notice is given of the petitioner's brief to file theirs. The briefs must conform to the provisions of Rule 73. The Court may order the adverse parties to answer the facts alleged in the petition within the certain term. In such case, the term to file the petitioner's brief shall start to run from the date of service of the answer.

(L) Upon issuing the preliminary writ or at any time thereafter, the Court of Appeals shall determine whether a hearing is necessary. If so, the hearing shall be held before the panel en banc or before any of its members. In that case, the Court may appoint a special master or take the pertinent action. In such situations, the discovery of evidence may not be excluded, and the pertinent provisions of the Rules of Civil Procedure and of Evidence will apply to these cases as if it were a proceeding before the Court of First Instance.

PART VII

REVIEW OF ADMINISTRATIVE DECISIONS

Rule 56. In General

This part shall govern review proceedings in all petitions filed in the Court of Appeals to review the decisions, regulations, orders, resolutions, and

rulings issued by administrative bodies or agencies or by their officers, either in their adjudicative or in their quasi-legislative function, in accordance with the law.

Rule 57. Time for Filing the Petition for Review

The petition for review shall be filed within the jurisdictional term of thirty days from the date of filing in the record a copy of the notice of the order or final resolution of the administrative body or agency. If the date of entry in the record of a copy of the notice of the judgment is different from that of the mailing of the notice, the term shall be calculated as of the mailing date the notice.

Rule 58. Filing and Service

(A) Filing the petition for review

Petitions for review and three copies thereof shall be filed in the Office of the Clerk of the Court of Appeals.

(B) Service

(1) When required

The petitioner shall serve the petition for review, duly time-stamped with the filing date, on counsel of record in the administrative proceeding or, in the alternative, on the parties, as well as on the administrative agency or officer whose decision is sought to be reviewed, within the term to file such petition. This term is of strict compliance.

(2) How made

Service shall be made by certified mail, return receipt requested, or through a similar personal delivery service carried out by a private company with acknowledgment of receipt. Service shall also be made through any of the following methods, subject to the provisions of Rule 13(B): regular mail, personal delivery, fax, or email.

(3) Proof of service

Proof of service for each of the methods mentioned above shall be given as prescribed by Rule 13(B).

(4) Certificate of service

The petitioner shall certify to the Court of Appeals, in the very petition for review, the manner in which the parties were served or will be served, and that the term for filing has been or will be met.

The respondent may certify the court any change in the terms of the original certificate of service by a supplementary motion within three working days after the filing of the petition for review. This term is of strict compliance.

Rule 59. Content of the Petition for Review

The petition for review shall contain:

(A) Cover

The first page of the petition for review will be the cover and will indicate on its heading: “Commonwealth of Puerto Rico,” “Court of Appeals,” and the Judicial Region from which appeal is taken, and only the following:

(1) Caption

The caption of the petition for review will contain the names of the parties in the same order in which they appeared in the administrative proceeding, identified as “petitioner” and “respondent.”

(2) Information on the parties and their counsel

It will include the name, address, telephone number, fax number, email address, and Supreme Court number of counsel for the appellant and for the appellee, or the name, email address, if any, and telephone number of the parties, if unrepresented, indicating that they appear *pro se*.

(3) Case information

The cover must also include the case number assigned by the Court of Appeals, the name of the administrative body or agency from which the petition originates, including the numeric identification of the administrative proceeding, if any, and its subject matter.

In petitions that challenge the validity of a rule or a regulation, the caption will indicate the name of the challenging party, identified as “petitioner,” and the name of the body or agency that adopted the rule or regulation, identified as “respondent.”

(B) Table of contents

The page immediately after shall contain a detailed table of contents of the petition for appeal and of the cited authorities, conforming to the provisions of Rule 75.

(C) Body

(1) The petition for review will contain the following numbered requirements in the same order set forth below:

(a) The name of the petitioner shall be set forth in the opening paragraph.

(b) The citations of the legal provisions that establish the jurisdiction and venue of the Court.

(c) A reference to the administrative decision, regulation, or order sought to be reviewed, including the title and number of the administrative case and the agency or officer that issued the same, the pertinent judicial region, the date of issuance, and the date of entry in the record of a copy of the notice to the parties; also, a reference to any motion, resolution, or order by which the time for filing the petition for review was

interrupted or resumed, and a specification of any other proceeding concerning the same case or matter, pending in the Court of Appeals or in the Supreme Court as of the filing date, shall also be specified.

(d) A faithful and concise statement of the procedural and material facts relevant to the case.

(e) A brief and concise assignment of the errors made by the respondent agency or officer, as contended by the petitioner.

(f) A discussion of the errors assigned, including the statutory provisions and applicable caselaw.

(g) The prayer.

(2) The petition for review will be the petitioner's brief. The filing of a separate brief or memorandum of authorities shall not be permitted. The argument and legal grounds must be set forth in the body of the petition for review.

(3) When any of the issues raised in the petition for review has to do with errors in the weighing of the evidence or with the sufficiency of the same, the petitioner shall proceed as prescribed in Rule 76.1.

(D) Number of pages

The petition for review may not exceed twenty-five pages, excluding the certificate of service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(E) Appendix

(1) The petition for review must contain an appendix that shall include an exact copy of:

(a) the pleadings of the parties before the agency, that is, the original petition, complaint or appeal, and the answers to the same made by the other parties.

(b) if a rule or regulation is being challenged, and there is no previous proceeding before the administrative agency, said rule or regulation shall constitute the first part of the appendix.

(c) the administrative order, resolution or ruling sought to be reviewed, including the findings of fact and conclusions of law on which it is grounded, if any.

(d) any motion, resolution, or order necessary to establish that the term for filing the petition for review has been interrupted and has resumed.

(e) any resolution or order, and any motion or paper filed by any of the parties that is part of the original administrative record and that expressly discusses any matter raised in the petition for review, or is relevant thereto.

(f) any other document that is part of the original record of the agency and that may be useful to the Court of Appeals when deciding the controversy.

(g) if reference is made to a rule or regulation in support of the petition for review, the pertinent text of the rule(s) or section(s) of such regulation shall be included in the appendix.

(2) The Court, at the request of the petitioner in the petition for review or through motion, or motu proprio, may allow the petitioner to file the documents mentioned in paragraph (1) after the filing date of the petition for review within fifteen days from the date of notice of the resolution of the court authorizing the filing of such documents.

Failure to include the documents for the appendix will not cause the automatic dismissal of the appeal.

(3) The appendix shall contain only copies of documents that are part of the original record of the administrative agency. When the petitioner raises as an error the undue exclusion of evidence, such party shall include in a separate appendix a copy of the evidence offered and not admitted.

(4) All the pages of the appendix must be consecutively numbered, and the documents shall be organized in chronological order. The appendix shall also contain a table of contents indicating the page number on which each document appears.

Rule 60. Venue

The petition for review shall be entertained by the designated panel, as prescribed in Rule 7(A)(3).

Rule 61. Effects of Filing the Petition for Review; appearance by the State; fungible goods

(A) Effect of filing the petition

(1) The filing of a petition for review shall not stay the enforcement of a rule or regulation, order, resolution, or decision of an agency or officer, or an award in an auction that has been challenged. However, the Court of Appeals, on motion of a party, may order otherwise after giving the other parties time to express their position on the motion for stay. If the Court, however, determines that given the urgency of the matter it is impossible to hear the other parties, it may issue a temporary order and give them a term to express their position before finally deciding the matter. If the Court should deem it appropriate, it may require the party moving for stay to post bail to safeguard the interests of all the parties.

(2) The Court, *motu proprio* and for good cause, may order the stay and may take whatever measures it may deem pertinent and necessary to protect the interests of all the parties, including the public interest.

(B) Fungible goods

If the order, resolution, or decision sought to be reviewed orders the sale of fungible goods liable to loss or deterioration, the agency or officer may order said goods sold and the proceeds deposited into escrow account until the Court of Appeals decides the petition.

Rule 62. Subsequent Motions and Papers

(A) The motions and any other subsequent papers related to the petition for certiorari shall be filed only in the Office of the Clerk of the Court of Appeals, in original and three copies. Said motions and papers may be sent by mail, but they must reach the Office of the Clerk of the Court within the jurisdictional term, if any.

(B) The motions and papers must be simultaneously served on the agency, on the officer, and on all the parties to the petition, and the form of service shall be certified on such motion or paper.

Rule 63. Respondent's Brief in Opposition

(A) Within thirty after the petition for review is served, the agency or officer with standing, as well as any of the other parties, may file briefs in opposition to the issuance of the writ. Such briefs may not exceed twenty-five pages, excluding the certificate of service, the table of contents, and the appendix, unless more pages are allowed by the Court pursuant to Rule 70(D).

(B) The appendix, if included, shall contain only copies of documents that are part of the original administrative record. If reference is made to a rule or regulation in support of the brief in opposition or pleading, the pertinent text of the rule(s) or section(s) of such regulation shall be included in the appendix.

(C) All the pages of the appendix must be consecutively numbered, and the documents shall be organized in chronological order. The appendix shall also contain a table of contents indicating the page number on which each document appears.

(D) An appendix to a brief in opposition need not contain a document already included in the appendix to an earlier paper in the same case. When reference is subsequently made to said document, reference must be made to the corresponding page number and appendix.

Rule 64. Orders to Appear

The appearance of the Commonwealth of Puerto Rico shall not be mandatory, unless so determined by the Court of Appeals, which may issue the orders it deems appropriate for the prompt resolution of the case.

Rule 65. Resolution of the Petition for Review

The Court of Appeals shall pass on the petition for review as a matter of law by way of a judgment once the case has been submitted for a decision on the merits.

Rule 66. Reproduction of Oral Evidence

(A) When an error assigned has to do with the weighing of the oral evidence or the fact that some statement of facts is not supported by evidence and it becomes necessary to resort to the oral evidence, the petitioner shall set forth such fact in a separate motion filed together with the petition for review. If petitioner fails to do so, the other parties may file a similar motion within ten days after the petition for review is served.

(B) In said motion, the interested party shall substantiate and show the need of resorting to the oral evidence, in light of the findings of fact drawn by the agency or the officer, making reference to the issues raised in the petition for review and to the contents of the specific testimonies sought to be used. Failure to comply with this rule may give rise to the denial of the motion.

(C) Reproduction of the oral evidence shall be made in keeping with Rules 76 and 76.1, and the agency must carry out the pertinent procedures with the Court of First Instance.

Rule 67. Special Review Proceeding

A party adversely affected by a final order or resolution of an administrative agency of the type set forth in this rule and who has exhausted all the remedies afforded by the pertinent administrative agency, may use this special review proceeding, provided the following requirements are met:

(A) The final order or resolution of the administrative agency from which appeal is taken under the special review proceeding had adjudicated a request for services or aid filed by the movant under a social welfare program or had adjudicated a controversy concerning eligibility or the nature of the benefits to which the movant is entitled in a social welfare program.

(B) The movant contends that the final order or resolution is an adverse decision.

(C) The person appeared *pro se* to challenge such administrative decision within thirty days after receiving the final order or resolution.

In these cases, it shall suffice that the petition for review succinctly state the reasons the party contends that the order or resolution should be reviewed and include a copy of the decision from which appeal is taken.

The Clerk of the Court of Appeals shall prepare a Special Review Petition form for these cases that will state the welfare claims asserted in the petition and shall contain, among other information, the following:

- (1) the name of the parties,
- (2) the respondent agency and case number,
- (3) the social welfare service or entitlement,
- (4) the reasons or grounds for seeking review and the relief sought,
- (5) certificate of service or request for service issued by the Clerk,

and

- (6) certificate of authentication of the facts.

The form will be available at the pertinent agencies and at the Court of Appeals.

The form may be filled out by hand and signed by the petitioner, indicating said party's address and the filing date of the petition.

The form may be presented to the Court of Appeals through personal delivery or by mail.

At the party's request, the Clerk of the Court of Appeals will complete the required procedure of filing three copies of the petition for review and service on the respondent agency and on the Solicitor General.

In these cases, the Court may order the administrative record or a certified copy thereof transmitted to the Court of Appeals, and it may take any measure it deems necessary for the prompt disposition of the case.

The Court shall provide an expedited proceeding and dispose of the matter within a term of not more than thirty days after the case was taken under advisement.

The Court may reverse, modify, or affirm the resolution or order under review, and may remand the case to the respondent agency with instructions as to further proceedings. Before reversing or modifying the administrative decision, the Court shall give the agency an opportunity to be heard, except in special circumstances.

The terms provided for this special proceeding shall be of strict compliance, and no petition may be dismissed due to defects of form or notice.

PART VIII

RULES APPLICABLE TO ALL APPEALS

This part shall govern all appeal proceedings in the Court of Appeals.

Rule 68. Motions

(A) All motions shall be served on the other parties on the very date on which they are filed, and the fact of such service shall be set forth in the paper filed in the Court of Appeals. The name of the movant shall appear in the opening paragraph of any motion.

(B) Any party who wishes to express their position in favor or against a motion seeking any relief shall do so within ten days after the mentioned service.

(C) Every motion shall set forth the legal grounds on which it is based, and shall include the arguments, the citation of authorities, and the prayer. The filing of a separate memorandum of authorities shall not be permitted.

(D) No motion shall exceed ten pages.

(E) Regardless of the provisions of subdivision (B) of this rule, when there are extraordinary circumstances that thus warrant it, the Court may resolve any motion at any time without waiting for the brief in opposition.

Rule 69. Signing of Pleadings, Motions and Other Papers; sanctions

(A) Every pleading, motion, and paper filed by a party represented by counsel shall be signed by at least one counsel of record in their own name, stating their address, telephone number, fax number, email address, and Supreme Court number. Parties not represented by counsel shall sign their pleadings, motions, or papers, stating their mailing address, email address, if any, and telephone number and clearly indicating that they appear *pro se*.

(B) The signature of counsel or of the party shall constitute a certification by the signer that they read the pleading, motion, or paper; that, to the best of their knowledge, information and belief, formed after reasonable inquiry, it is well-grounded in fact and supported by law or by a good faith argument about the extension, amendment, or repeal of the law; and that it has not been filed for any improper purpose, such as to harass, to delay, or to unnecessarily increase the cost of litigation.

The Clerk *motu proprio* shall return unsigned pleadings, motions, and papers.

If the pleadings, motions, or papers were unsigned, the Clerk will notify this deficiency to the party's counsel or to the party filing such paper so as to give them reasonable opportunity to correct such deficiencies.

(C) If a pleading, motion, or brief is signed in violation of this rule, the Court, on motion of a party or on its own motion, shall impose upon the signer, upon the represented party, or upon both, whatever sanction it may deem appropriate.

Rule 70. Form of Papers; copies

(A) All papers filed in the Court of Appeals shall be typeset on legal-size paper (8½" x 14") on one side of the paper only, in pica typeface or larger, double spaced (except for direct citations and footnotes). The left-hand margin must be of not less than one and a half inches (1½") and a right-hand margin of not less than one half inch (½"). If a computer or in any word processing program is used, the text must be printed in Courier or similar font in size 12 solid characters.

(B) Every document that is part of an appendix must strictly conform to the requirements of subdivision (A) above. However, single-spaced photocopies of original documents may be included if said copies are clearly legible.

(C) Except as provided herein for specific writs or appeals, all documents will be filed with the Court of Appeals in original and three clearly legible copies, which may be mimeographed, photocopied, or duplicated by machines of analogous efficiency. The Clerk shall ensure that this provision is strictly complied with. If any paper fails to comply with said provisions, the Clerk will notify such fact to the party filing such paper, or to the party's counsel, so the party may have reasonable opportunity to correct such deficiencies. Exception shall be made of the record mentioned in Rule 77, which may be transmitted only in original, and of the transcript of evidence, which shall be transmitted in original and one copy.

(D) When these rules provide for a maximum number of pages for a document, the Clerk shall not accept any document in excess of such maximum, unless accompanied by a separate motion asking the Court's leave to exceed, for good cause, the prescribed maximum number of pages.

(E) The Court shall not accept or allow the filing of a separate memorandum of authorities in support of a document. The pertinent authorities must always be cited and discussed in the body of the papers.

(F) The Court may refuse to consider a paper received outside the pertinent term or after the extension granted to such ends.

Rule 71. Service

(A) By the parties

Except as provided in these Rules with regard to the initial brief in each action, any subsequent paper filed in the Court of Appeals shall be simultaneously served in person, by mail, through any other similar personal delivery service, by fax, or by email. The manner of service must be set forth in the very paper filed in the Court of Appeals.

(B) Service of decisions and orders

The Clerk of the Court of Appeals shall serve by mail every decision of said Court on the parties' counsel and on any other party that had appeared *pro se*, at the address informed in the appeal. The notice shall indicate the date on which the decision or order was issued, attaching a copy of the same, and the date of entry in the record of a copy of the notice.

Once administrative measures and the necessary technology are in place, the Clerk of the Court of Appeals shall serve every decision of said Court on the parties' counsel through electronic means at the email address appearing in the Master Roll of Attorneys, and on any other party that appearing *pro se* at the mailing address informed in the petition or at their email address, if any. When the Court should deem it necessary, it may also use other methods of service, such as fax or telephone.

Rule 72. Time for Filing Papers; extensions

(A) Whenever, under the applicable regulations, a paper must be filed in the Court of Appeals within a specific term or day, said term shall expire at 5:00 P.M. of that day, unless the Court establishes mechanisms to extend office hours or access to the Court, in which case the term will extend until midnight (12:00 A.M.) of the day on which the term expires.

(B) Any motion for extension of time may be received in the Office of the Clerk of the Court of Appeals at least three working days before the expiration date sought to be extended. The term of every extension granted by the Court starts to run on the expiration date of the term sought to be extended, unless the panel considering the case should provide otherwise.

(C) No paper shall be admitted outside the term unless otherwise provided by the panel considering the case. No extensions of jurisdictional terms shall be granted.

Rule 73. Briefs for Appellee, Respondent, or Intervenor

(A) This rule applies to all briefs for appellee, respondent, or intervenor, in civil and criminal actions filed in the Court of Appeals.

(B) The cover of the brief shall contain only the caption of the case, the information on the parties and their counsel, and the information about the case.

(C) The page immediately after the cover shall contain a table of contents of the brief, which must follow the same order established for the pertinent action.

(D) The brief shall contain the following parts in the order here indicated:

(1) The citations of the legal provisions that establish the venue of the Court of Appeals.

(2) A reference to the decision appealed from or sought to be reviewed.

(3) A brief statement of the facts, if necessary.

(4) A separate discussion of the errors assigned, the statutory provisions and applicable caselaw.

(5) The prayer.

(E) The brief may not exceed twenty-five pages, excluding the table of contents, the appendix, and the certificate of service.

(F) The Court of Appeals may order that briefs be drawn up and filed in any case it may deem it necessary.

Rule 74. Appendices

In cases in which, in keeping with these Rules, a brief filed in the Court is accompanied by an appendix, it must conform to the following:

(A) All the pages of the appendix must be consecutively numbered and the documents shall be arranged in chronological order. If the appendix has more than one document, it shall be preceded by a table of contents indicating the page number on which each document appears.

(B) The appendices shall contain only copies of documents that are part of the record of the Court of First Instance or part of the administrative record.

(C) The appellant is entitled to transmit, in a separate appendix, a copy of the record of evidence presented and not admitted, when the issue raised before the Court of Appeals refers to a substantial error in the exclusion of the specific evidence in question.

(D) An appendix need not contain a document already included in the appendix to an earlier paper in the same case. When reference is subsequently made to said document, reference must be made to the corresponding page number and appendix.

(E) By prior authorization of the Court of Appeals, a party may refer to the appendix or to documents included in the appendix of another case concerning the same judgment from which appeal is taken that is pending before the Court of Appeals.

(F) By prior authorization of the Court of Appeals, when the appendix or the document to be included therein is sizeable, the party may file only one copy. The party may request that the original record be transmitted instead of filing sizeable documents or briefs.

Rule 75. Table of Contents

Any paper filed in the Court of Appeals that, pursuant to these Rules, may require a table of contents, except for the table of contents to an appendix and to the record, Rules 74 and 77, respectively, must conform to the following:

(A) There must be a Table of Contents indicating the page of the paper on which each part begins. When reference is made in the table of contents to the issues raised in the action, the full text of the issues shall be copied in the table of contents.

(B) A detailed table of cited authorities must follow, indicating, in alphabetical order, all the cases cited in the paper and the pages on which they are cited. Caselaw from Puerto Rico, from the United States, and from other jurisdictions will be listed separately. This will also be the case with the cited statutes, as well as with commentators, law review articles, and other analogous sources.

Rule 76. Transcript of Oral Evidence in Appeals and Petitions for Certiorari

(A) Transcript of oral evidence in appeals and petitions for certiorari

A party to an appeal or a petition for certiorari before the Court of Appeals shall notify the Court of Appeals not later than ten days after the appeal was filed or notice was given of the issuance of the writ sought that the party intends to prepare a transcript of the oral evidence. In its motion, the movant shall state the reasons for considering the transcript indispensable and will expedite proceedings more effectively than the filing of a stipulated statement or a narrative statement. In all cases, the movant shall identify in the motion the pertinent portions of the record before the Court of First Instance sought to be transcribed and shall include the date of the testimony and the names of the witnesses.

(B) Transcript prepared by an authorized private transcriber

Once the transcript is ordered, the movant shall request the Court of First Instance to re-record the proceedings. The motion to such ends shall be filed within ten days following notice of the order of the Court of Appeals. The motion must be accompanied by the corresponding fees.

Once the re-recording is made, the Clerk of the Court of First Instance shall deliver the reproduction to the movant and shall notify such fact to the other parties and to the Court of Appeals.

The transcript of oral evidence shall be made by the party requesting the same, at the movant's expense, within thirty days after delivery of the reproduction. To such ends, a private transcriber authorized under the rules approved by the Supreme Court of Puerto Rico shall be hired.

The fees paid by the movant to the authorized private transcriber shall be recoverable as costs, should said party prevail on appeal, unless the Court of Appeals determines that the transcript was not necessary or useful to the resolution of the action.

When the party requesting the transcript is indigent or is the Commonwealth of Puerto Rico, its municipalities, administrative bodies, instrumentalities, or officers in their official capacity, or when it is impossible to re-record the proceedings, the transcript shall be prepared by the officers of the Court of First Instance *ex officio* within the terms, and in accordance with the procedures established by this rule and by the rules approved by the Supreme Court of Puerto Rico. If necessary, the Chief Justice of the Supreme Court may authorize the hiring of private transcribers within the parameters established by the rules approved by the Supreme Court.

(C) Stipulated transcript

If authorized by the Court, the movant may use the party's own recording, made with their own recording device, or the re-recording of the proceedings and prepare a transcript, which may be presented as the transcript of the oral evidence, provided that the appellee or the respondent stipulates that such transcript is a true and exact reproduction of the oral evidence.

(D) Every transcript shall include an index that shall indicate the names and the page numbers where the statements of each of the witnesses may be found. Also, the transcript shall be certified by the authorized transcriber as a true and exact rendering of the reproduced recording.

(E) The transcripts shall be prepared and filed in the Office of the Clerk of the Court of Appeals within the term ordered by said court. The movant shall provide copies of the transcript of oral evidence to all the other parties within the same term. Such term shall only be extended for good cause and through a duly grounded motion.

(F) Whenever reference is made in any paper to the facts of the case and there is a transcript of oral evidence, the page number(s) where the testimony that establishes the facts in question is found shall be indicated at the pertinent places between parentheses.

Rule 76.1. Stipulated Statement of Oral Evidence and Narrative Statement of the Evidence

(A) Stipulated statement in appeals and certiorari

(1) Within ten days after the appeal or the notice of issuance of the writ of certiorari is served, the appellant or the petitioner shall notify the District Attorney or the other party of its intention to present a stipulated statement of the evidence.

(2) Within thirty days after the filing of the appeal, the appellant or the petitioner shall prepare and submit a proposed narrative statement of the oral evidence of the case to the Court of Appeals. The appellant shall serve a copy of the proposed narrative statement on the appellee or on the district attorney, as the case may be.

(3) If an agreement on the stipulation cannot be reached within the next twenty days, the parties shall try, through communications and meetings, to arrive at a stipulated statement based on the appellant's or the petitioner's proposed narrative statement.

If a stipulated statement is not produced within those twenty days, the appellee or the respondent shall file an opposition to the motion and to the appellant's or petitioner's proposed stipulation, stating specifically and in detail, with reference to the evidence presented, such party's objections to the proposed statement and the reasons why the party cannot arrive at a stipulated narrative statement. Otherwise, the appellant's or the petitioner's proposed statement may be accepted as the narrative statement of the oral evidence.

(4) Regarding the appellant's or petitioner's motion and proposed statement of the evidence, and the opposition filed by the district attorney, by the appellee or by the respondent, the Court of Appeals may:

(a) use both statements as a reproduction of the evidence if the disagreements between the parties are not substantial,

(b) order the preparation, in whole or in part, of a transcript of the oral evidence as prescribed in Rule 76,

(c) order the transmission of a tape with a re-recording of the proceedings, or

(d) order any other measure that may expedite the proceedings.

(B) Narrative statement on appeals and certiorari

(1) Within thirty days after the filing of the appeal, the appellant or the petitioner shall prepare and submit a proposed narrative statement of the oral evidence regarding the appeal to the pertinent part of the Court of First Instance. On the very filing date of the narrative statement, the appellant or the petitioner shall serve a copy of the filed narrative statement on the district attorney or on the Solicitor General, as the case may be, and on the Court of Appeals. The appellee, the respondent, or the district attorney, or the person designated by the latter, shall raise objections, or propose amendments within the next ten days. The objections or amendments shall be filed in the Court of First Instance and notified to the Court of Appeals.

(2) Upon the expiration of the prescribed terms, the narrative statement, together with the objections and proposed amendments, shall be submitted for the approval of the Court of First Instance. If no objections or

amendments are filed, in accordance with the previous section, and the Court of First Instance does not act on the narrative statement within thirty days after it was submitted for its consideration, said statement will be approved.

If objections or amendments have been filed, the narrative statement must be expressly approved, in which case the Clerk of the Court of First Instance shall serve the Court of Appeals with an official copy of the same and shall serve a copy on the parties.

(C) The appellant or the petitioner must display due diligence to meet the terms set forth in this rule and notify the Court of Appeals in case of noncompliance.

(D) The terms provided in this rule may be extended for good cause through a party's duly grounded motion.

(E) In order to expedite the preparation of a stipulated statement or a narrative statement of evidence, counsel and prosecutors may use the recordings made with their own recording devices.

Rule 77. Record

(A) Appeal in criminal cases

In appeals from judgments in criminal cases, the record on appeal shall consist of the original record of the Court of First Instance, accompanied by the transcript of oral evidence prepared as prescribed in Rules 76 and 76.1.

The record on appeal shall be transmitted to the Court of Appeals within thirty days after the filing date of the appeal, except when more than one appeal is taken from the judgment by two or more defendants-appellants, the respondent court may fix a longer (but never shorter) term to transmit the record.

In all cases, the court appealed from, in the exercise of its discretion and with or without a motion or notice to such effect, may extend the term to transmit the record on appeal by not more than sixty days. Any further extension may only be granted for good cause, which shall be set forth in the order granting such extension. A copy of said order shall be served on the Court of Appeals.

(B) Appeals in civil cases and petitions for certiorari (in civil and criminal cases)

The record on appeal in civil proceedings and petitions for certiorari in civil and criminal cases shall consist of the appendix that must be a part of the petition, together with the appendix to the appellee's or the respondent's brief, accompanied by the statement or transcript of the oral evidence prepared as prescribed in Rules 76 and 76.1.

In all cases, the Court of Appeals *motu proprio* or on motion of a party, may order the original record transmitted.

The Clerk of the Court of First Instance must transmit the original record, together with the corresponding certification, when so ordered by the Court. The Court of Appeals may require an index of these documents.

(C) Record on administrative review

The record in administrative review cases shall consist of the appendix that must be a part of the petition, together with the appendix that must be a part of the respondent's brief, in addition to a statement of oral evidence when so authorized by the Court.

In all cases, the Court of Appeals, *motu proprio* or on motion of a party, may order the original record transmitted.

(D) Record in all appeals

(1) The record shall be prepared pursuant to the provisions of these rules, insofar as they are not inconsistent with the Rules of the Supreme Court, the Rules of Criminal Procedure or the Rules of Civil Procedure, and the Rules of Administration for the Court of First Instance. By stipulation of the parties, upon approval of the Court of First Instance or of the pertinent administrative body, any document of the original record that is immaterial to the appeal may be omitted from the record to be transmitted. In such case, said stipulation shall become a part of the record to be transmitted.

(2) Upon receipt of the original record or records mentioned in subdivisions (A), (B), and (C) of this rule, the Clerk of the Court of Appeals shall forthwith serve notice thereof on the parties, as well as on the Court of First Instance or to the pertinent administrative body.

The provisions of this rule concerning the transmission of the original record of the Court of First Instance to the Court of Appeals do not apply to cases filed electronically with the Court of First Instance, the record of which is accessible to judges and authorized court personnel.

Rule 78. Application to Proceed *In Forma Pauperis*

Any party that for the first time seeks to proceed *in forma pauperis* shall submit in the Court of Appeals an affidavit stating the facts that establish the party's inability to pay the fees and costs or give security therefor, their belief that the party is entitled to redress, and a statement of the matters that the party intends to raise on appeal.

If the application is granted, the party may proceed without payment of fees and costs or without giving security therefor.

The Court of Appeals may prepare forms to allow easy and effective appearance of the appellants or petitioners *in forma pauperis*.

Rule 79. Orders in Aid of Jurisdiction

(A) In order to assert its jurisdiction over any matter pending in the Court of Appeals, said Court may issue any temporary order, which shall be binding upon the parties to the action, their officers, agents, employees, and counsel, and upon all persons acting in accordance, or actively participating with them, and who were served with notice of the order through whatever manner of service. Said orders shall be governed by the pertinent provisions of the Code of Civil Procedure, the Rules of Civil Procedure, and the Rules of Criminal Procedure, and shall also be governed by these Rules, insofar as they are not inconsistent with the above-mentioned provisions.

(B) The provisions of Rule 85(C) shall apply to motions for such orders.

(C) The orders mentioned in this rule may be issued by the Court on its own motion or on motion of a party.

(D) No permanent injunction order may be issued except as part of the final judgment of the Court in the main action.

(E) Any motion for an order under this rule shall conform to the provisions of Rules 68 and 70 as to form and content, shall bear the same caption as the main case, and shall be served on the other parties and on any person against whom relief is sought in the manner that ensures that they are served with the motion simultaneously with its filing. The fact of such service shall be set forth in the very motion. If the motion for an order is filed on the same day as the appeal, simultaneous notice of said motion shall include service of the appeal with its appendix. For the purposes of the simultaneous notification to which this rule refers, the method used may be by personal service, by telephone, or by email so that the parties may learn of the motion for the order and the appeal immediately upon its filing.

(F) In appropriate cases of original jurisdiction, the Court of Appeals may, on its own motion or on motion of a party, order a hearing before the panel or before any of its judges to receive evidence with regard to the motion.

(G) Appeals containing a motion in aid of jurisdiction, as well as any subsequent motion in aid of jurisdiction, shall be filed in the Office of the Clerk of the Court of Appeals.

Rule 80. Oral Argument, Sessions, and Reports

(A) In General

(1) The Court of Appeals, on its own motion or on motion of a party, may order oral argument at any stage of the proceedings prior to the final decision.

(2) The motion for oral argument shall be submitted not later than ten days after the filing date of the appellee's or the respondent's brief.

(3) The hearings before the panels of the Court of Appeals may be held in the Judicial Center of the corresponding region of the Court of First Instance where the matter under consideration originated, or in any other place by agreement of the parties and with the authorization of the panel before which the matter is submitted.

(B) Service and appearance

(1) All interested parties in the case shall be notified of the date, time, and place of oral argument, which shall always be public.

(2) All parties shall meet their obligation to appear for oral argument, under penalty of sanctions.

(C) Oral argument of the parties

(1) Oral argument shall emphasize the written arguments in the filed briefs.

(2) All hearings for oral argument ordered by the Court of Appeals shall be subject to the following rules and procedures:

(a) The maximum time for the main argument shall be fifteen minutes for each party. At its discretion, the Court may grant each party five minutes for rebuttal. The Court may also increase or reduce at its discretion the time granted to any of the parties.

(b) The Court of Appeals may set a hearing to pass on a motion and set its duration.

(c) The matters shall be announced by the Clerk and shall be addressed in the pertinent order after the opening of the Court for that day's session.

(d) The Court, on its own motion, or on motion of any of the parties, may hear cases jointly. The granting or denial of a motion seeking joinder shall always rest on the discretion of the Court.

(e) While addressing the Court of Appeals, and while making their reports, counsel shall stand unless granted permission to remain seated.

(f) During oral argument, counsel shall limit themselves to the matters at issue.

Rule 80.1. Consolidated Actions

The Court of Appeals, on its own motion or on motion of any of the parties, may order the joinder or consolidation of actions filed against a judgment, order, or resolution.

Rule 81. Brief of an Amicus Curiae

(A) By the Court, on its own motion

The Court of Appeals, on its own motion, may invite a person or entity to appear as amicus curiae at any time and in any case under its consideration.

The Court of Appeals may invite the Solicitor General to appear as *amicus curiae* in cases that raise issues of public interest.

(B) On motion of a party

(1) An *amicus curiae* brief in any appeal under the consideration of the Court of Appeals may be filed with the written consent of all the parties to the action. It must be filed within the term prescribed in these Rules for the corresponding action.

(2) The *amicus curiae* brief in a case in the Court of Appeals set for oral argument may be filed when accompanied by the written consent of all the parties to the case, within the term allowed for the filing of the brief for the party supported; if the brief does not support any of the parties, it may be filed within the term allowed for the filing of the appellant's or the petitioner's brief.

(C) Without the consent of the parties

A motion to appear as *amicus curiae* may be filed along with the brief within the term prescribed in these Rules for the corresponding action. The motion shall concisely state the nature of the movant's interest and set forth the facts or questions of law and their relevancy to the disposition of the case. In no event shall said motion exceed five pages. Any party served with said motion may timely file an objection to the same, briefly stating the reasons for withholding consent.

Rule 82. Substitution of Parties

(A) In the event any of the parties dies while an appeal is pending in the Court of Appeals, the heirs or legal representative of the deceased party shall notify the Court of the party's death within a period of thirty days of the date such death is known. The Court, on motion filed within six months of said notice, will order that the proper person substitute the deceased. If the motion for substitution is not made voluntarily, the other party may request that the death be entered in the record, and the proceedings shall continue as the Court may direct.

(B) When a public officer is a party to a proceeding in the Court of Appeals in an official capacity and during its pendency dies, resigns or otherwise ceases to hold office, the action shall not abate and their successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. The order of substitution may be entered at any time, but the failure to enter such an order shall not affect the substitution.

(C) When a public officer is a party to an appeal or to any other proceeding in an official capacity, such party may be identified by their official title rather than by name.

Rule 83. Dismissal

(A) The party seeking relief in a case may file at any time a motion to dismiss.

In criminal cases, the motion to dismiss must be accompanied by an affidavit made by the defendant, which indicates their intention to dismiss.

(B) A party may seek dismissal of an appeal on the following grounds:

(1) The Court of Appeals lacks jurisdiction.

(2) The appeal was filed outside the strict-compliance term prescribed by law without good cause therefor.

(3) The appeal has not been prosecuted with due diligence or in good faith.

(4) The appeal is frivolous and it is clear that no substantial question has been raised or that it has been filed to delay the proceedings.

(5) The appeal has become moot.

(C) The Court of Appeals may, on its own initiative, dismiss an appeal or deny issuance of a discretionary writ on any of the grounds mentioned in subdivision (B) above.

(D) The resolutions and judgments issued by the Court of Appeals under this Rule shall be duly grounded.

(E) When an appeal is prematurely filed because a motion for reconsideration is pending before the Court of First Instance, the Court of Appeals may, *motu proprio* or on motion of a party, take action while the motion is being considered, in order to expedite the subsequent appellate proceeding and to promote procedural economy and reduce costs for the parties.

Rule 83.1 Ruling without Adequate Grounds

When the Court of Appeals holds that the final judgment or resolution of the Court of First Instance or of an administrative agency or body lacks the necessary grounds for the Court of Appeals to effectively discharge its reviewing function, said court must, in aid of jurisdiction, retain jurisdiction over the appeal and order the trial court, or the administrative agency or body, to state the grounds for the previously rendered judgment or resolution. Once the grounded judgment is received, the Court may require the parties to state their position and proceed to resolve the issue.

Rule 84. Motion for Reconsideration; mandates

(A) All motions for reconsideration of any civil or criminal matter must be filed within the unextendable term of fifteen days from the date of entry in the record of copy of the notice of the resolution or judgment of the Court of Appeals.

The timely filing of a motion for reconsideration will stay the term to appeal to the Supreme Court.

The term to appeal to the Supreme Court shall start to run anew as of the date of entry in the record of a copy of the notice of the resolution or judgment of the Court of Appeals finally disposing of the motion for reconsideration.

(B) The motion for reconsideration shall discuss only the specific matters with regard to which the movant considers that the Court of Appeals erred in the findings of fact or in the application of the law.

Within ten days after the filing of the motion for reconsideration or within the term prescribed by the Court, the nonmoving party may file an opposition, after which the motion for reconsideration will be considered submitted for adjudication. The Court may resolve any motion for reconsideration at any time.

(C) The motions for reconsideration shall be resolved, insofar as it is possible, by the same panel that issued the decision, and the corresponding report on the same shall be assigned to a judge other than the one who signed the original order, resolution, or judgment.

(D) No more than one motion for reconsideration by the same party will be permitted after denial of the first motion.

(E) Ten working days after the decision by the Court of Appeals becomes final and unappealable, the Clerk shall send the mandate to the Court of First Instance or to the corresponding agency, along with the entire original record, if it had been transmitted.

Rule 85. Costs and Sanctions

(A) The costs shall be awarded to the prevailing party, except where the law provides otherwise.

(B) If the Court of Appeals determines that the appeal under its consideration is frivolous, or that it was filed to delay the proceedings, it will deny or dismiss the same, as the case may be, and will impose on the movant, or on the movant's counsel, the costs, expenses, attorney's fees, and economic sanctions it may deem appropriate, which shall, if possible, reflect the cost of the delay to the State and to the adverse party (the respondent), caused by filing such appeal, pursuant to the guidelines established by the Court of Appeals.

The Court shall impose similar sanctions on the respondent or on such party's counsel if it determines that the reply is frivolous or that it was filed to delay the proceedings.

(C) The Court of Appeals shall impose costs and economic sanctions on a party or on counsel in all cases, at any stage, for filing frivolous appeals, for

engaging in conduct constituting delay, abandonment, obstruction, or lack of due diligence in prejudice of the efficient administration of justice.

(D) The Court of Appeals may, at its discretion, provide that the economic sanction be in favor of the State, of any of the parties, or of the party's counsel.

(E) The decisions of the Court of Appeals under this rule shall be duly grounded.

Rule 86. Correction of Record

Any party may request the correction of an error or deficiency in the record of the court from which appeal is taken if some portion of the original record that is relevant to, and necessary for the disposition of the appeal under the consideration of the Court of Appeals is mistakenly or accidentally omitted or included. In such cases, the Court of Appeals may issue a resolution to order the Clerk to make the pertinent correction, or to order the officer responsible for making such correction to transmit to the Court of Appeals a certified copy of all or part of the record, as required.

Rule 87. Other Provisions

(A) The copies of the papers filed in the Court of Appeals that, under the provision of these Rules, must be served on all the parties, shall be true and exact copies of the original papers filed, which fact shall be set forth in the certificate of service.

(B) The term "decision" shall include any judgment, resolution, order, ruling, or any other action of the Court, of any of its panels, or of any other court.

(C) The term "Administrative Judge" is used in these Rules to designate the Administrative Judge of the Court of Appeals.

Rule 88. Repealing Clause

The Rules of the Court of Appeals approved by the Supreme Court on May 1, 1996, and the Transitory Rules of the Court of Appeals approved by the Supreme Court on November 18, 2003, are hereby repealed.

Rule 89. Effectiveness

These Rules shall take effect immediately upon approval and shall apply to all proceedings pending before the Court of Appeals.