



RULES OF THE COURT OF APPEALS

SUPREME COURT OF PUERTO RICO

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

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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.

Comment:

The wording of this rule is modified in keeping with the provisions of the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

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

(6) Promote the use of technology to advance the quick and diligent prosecution of court cases and administrative proceedings before the Court of Appeals.

Comment:

This rule replaces Rule 2 of the Rules of the Circuit Court of Puerto Rico of 1996 (CCA Rules).

The provisions of this rule have been adopted in accordance with the purposes set forth in the Statement of Motives and the relevant provisions found in the Judiciary Act of the Commonwealth of Puerto Rico of 2003 regarding the aims and purposes that guide the statute (Sections 1.002, 4.002, 4.004, and 5.008), as well as the rules established through the decisions this Supreme Court when interpreting the 1996 CCA Rules.

Comment: 2025 Amendments

Paragraph (6) is added to include the use of technology among the purposes of these Rules, thus harmonizing the electronic filing and service of documents through the Unified Case Management and Administration System (SUMAC, by its Spanish acronym).

Rule 2.1. Rules of Construction for Electronic Filing

Consistent with the purposes of these Rules, it is provided that, upon the implementation of the Unified Case Management and Administration System (SUMAC, by its Spanish acronym), all appeals and other filings, as well as resolutions and decisions of the court, must be submitted and processed through this electronic filing system or any other that may replace it, as authorized by the Chief Justice of the Supreme Court. Submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals. In addition, for the purpose of electronic filings, an electronic signature shall be equivalent to a signature set by hand.

The following are excluded from the foregoing rule: (1) documents that may not be submitted electronically in SUMAC by a self-represented litigant until such time as the necessary technology is implemented and the proper administrative measures are taken; (2) any document or object that, by its very nature, or by law or court order, may not be submitted electronically; (3) documents that cannot be submitted electronically due to technical problems with the electronic filing system. Such documents or objects shall be filed physically with the Office of the Clerk of the Court of Appeals, unless otherwise provided by order of a court or administrative agency.

The electronic filing of papers with the Court of Appeals shall comply with the Administrative Guidelines for Electronic Filing and Service of Documents through the Unified Case Management and Administration System, as amended.

Appeals and other filings submitted before the implementation of SUMAC shall continue in paper form and will remain in their original paper record.

Comment: 2025 Amendments

This rule is adopted pursuant to the authority vested in the Chief Justice of the Supreme Court under Civil Procedure Rule 67 (32 LPRA App. V, R. 67) and Criminal Procedure Rule 254 (34 LPRA App. II, R. 254), as amended by Law No. 148 of 2013 and Law No. 149 of 2013, respectively.

Any reference to the discretion of the Chief Justice of the Supreme Court to authorize the use of an electronic filing system other than SUMAC shall extend to any officer onto whom this authority is delegated, including the Administrative Director of the Courts.

As a rule, electronic filings through SUMAC shall constitute the submission of papers in court at the Office of the Clerk. SUMAC shall be equivalent to the Office of the Clerk of the Court of Appeals. However, certain exceptions are recognized to allow for non-electronic filings.

Lastly, it is provided that appeals and other filings submitted before the implementation of SUMAC shall continue in paper form and will remain in their original paper record.

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. The digital seal shall be equivalent to the rubber seal of the Court of Appeals.

Comment:

This rule corresponds to Rule 3 of the 1996 CCA Rules. It also provides the new name of the Court of Appeals, pursuant to Section 2.001 of Judiciary Act of the Commonwealth of Puerto Rico of 2003.

All provisions under these Rules and under other statutes and regulations must implement the new name change and substitute “Circuit Court of Appeals” for “Court of Appeals.”

Comment: 2025 Amendments

To adapt the Rules of the Court of Appeals to electronic filing and service through SUMAC, subdivision (B) is amended to provide that the digital seal of the Court of Appeals shall be equivalent to the rubber seal. This amendment considered Circular Letter No. 32, Fiscal Year 2022–2023, issued by the Administrative Director of the Courts to set forth the administrative standards required for the use of digital signatures and seals in the Judicial Branch of Puerto Rico.

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 supplementary 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.

Comment:

This rule corresponds to Rule 4 of the 1996 CCA Rules. The provisions regarding the direct administration of the Court of Appeals by the Chief Justice or by the Administrative Director of the Courts follows the initial establishment of this court. Thus, the provisions as to its administration are adapted to the current circumstances, with the Chief Justice retaining the power to designate as Administrative Judge the person who should be in charge of its administration, who shall discharge such duties at the Chief Justice's discretion.

Paragraphs (7), (8), (12), and (14) of subdivision (E) of this rule incorporate the responsibilities and tasks of the Administrative Judge so as to adopt the guidelines set forth by the new Judiciary Act: to provide easy and inexpensive access to the court and allow for the more efficient and effective handling of court business, which is a matter also covered in Rule 8.

Specifically, paragraphs (7) and (8) apply the mandate under Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, whereby the rules adopted by the Supreme Court must allow for easy, inexpensive, and effective access to the Court of Appeals and the effective appearance of the appellants *pro se* and *in forma pauperis*.

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. However, the Office of the Clerk will always be deemed open for the purposes of electronic filing of papers and issuing any resolution, judgment, or order. The Clerk may extend the hours when the office is open to the public or may implement extended hours through any appropriate means to allow for the filing of papers that cannot be submitted electronically, so as 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 and safekeep all paper court records. The Clerk shall also ensure the accuracy of the electronic court record.

(B) Stamp on all papers filed in hard copy the date and time on which they were filed with the Office of the Clerk, in accordance with Rule 2.1. For

cases filed electronically, the electronic filing system will automatically provide a stamp with the date and time of filing.

(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, electronic filing was not properly made, or in the case of insufficient fees, if applicable, the Clerk will notify such fact to the party filing such paper, or to the party's counsel, so the party may correct such deficiencies as soon as possible, except for jurisdictional requirements. The Clerk has no authority to refuse a document that does not meet statutory or regulatory requirements, unless such papers fail to include the filing fees provided by law, the deficiency is not corrected within the jurisdictional or strict-compliance term provided by law or these Rules, or an exemption from paying such fees is not properly shown.

(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), 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) Cancel filings fees immediately or enter that a party is exempted from paying such fees. The Clerk shall also 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. Digital signatures and seals shall be equivalent to a signature set by hand and the rubber seal of the Court of Appeals.

(J) For paper court records, keep on file and in proper order all the decisions of the Court and any other document in their custody. For electronic court records, the Clerk shall see to the accuracy of the same.

(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) For paper court records, 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 and allow for the issuance of certified copies of documents in the electronic court record.

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

(O) Be the keeper of the rubber seal of the Court. All documents signed by the Clerk in original or digitally on which the rubber or digital 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) Timely upload to the electronic filing system documents filed in paper form copy with the Office of the Clerk on account of technical problems with the electronic filing system; when filed by self-represented litigants until such time that the system allows them to file papers directly and the necessary administrative guidelines are issued for such purposes; or when authorized by the Court.

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

Comment:

This rule corresponds to Rule 5 of the 1996 CCA Rules.

Subdivisions (B), (C), (D), (F), (G), (H), (J), (K), (L), (M), and (N) of the 1996 CCA Rules were rearranged by topic or matter addressed so as to follow a thematic order. Subdivision (B) was amended to provide that the deficiencies identified concerning filings that are not jurisdictional in nature may be corrected by the attorney or the party who filed it within a reasonable time. The language used follows Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, which reduces the number of petitions that are dismissed due to defects of form or notice and to provide a reasonable opportunity for their correction. In line with the above, provisions of the previous rule were preserved as to the Clerk's lack of authority to refuse to receive a document for failure to meet statutory or regulatory requirements.

Moreover, this rule adds new subdivisions and provisions to fulfill the purposes for which the statute was enacted, specifically concerning the purposes and aims of the Court of Appeals. To such ends, the rule provides the means to allow easy, immediate, inexpensive, and effective access for individuals with valid claims and to guarantee the speedy and inexpensive adjudication of cases. These are:

1. The Office of the Clerk of the Court shall remain open from 8:30 A.M. to 5:00 P.M., so that it may be open to the public at noon. The Clerk may also extend the hours when the office is open to the public or operate under extended hours to allow for the filings of papers and the effective appearance of appellants (introductory paragraph of the rule).

2. A system is created to gather information according to judicial region or agency of origin, subject or characteristics of a case, among other data, in addition to *pro se* litigants and parties proceeding *in forma pauperis* (subdivision (D) and (E)). The Clerk must also prepare any reports necessary with the information gathered to allocate resources according to subject matter or characteristics of a case, pursuant to Section 4.007 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 (subdivision (F)).

3. The Clerk shall prepare reports on the time it takes for cases to be resolved, the appeals dismissed and the grounds therefor, among other statistical reports (subdivision (P)). These reports seek to enforce the principles and aims of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 concerning the speedy adjudication of cases (Section 1.002) and to reduce to a minimum the number of actions dismissed (Section 4.004).

4. The Clerk shall notify the Administrative Judge of the cases that have not received a final ruling after two years of its filing (subdivision (Q)). This subdivision was added in accordance with Section 5.008 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

Subdivision (G) is also added to require the Clerk to keep a record of fees paid in the actions filed both in the Court of First Instance and in the Court of Appeals, and to prepare the reports required for such purposes. The previous rule provided nothing as to the record of fees paid because amendments to the statute establishing court fees, including fees pertaining to petitions for appeal, certiorari, administrative review, and for other papers and applications filed with the appellate court, had not been enacted when the previous rules were adopted. Rule 14 also clarifies the procedure for canceling fees when the action is filed with the Court of First Instance, which is a matter that has brought some confusion and has been the subject of several administrative guidelines.

Lastly, the Clerk's duty to perform all other functions that may be assigned such office is provided in a separate subdivision. This rule was included in subdivision (A) of the previous rule.

Comment: 2025 Amendments

To adapt the Rules of the Court of Appeals to electronic filing and notices through SUMAC, various subdivisions were amended in Rule 5 to include electronic filing in SUMAC, without discarding the Clerk's conventional duties concerning the filing of papers with the court.

First, the amended text recognizes that SUMAC creates an electronic court that is always deemed open for the filing of papers. This means that the electronic filing system will be available 24 hours a day, seven days a week.

Several other subdivisions in this rule were amended to provide that the Clerk will handle both paper and electronic court records. These amendments are the following:

1. Subdivision (A) lays down the duty of the Clerk to see to the accuracy of the electronic court record.

2. Subdivision (B) adds a wording to provide that the Clerk must stamp the date and time of filing on all documents filed in paper form and its the automation when filed through SUMAC.

3. Subdivision (C) incorporates the authority of the Clerk to refuse a document that does not include fees prescribed by law, which rule was set with the institution of a single filing fee. Section 6 of Law No. 17 of March 11, 1915, as amended, known as the Puerto Rico Fees Act, 32 LPRA § 1482, expressly provides that a person who wishes to bring a civil action or request relief in Puerto Rico but is unable to pay the proper fees may submit an affidavit stating their inability to pay such fees, and the judge presiding the case will decide whether to allow the filing without paying the single filing fee. Therefore, it follows that the filer who fails to pay the single filing fee and does not submit an affidavit stating their inability to pay, the Clerk may refuse the document.

4. Subdivision (G) incorporates the Clerk's duty to cancel fees.

5. Subdivision (I) provides that both digital signatures and seals shall be equivalent to a signature set by hand and the rubber seal of the Court of Appeals.

6. Subdivision (M) ensures the issuance of electronic certified copies of documents in the electronic court record.

7. Subdivision (O) shows that the duty to keep the seal of the Court of Appeals applies to paper filings in the case of paper court records and electronic court records in cases commenced electronically.

8. Subdivision (R) is added to codify the Clerk's duty to upload to SUMAC appeals and other filings submitted in paper form with the Office of

the Clerk by self-represented litigants, by parties authorized by the Court of Appeals, or in the event of technical problems with the electronic filing system.

9. Lastly, the original subdivision (R), on the duty to perform all other functions assigned to that office, was renumbered to subdivision (S).

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.

Comment:

This rule corresponds to Rule 6 of the 1996 CCA Rules.

So as to expand access to the courts, the rule that provided that the Court would recess for two months is modified in light of the current situation where the Court of Appeals is operating continuously all year long.

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. Sessions and hearings may be held at the Court of Appeals, in the Judicial Center of the corresponding judicial region of the Court of First Instance where the matter under consideration originated, or elsewhere as provided by the panel hearing the matter, but always in coordination with the Administrative Judge.

(2) The Chief Justice shall designate a chief judge to preside over a panel following a strict order of seniority among the available judges. The Administrative Judge will preside over the panel to which they are designated, which will always be “Panel I of the Court of Appeals.” 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. Chief judges shall be assigned to “Panel II” and so forth in order of 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. The chief judge in each panel shall without delay assign the cases to the members of the panel solely following the date and time of filing, regardless of whether it is a regular or special panel or if it is a new case or related proceeding. Cases within a panel will be assigned proportionally among its members, beginning with the judge who is most senior. Cases involving self-represented inmates or indigent litigants will be evenly distributed among the panels, regardless of the date and time of filing.

The Clerk of the Court 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 and in accordance with any administrative order issued by the Chief Justice. 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 chief 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 a vote by judge 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 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 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.

Comment:

This rule corresponds to Rule 7 of the 1996 CCA Rules. This rule provides for the organization, operation, and distribution of cases in the Court of Appeals. This rule is based on the provisions of Sections 4.002, 4.007 and 5.005 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

(A) In accordance with the Judiciary Act of the Commonwealth of Puerto Rico of 2003, the Court of Appeals shall sit in panels of not less than three judges and not more than seven judges designated by the Chief Justice to hear the cases originating in the judicial regions. By virtue of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, “judicial regions” replace “Circuits,” which is the manner in which the Judicial Branch is divided for the purposes of entertaining cases.

This rule also provides for the designation of panels to entertain cases by matter or characteristics of each. The rule provides guidelines to classify cases, such as complex litigation cases, special proceedings, or issues that warrant special attention, namely, *pro se* litigants or parties proceeding *in forma pauperis*.

The rule providing for the designation of appellate court judges to the Court of First Instance is adopted from Rule 7(A)(4) of 1996 CAA Rules, which was also incorporated into Section 2.009 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

(B) The Chief Justice will determine the distribution of cases by adopting internal rules for such purposes, as provided by the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

Pursuant to the principle of administering accessible, fair, and efficient appellate justice, this rule restates the power of the Court of Appeals to dispense with any nonjurisdictional term and papers in order to offer greater access to the courts.

Comment: 2025 Amendments

This rule is amended generally to adapt the same to Administrative Order OAJ-2018-035, whereby the Chief Justice provided that the composition of the panels of the Court of Appeals will be decided each year at random. The implementation of SUMAC in the Court of Appeals by no means may be construed as setting aside or altering the provisions of OAJ-2018-035 or any other order that may be issued in the future regarding the composition of the panels of the Court of Appeals.

Subdivision (A)(1) clarifies that oral arguments may be heard wherever the court may provide, whether at the Court of Appeals, in facilities at any part of the Court of First Instance, or elsewhere as the chief judge of the panel may order, provided prior arrangements are made with the Administrative Judge.

The second sentence of subdivision (B)(1) was amended to add that the order of assignment based solely on the date and time of filing may also be altered when the issue concerns a criminal proceeding that another panel previously heard. The third sentence is also amended to specify that the chief judge of a regular or special panel, as the case may be, shall also assign cases among the members of the panel based solely on the date and time of filing. It is further provided that the chief judge in each panel shall assign cases proportionally among its members, beginning with the judge who is most senior. In addition, it is provided that the Clerk of the Court of Appeals will keep a separate list of new cases assigned when a motion for order in aid of jurisdiction or any other urgent motion is filed together with the new appeal. Lastly, it clarifies that case assignments must follow administrative orders of the Chief Justice that are in effect.

Rule 8. Management of Court Proceedings

(A) Proceedings prior to the perfecting and 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 chief 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.

Comment:

This rule corresponds to Rule 8 of the 1996 CCA Rules. This rule provides for a more efficient and speedy disposition of appeals.

Subdivision (C) reflects the provisions of Section 5.008 of the Judiciary Act of the Commonwealth of Puerto Rico 2003 concerning cases pending with the Court for over two years.

The wording of subdivision (D) is clarified considering that motions for reconsideration currently toll the terms to seek review with the Supreme Court, for which reason it is not necessary to take them up in order to pass judgment. Rule 84(B), on motions for reconsideration, defines when such motions are considered to have been submitted for a decision.

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 organizations and 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 will 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.

Comment:

This rule corresponds to Rule 9 of the 1996 CCA Rules. It adds as a requirement that the parties be served notice of the written resolution stating the grounds for disqualification and of the administrative order issued by the Administrative Judge. This procedure simplifies the court's administrative tasks and reduces need to create special panels to pass on the disqualification of judges since it provides for the replacement of the disqualified judge. This rule provides guidelines for the assignment of cases, not for the substitution of judges.

Comment: 2025 Amendments

Subdivision (A) adds that judges of the Court of Appeals must include the names of organizations, in addition to attorneys, in the list of cases or matters they will take no part in by reason of disqualification.

The rule clarifies the scope of the judicial duty to decide cases brought before the court when there is no valid reason for disqualification to participate in the determination of any matter, especially considering the application of Administrative Order of November 4, 2021 (OAJ-2021-086).

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. If grounds are provided for the separate vote, 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 notified together with the decision. A concurring vote without a written opinion means that the judge agrees with the parts that dispose of the controversy but not necessarily with other parts of the decision.

(E) When the votes in a panel are tied, the decision from which appeal was taken will remain in effect.

Comment:

This rule corresponds to Rule 10 of the 1996 CCA Rules.

Subdivision (D) of the repealed Rules, on the terms of a session, is stricken pursuant to Rule 6 of these Rules, which provides the continuous operation of the Court. Subdivision (D) of this rule requires that all decisions certified by the Clerk must set forth that the majority of the judges of the issuing panel have agreed to such decision. This rule also requires that any concurring or dissenting vote, or a separate vote, be jointly notified with the decision. This clarifies the procedure for reviewing a decision and avoids any unnecessary delay in its adjudication.

Comment: 2025 Amendments

The scope and meaning of a concurring vote without a written opinion is clarified. Also, subdivision (E) is added to clarify that when the panel is tied, the ruling of the court under review will prevail.

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.” When the Court determines that Civil Procedure Rule 52.1 precludes the issuance of a writ of certiorari, the petition will not be dismissed, but rather denied by way of the proper resolution, which need not state the reasons therefor.

(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.

Comment:

This rule corresponds to Rule 11 of the 1996 CCA Rules and Civil Procedure Rule 43.1.

Pursuant to the new Judiciary Act of the Commonwealth of Puerto Rico 2003, the final determination of a petition for judicial review shall be issued through a judgment, given that they shall be heard as question of law.

Comment: 2025 Amendments

In light of the conflicting practices among the panels of the Court of Appeals, the rule clarifies that when the writ of certiorari does not issue under Civil Procedure Rule 52.1, it lies to deny certiorari instead of dismissing the case. This is congruent with the letter and purpose of the cited rule, which expressly provides that “[w]hen denying the issue of a writ of certiorari in such cases, the Court of Appeals does not have to state the grounds for its decision.”

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 chief 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.

Comment:

This rule corresponds to Rule 12 of the 1996 CCA Rules.

So as to obtain information on caseflow and to better oversee case management, subdivision (B) of this rule provides that each judge presiding over a panel must draft reports containing information on the time a case has been under advisement, on motions for reconsideration, and on cases dismissed. This information is necessary in order to follow-up on the term to issue a final ruling and to determine the manner in which the Court of Appeals resolved the case. *See*, Rules 8 and 12.1.

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, 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.

Comment:

This rule is hereby incorporated based on Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, which provides that:

The Supreme Court shall approve the [rules and regulations] that shall govern the procedures and the organization of the Court of Appeals, which shall have as their main purpose the provision of easy, economic and effective access to said court. The [rules and regulations] of the Court of Appeals shall contain rules, without being limited thereto, geared to reduce to a minimum the number of [petitions] dismissed due to defects of form or notice, rules that provide reasonable opportunity for the correction of defects of form or notice

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that do not affect the rights of the parties, and rules that allow effective appearance of the appellants [*pro se*] and *in forma pauperis*.

This provision also adopts the rules laid down in the decisions of the Supreme Court in cases where the Court of Appeals dismissed a case.

This rule establishes guidelines as to the requirements and time for and manner of serving notice provided in these Rules. The decision of whether the parties' rights are affected is of a judicial nature.

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 unless an applicable special law fixes a different term. The [date of] entry in the record of the case of a copy of the notice of these judgments shall be equivalent to the date notice was served through the designated electronic system.

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.

For the purposes of the entry in the record mentioned in this rule, the date notice was served through the electronic system shall be equivalent to the [date of] entry in the record of a copy of the notice, 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 electronic filing of the appeal shall constitute service on counsel. Once the appeal is filed, the electronic filing system shall issue a notice with the name and email address of the attorney served. The appellant shall be responsible for verifying that the information provided in the automatic notice is correct.

The appellant shall serve the appeal on self-represented parties or on any other party that may be required under applicable law.

When electric service is not possible, 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 by mail, personal delivery, or email, provided that the document served is a true and exact copy of the original document and is consistent with these Rules.

When service is made by regular 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 by handing the document to the party personally. If the party is not present, service 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 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 acknowledgement of electronic submission indicating that the appeal was filed.

When service by regular mail is necessary, 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.

Service made by regular mail, personal delivery, or email shall be valid if no dispute arises as to the date of service or as to the fact that it was received by the addressee. Providing an 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.

Comment:

This rule corresponds to Rule 13 of the 1996 CCA Rules. The term to file the petition for appeal remains unchanged. The computation of the term for filing is in keeping with Civil Procedure Rule 46 when the date a copy of the notice was filed in record and the mailing date are different.

In accordance with Rule 69(B), this rule provides that the signature of counsel or the party on the appeal constitutes a certification of having served notice of the action on the date so indicated. This rule applies to all writs or applications.

Regarding notice to the parties, the rule provides that notice must be served within the term to file the appeal, but for the purposes of service, such term is of strict compliance. The copy of the appeal must include any appendices and may be served using any of the means of serving notice, including the electronic means.

The previous rule only provided for three means of service, namely, by certified mail with return receipt requested, or through a similar personal delivery service with acknowledgment of receipt, or by personal service. In the case of personal service, the party must certify to the appellate court the manner and circumstances of service within 48 hours.

On how a service is made, paragraph (2) adds regular mail, fax, and email as valid means for serving notice on the parties, provided the document notified is a faithful and exact copy of the original. If there is no controversy regarding the last two means of service, the most recent technological developments are incorporated to appellate proceedings. In such event, the parties to be notified must have provided their number to the Court of First Instance, and this fact must arise from the record of the case at the trial court. Another new element in this rule is provided in paragraph (3), which expressly regulates the manner of providing proof of service under the different available methods. It expressly states that providing a fax number or email address in

the record of the case with the Court of First Instance shall be understood as providing consent to be served notice through electronic means.

In short, subdivision (B) broadens the forms in which the appeal and its appendix may be served.

Bear in mind that under Court of Appeals Rule 12.1, the court, for good cause, may provide the parties a reasonable opportunity to correct any defect of notice that does not affect the rights of the parties.

Comment: 2025 Amendments

Subdivision (A) is amended to show that entry in the record of a copy of the notice of judgment in civil cases by the Court of First Instance shall be equivalent to the date of service through SUMAC, as provided in the Administrative Guidelines for Electronic Filing and Service of Documents through the Unified Case Management and Administration System.

Subdivision (B)(2) is modified to provide that the electronic submission of appeals shall constitute service on counsel since the electronic filing system allows a party to add contact information for the appellee's attorney. In such cases, the electronic filing system will generate a notice with the name and email address of the attorney served.

The second paragraph of subdivision (B)(2) provides that the appellant must serve the appeal on self-represented litigants or on any other party not served automatically through the electronic filing system. When service must be made physically, the original wording of this rule remains in effect. However, reference to telefax is stricken as it has become obsolete.

Subdivision (B)(3) is amended to provide that electronic submission of appeals will generate an acknowledgement of electronic submission indicating that the petition was filed in SUMAC. The date appearing therein shall be the date of service. When service by regular mail is necessary, proof of service remains the same.

In the case of attorneys, it bears emphasizing the importance of keeping their contact information updated in the Master Roll of Attorneys (RUA, by its Spanish acronym), as prescribed in Supreme Court Rule 9(j), 4 LPRA App. XXI-B, R. 9(j). This duty not only stems from the Rules of the Supreme Court but is also an ethical obligation which may entail disciplinary sanctions if breached. See, *In re Pratts Barbarossa*, 199 DPR 594 [99 PR Offic. Trans. 37] (2018).

Rule 14. Filing and Service

(A) An appeal shall be taken by filing the petition for appeal in the Office of the Clerk of the Court of Appeals together with the proper filing fees.

The date of payment of filing fees, if applicable, shall be the date the appeal was filed. Therefore, the filing date of the appeal shall not relate back to the date the electronic document was uploaded, if different. The electronic filing system will issue an acknowledgement of electronic submission indicating that the appeal was uploaded to the system. This acknowledgement will show the date and time of the transaction and will provide that the document is not officially filed until the proper filing fees are paid.

If the appeal is filed electronically in SUMAC and the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record of the case at the Court of First Instance to notify of the filing of the appeal. This entry shall suffice to comply with the service requirement on the lower court. However, if the case from which appeal is taken did not have an electronic record at the Court of First Instance, the appellant shall serve the Office of the Clerk of the part of the Court of First Instance that rendered the judgment with a duly time-stamped copy of the cover or first page of the petition within seventy-two hours of the filing of the appeal. This term is of strict compliance.

(B) When paper filing is required under Rule 2.1, the appeal shall be taken by filing an original 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 part of Court of First Instance that rendered the judgment from which appeal is taken, together with the proper filing fees.

If the original appeal is filed in paper form 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) When the appeal must be 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, 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 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. When electronic filing is not possible, an original must be filed in paper form. In such

case, motions and papers may also 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. Any electronic communication between parties' counsel, including service of papers filed with the Court, and communications between parties' counsel and the Court shall be made to the email address registered in the Master Roll of Attorneys.

Comment:

This rule corresponds to Rule 14 of the 1996 CCA Rules.

Instead of filing a copy in the court appealed from, only a copy of the duly time-stamped cover or first page shall be filed. These changes reduce the cost of appellate proceedings. Changes to the page to be filed with the court appealed from are incorporated in rules concerning other appeals, motions, and papers. The original petition for appeal may still be filed with the Clerk of the Court of Appeals, in which case the Court of First Instance will be served within seventy-two hours after the filing of the appeal, or with the Clerk of the part of the Court of First Instance that rendered the judgment from which appeal is taken, who shall retain a copy of the petition and serve the Court of Appeals within forty-eight hours.

Another change is that if the petition is filed with the court from which appeal is taken, the Clerk of that court shall cancel the filing fees for the original petition, thus ensuring compliance with the requisite fees upon the filing and avoiding stamps that have yet to be canceled from being misplaced before reaching the appellate court. The duty to deliver the original petition, duly time-stamped with the date and time of filing, with the canceled filings fees to the Court of Appeals falls on the appellant. The Clerk of the court appealed from shall retain a copy of the petition, which will serve as notice of the appeal. The Clerk of the Court of Appeals shall prepare a report on fees paid, including fees canceled by the Court of First Instance for actions in the Court of Appeals, pursuant to Rule 5(G).

If the appellant chooses to file the petition directly with the Clerk of the Court of Appeals, the term to serve the court from which appeal is taken shall be seventy-two hours instead of forty-eight hours. Current practice suggests that the Court of First Instance need not be served the entire appeal and its appendix as it only requires notice of the filing of the petition within the term to appeal.

Comment: 2025 Amendments

Subdivision (A) is amended to provide for the electronic submission of appeals in SUMAC. It further clarifies that the official date of filing shall be the date filing fees are paid if the date differs from the date the documents were uploaded to SUMAC. The rule also provides that the electronic filing system shall issue an acknowledgement of electronic submission confirming that the petition was successfully uploaded to the electronic filing system. It will show the date and time of the transaction and provide that the document is not officially filed until the proper filing fees are paid.

The rule provides how the Court of First Instance is served when an appeal is filed in SUMAC. If the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record to notify of the filing of the appeal with that part of the court. However, if there is no electronic record at the Court of First Instance, the Office of the Clerk of the part of the Court of First Instance must be served with a duly time-stamped copy of the cover or first page of the petition within the term provided in subdivision (A).

Considering the exceptions set forth in the new Rule 2.1, filing an original petition and its appendix with the Clerk of the Court of Appeals is kept as a requirement when paper filing is necessary. The requisite filing of three copies of the appeal is eliminated.

Subdivision (B) is modified to provide that the appellant must serve the petition on the Court of First Instance in the electronic or paper record, as the case may be.

Subdivision (C) is kept to provide how to file the appeal in paper form with the Court of Appeals or with the Clerk of the part of the Court of First Instance from which appeal is taken, as required under Rule 2.1.

Subdivision (D) is modified, in keeping with Rule 2.1, on the basis that SUMAC and the Office of the Clerk of the Court of Appeals are equivalent. Accordingly, since electronic filing is the general rule, part of the original wording is kept to provide what must happen when submission must be done, as an exception, in paper form. The requisite filing of three copies of motions and any other subsequent papers is eliminated.

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. Any electronic communication between parties' counsel, including service of papers filed with the Court, and communications between parties' counsel and the Court shall be made to the email address registered in the Master Roll of Attorneys.

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

Comment:

This rule corresponds to Rule 15 of the 1996 CCA Rules.

Comment: 2025 Amendments

In the case of attorneys, even when appeals must be filed electronically, they are still required to include in the petition the manner in which service is made.

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, 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

In the case of appeals filed in paper form under Rule 2.1, 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, 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. The party shall certify whether the appeal is related to any other proceeding pending in the Court of Appeals or in the Supreme Court as of the filing date. If after filing a party learns that another case has been filed with the Court of Appeals or the Supreme Court concerning the same case, such party must inform the Court of Appeals immediately by motion.

(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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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 on paper or electronically 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.

Comment:

This rule corresponds to Rule 16 of the 1996 CCA Rules.

The rule reflects substantial changes. It provides new cover requirements that, in addition to the information on the parties and their respective counsel, must contain information regarding the judicial region from which appeal is taken, its nature, matter or issue, and whether the party is appearing *pro se*. In so doing, upon filing, the Court of Appeals will gather important and necessary information to classify each case for its subsequent assignment, management, and follow-up.

The filing of documents in the appendix shall be subject to the exceptions provided in both Rule 13(E)(2) and Rule 74.

Another important change concerns the appendix, which is no longer a jurisdictional requirement, in keeping with Sections 4.002 and 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 which demands doing away with regulatory barriers that prevent imparting appellate justice to individuals with valid claims and reducing to a minimum the number of actions dismissed for defects of form or notice. The appendix shall be filed, as a rule, within the term to file the appeal, but the Court of Appeals may allow

that it be filed at a later date. In addition, an appeal will not be dismissed automatically for having omitted the documents in the appendix since a document omitted in the appendix may be filed at a later date, upon the request of the appellant in the petition for appeal or in a motion, or at the initiative of the court, within fifteen days after the court issued its resolution granting a party leave to file the omitted documents, thus safeguarding the parties' right to appellate justice. In addition, under Rule 12.1, the court will grant the parties the opportunity to correct any defect of form in their filings.

The standards laid down by the Supreme Court through caselaw provided the basis for the specific statutory rules contained in the Judiciary Act of the Commonwealth of Puerto Rico of 2003, which in turn, is the source for the changes incorporated to this rule. *See*, among others, *Román et als. v. Román et als.*, 158 DPR 163 [58 PR Offic. Trans. 11] (2002).

The requirements for the appendix provided in Rule 74 have been eliminated here, as they are superfluous.

Comment: 2017 Amendments

Subdivision (A)(2) is amended to stress the requirement of including both a mailing address and an email address in petitions for appeal in civil cases. When a party is asserting their right to self-representation, they must include, among other information, an email address, if they have one. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 19[1] DPR 791 [91 PR Offic. Trans. 44] (2014). In accordance with the Rules of the Supreme Court of Puerto Rico on information about counsel, the Supreme Court number—the number assigned to each lawyer in the Master Roll of Attorneys of Puerto Rico—of the appellant's or the appellee's counsel is required. *See*, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment: 2025 Amendments

The provision under subdivision (A)(3) requiring the appellant to include the case number assigned by the Court of Appeals in the cover of the petition is suppressed only for cases with an electronic court record, thus adapting the rule to the automated assignment of case numbers resulting from the electronic submission of papers through SUMAC.

Subdivision (B) is amended generally to adapt the same to the changes to Rule 75.

The wording of subdivision (C)(1)(c) is modified to reinforce a party's duty to notify the Court of the filing of related cases in the Court of Appeals

and the Supreme Court, which now includes the continuing duty to inform upon learning of any related case filed at any time after the filing of the appeal.

Subdivision (D) is amended to increase the number of pages the petition for appeal may have to thirty-five for cases with an electronic court record. It was necessary to increase the number of pages in proportion to the amendment to Rule 70(D), which reduced the paper size of an appellant's petition from 8.5" x 14" to 8.5" x 11".

Lastly, subdivision (E)(1)(c) is amended to provide that motions filed in the court from which appeal is taken that are included in the appendix to the petition must show the date and time of filing in such court, as included in papers filed through SUMAC or with a stamp affixed thereto at the Office of the Clerk in the case of court records created before SUMAC launched.

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, as provided in Rule 80.1.

Comment:

This rule corresponds to Rule 17 of the 1996 CCA Rules.

Comment: 2025 Amendments

New provisions under Rule 80.1 are incorporated by reference.

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.

Comment:

This rule corresponds to Rule 18 of the 1996 CCA Rules.

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 appellant must reproduce the oral evidence as prescribed in Rule 76. When it promotes the more efficient and speedy disposition of appeals, the Court of Appeals may release the parties from reproducing the oral evidence and order that they submit a recording of the proceedings in the court appealed from, identifying the portions of the recording pertaining to the error on the sufficiency of the oral evidence or with a wrongful weighing of the same.

(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.

Comment: 2025 Amendments

Subdivision (A) is amended generally to adapt the same to the changes to Rule 76 and to the elimination of Rule 76.1. It is also amended to allow the Court of Appeals to authorize the parties to submit the recording of the proceedings in court in lieu of the reproduction of the oral evidence when it promotes the speedy and effective disposition of appeals.

Rule 20. Transcript; stipulated narrative statement

Reproduction of the oral evidence shall be made pursuant to the provisions of Rule 76.

Comment: 2025 Amendments

The rule is amended generally to adapt the same to the changes to Rule 76 and to the elimination of Rule 76.1.

Rule 21. Supplemental Brief

When questioning the weighing of the evidence made by the Court of First Instance, the appellant may file a supplemental 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 supplemental brief will be filed.

Comment:

This rule corresponds to Rule 21 of the 1996 CCA Rules. It provides that when filing the stipulated or narrative statement, or transcript, the appellant must jointly inform the court that the party will file a supplemental brief.

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 reproduction of the oral evidence.

When the appellant files the supplemental 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 supplemental brief.

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

Comment:

This rule corresponds to Rule 22 of the 1996 CCA Rules.

Comment: 2025 Amendments

The rule is amended generally to adapt the same to the changes to Rule 76 and to the elimination of Rule 76.1.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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 notice of 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

Electronic filing of the appeal shall constitute service on counsel, the Solicitor General, and the District Attorney. Once the appeal is filed, the electronic filing system will issue a notice with the name and email address of each attorney served. The appellant shall be responsible for verifying that the information provided in the automatic notice is correct.

When electric service is not possible, 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).

Comment:

This rule corresponds to Rule 23 of the 1996 CCA Rules.

The means and requirements for serving notice provided for civil cases are incorporated in this rule. The term to serve notice on the District Attorney or on Solicitor General is of strict compliance, rather than jurisdictional.

Comment: 2025 Amendments

Subdivision (B) is modified to provide that the electronic submission of appeals shall constitute service on counsel, the Solicitor General, and the District Attorney, since the electronic filing system allows a party to add attorney contact information. In such cases, the electronic filing system will generate a notice with the name and email address of each attorney served.

Rule 24. Filing and Service

(A) An appeal shall be taken by filing the notice of appeal in the Office of the Clerk of the Court of Appeals.

If the appeal is filed electronically in SUMAC and the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record of the case at the Court of First Instance to notify of the filing of the appeal. This entry shall suffice to comply with the service requirement on the lower court. However, if the case from which appeal is taken did not have an electronic record at the Court of First Instance, the appellant shall serve the Office of the Clerk of the part of the Court of First Instance that rendered the judgment with a duly time-stamped copy of the cover or first page of the petition within seventy-two hours of the filing of the appeal. This term is of strict compliance.

(B) When paper filing is required under Rule 2.1, the appeal shall be taken by filing an original of the appeal in the Office of the Clerk of the Court of Appeals. The appellant shall serve the Office of the Clerk of the part 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. An appeal may also be taken by filing the notice of appeal in the Office of the Clerk of the part 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 the original notice of appeal duly time-stamped 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 appeal shall be filed only in the Office of the Clerk of the Court of Appeals. When electronic filing is not possible, an original must be filed in paper form. In such

case, motions and papers may also 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 need not be served with said subsequent motions and papers, unless the Court or an applicable rule should provide otherwise.

Any electronic communication between parties' counsel, including service of papers filed with the Court, and communications between parties' counsel and the Court shall be made to the email address registered in the Master Roll of Attorneys.

Comment:

This rule corresponds to Rule 24 of the 1996 CCA Rules.

Given the nature of the appeal, the time to serve notice on the Court of First Instance is unchanged.

Comment: 2025 Amendments

Subdivision (A) is amended to provide that, as a rule, criminal appeals shall be filed through SUMAC, thus adapting the rule to the submission of papers through the SUMAC electronic filing system. It further provides how the Court of First Instance is served when an appeal is filed in SUMAC. If the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record to notify of the filing of the appeal with that part of the court. However, if there is no electronic record at the Court of First Instance, the Office of the Clerk of the part of the Court of First Instance must be served with a duly time-stamped copy of the cover or first page of the petition within the term provided in subdivision (A).

Subdivision (B) is amended to provide, as an exception, that a criminal appeal may be filed in paper form, whether in the Court of Appeals or in the Clerk of the part of the Court of First Instance from which appeal is taken. The requisite filing of three copies of the appeal is eliminated.

Lastly, subdivision (C) is amended solely to clarify that, for cases with paper court records, motions and papers subsequent to the appeal must be filed in original. The requisite filing of three copies of motions and any other subsequent papers is eliminated.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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, as provided in Rule 80.1.

Comment:

This rule corresponds to Rule 25 of the 1996 CCA Rules.

Comment: 2025 Amendments

New provisions under Rule 80.1 are incorporated by reference.

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, 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 appeal shall not exceed three pages for cases with a paper court record and six pages for cases with an electronic court record, excluding the cover and the certificate of service, unless more pages are allowed by the Court pursuant to Rule 70(D).

Comment: 2017 Amendments

Subdivision (A) is amended to include the requirement of providing a mailing address and an email address in petitions for appeal in criminal cases. When a party is asserting their right to self-representation, they must include, among other information, an email address, if they have one. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 191 DPR 791 [91 PR Offic. Trans. 44] (2014). In accordance with the Rules of the Supreme Court of Puerto Rico on information about counsel, the Supreme Court numbers (the number assigned in RUA) of the appellant's counsel, of prosecutors acting in the case, and of the Solicitor General, as the case may be, are required. Accordingly, the rule refers to the number assigned in RUA. *See*, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment:

This rule corresponds to Rule 26 of the 1996 CCA Rules.

In accordance with Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 and Rule 12.1, the court should provide an opportunity to correct any defects of form or notice.

Comment: 2025 Amendments

Subdivision (D) is amended to increase the number of pages appeals in criminal cases may have, from three to six, for cases with an electronic court record to adapt the rule to the amendments made to Rule 70(D), which reduced the paper size of an appellant's petition from 8.5" x 14" to 8.5" x 11".

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 Court of Appeals 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.

Comment:

This rule corresponds to Rule 27 of the 1996 CCA Rules.

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, 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 for cases with a paper court record and thirty-five pages for cases with

an electronic court record, 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.

Comment: 2017 Amendments

Subdivision (B) is amended to point out the requirement of providing both a mailing address and an email address in briefs filed in criminal cases. When a party is asserting their right to self-representation, they must include, among other information, an email address, if they have one. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 191 DPR 791 [91 PR Offic. Trans. 44] (2014). Instead, the Supreme Court number (RUA number) of the appellant's counsel, of prosecutors acting in the case, and of the Solicitor General, as the case may be, shall be required. *See*, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment:

This rule corresponds to Rule 28 of the 1996 CCA Rules.

Comment: 2025 Amendments

Subdivision (B) is amended to remove the fax number as information that must be provided in the cover page as it has become obsolete.

Subdivision (D) was modified to increase the number of pages that briefs in criminal appeals may have, from twenty-five to thirty-five, for cases with an electronic court record.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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 must reproduce said evidence as prescribed in Rule 76.

(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.

Comment:

This rule corresponds to Rule 29 of the 1996 CCA Rules.

As with appeals in civil cases, the provisions concerning the reproduction of the oral evidence through a stipulated or narrative statement are consolidated under Rule 76.1.

Comment: 2025 Amendments

Subdivisions (A) is amended generally and subdivision (C) was stricken to adapt the rule to the changes to Rule 76 and to the elimination 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.

Comment:

This rule corresponds to Rule 30 of the 1996 CCA Rules.

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 have 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.

Comment:

The subdivisions (A) and (B) correspond for the most part to Criminal Procedure Rule 195. The scope of this rule is broadened to cover inmates and persons confined in other types of institutions, not only penal institutions.

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.

Comment:

The rule corresponds to Rule 31 of the 1996 CCA 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 unless an applicable special law fixes a different term. This term is jurisdictional.

(B) 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 unless an applicable special law fixes a different term. This term is jurisdictional.

(C) The petition for certiorari to review any other resolution, order or ruling reviewable by law through certiorari, including protection orders, or to review a final judgment of the Court of First Instance upon a petition to review 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 unless an applicable special law fixes a different term. This term is of strict compliance.

Comment:

This rule corresponds to Rule 32 of the 1996 CCA Rules.

The Judiciary Act of the Commonwealth of Puerto Rico of 2003 does not classify the types of certiorari that may be filed with the Court of Appeals under a special law, as did the previous statute; rather, it provides that the Court of Appeals has competent jurisdiction to review any matter pursuant to a special law. Such broad wording covers the matters specified in this rule that may be reviewed through certiorari, as well as any other matter provided by special law (Section 4.006(e) of the Judiciary Act of the Commonwealth of Puerto Rico of 2003).

As for the moment from which to compute the thirty day term mentioned in subdivision (D), consider the caselaw rule developed by our Supreme Court, where it was held that the slip notice issued by the clerk of the Court of First Instance is not necessary to confirm the jurisdiction of the Court of Appeals where a party seeks to review a decision contained in the minutes of a hearing. The term begins to run as of the date the notice of the minutes was served. *Pueblo v. Rodríguez Ruiz*, 157 DPR 288 [57 PR Offic. Trans. 23] (2002). In addition, subdivision (D) reflects the caselaw rule that provides that the mechanism through which the Court of Appeals may review final judgments rendered by the Court of First Instance concerning arbitration awards is the petition for a writ of certiorari. *Hosp. del Maestro v. UNTS*, 151 DPR 934 [51 PR Offic. Trans. 58] (2000).

Lastly, as for the terms in this rule, bear in mind that Civil Procedure Rule 46 and Rule 13 above provide that if the date of the entry in the record of the notice of the judgment, resolution, or order is different from its mailing date, the term will be calculated as of the mailing date of the notice. A petitioner must certify in the appeal the date on which notice was made.

Comment: 2025 Amendments

Subdivision (B) is stricken. Law No. 81 of August 30, 1991, as amended, known as the Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991, was explicitly repealed by Law No. 107 of 2020, known as the Puerto Rico Municipal Code. Specifically, Section 18.006 of this act was repealed by Reorganization Plan No. 2 of 2012, which abolished the Commission to Hear Municipal Complaints and delegated its duties to the Office of the Special Independent Prosecutor. As a result, subdivisions (C) and (D) are reordered as (B) and (C).

The wording of subdivision (C) is clarified in general, specifically adding that protection orders may be reviewed through certiorari pursuant to *Pizarro v. Nicot*, 151 DPR 944 [51 PR Offic. Trans. 59] (2000).

Rule 33. Filing and Service

(A) Manner of filing

Petitions for certiorari submitted for the consideration of the Court of Appeals shall be taken by filing the same in the Office of the Clerk of the Court of Appeals together with the proper filing fees.

The date of payment of filing fees, if applicable, shall be the date certiorari was filed. Therefore, the filing date of the petition shall not relate back to the date the electronic document was uploaded. The electronic filing system will issue an acknowledgement of electronic submission indicating that the appeal was uploaded to the system. This acknowledgement will show the date and time of the transaction and will provide that the document is not officially filed until the proper filing fees are paid.

If the petition for certiorari is filed electronically in SUMAC and the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record of the case at the Court of First Instance to notify of the filing of said petition. This entry shall suffice to comply with the service requirement on the lower court. However, if the petition for certiorari relates to a case that did not have an electronic record at the Court of First Instance, the petitioner shall serve the Office of the Clerk of the part of the Court of First Instance that rendered the decision sought to be reviewed with a duly time-stamped copy of the cover or first page of the petition within forty-two hours of filing. This term is of strict compliance.

When paper filing is required under Rule 2.1, the petition for certiorari shall be taken by filing an original 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 rendered the judgment sought to be reviewed, together with the proper filing fees.

If the petition for certiorari with the appropriate filing fee is filed in paper form 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. If 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, duly time-stamped by the Office of the Clerk of the respondent court, 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

Electronic filing of the petition for certiorari shall constitute service on counsel, the Solicitor General, and the District Attorney in criminal cases. Once filed, the electronic filing system will issue a notice with the name and email address of each attorney served. The petitioner shall be responsible for verifying that the information provided in the automatic notice is correct.

The petitioner shall serve the petition for certiorari on self-represented parties or on any other party required under applicable law.

When electric service is not possible, the petitioner shall serve the duly time-stamped petition for certiorari on counsel of record or, in the alternative, on the parties, and 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).

Any electronic communication between parties' counsel, including service of papers filed with the Court, and communications between parties' counsel and the Court shall be made to the email address registered in the Master Roll of Attorneys.

Comment:

This rule corresponds to Rule 33 of the 1996 CCA Rules and provides that when the petition is filed with the Court of Appeals, the petitioner only a duly time-stamped copy of the cover or the first page of the petition must be served within seventy-two hours after filing, while preserving the forty-eight hour term to file the petition with the Court of Appeals when it is filed with the Court of First Instance. In the latter case, the copy filed with the appealed court need not contain the appendix, so as to make the process more cost-effective.

The forms of serving notice and the requirements applicable to civil appeals are incorporated into this rule.

Comment: 2025 Amendments

Subdivision (A) is amended to clarify that, as a rule, petitions for certiorari shall be filed in SUMAC with the proper filing fees. When paper filing is necessary, the requisite filing of three copies is eliminated.

It further provides how the Court of First Instance is served when the petition for certiorari is filed in SUMAC. If the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record to notify of the filing of the appeal with that part of the court. However, if the petition for certiorari relates to a judicial proceeding that did not have an electronic record at the Court of First Instance, the Office of the Clerk of the part of the Court of First Instance must be served with a duly time-stamped copy of the cover or first page of the petition within the term provided in subdivision (A).

Subdivision (B) is modified to provide that the electronic filing of petitions for certiorari shall constitute service on counsel, the Solicitor General, and the District Attorney, since the electronic filing system allows a party to add attorney contact information. In such cases, the electronic filing system will generate a notice with the name and email address of each attorney served.

The second paragraph of subdivision (B) provides that the petitioner must serve the petition for certiorari on self-represented litigants or on any other party not served automatically through the electronic filing system.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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, 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

In the case of appeals filed in paper form under Rule 2.1, 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. The party shall certify whether the appeal is related to any other proceeding pending in the Court of Appeals or in the Supreme Court as of the filing date. If after filing a party learns that another case has been filed with the Court of

Appeals or the Supreme Court concerning the same case, such party must inform the Court of Appeals immediately by motion.

(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.

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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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.

Comment:

This rule corresponds to Rule 34 of the 1996 CCA Rules. It includes the following modifications: more information is required on the cover so as to properly identify the nature (civil or criminal certiorari), matter (damages, money collection), and issue (resolution denying a summary judgment; incident involving discovery) presented in the case. Rule 76.1 is referenced, where the requirements concerning stipulated and narrative statements are standardized for all appeals. Petitioners may file the documents contained in the appendix after the filing date of the petition for certiorari, upon motion of the party or on the court's own motion, within fifteen days after the court issued its resolution granting the party leave to include such documents.

The appendix shall be subject to the requirements of Rule 34(E)2 and Rule 74. The redundant requirements involving the appendix that are included in Rule 74 were eliminated here.

Comment: 2017 Amendments

Subdivision (A)(2) is amended to stress the requirement of including both a mailing address and an email address in all petitions for certiorari. When a party is asserting their right to self-representation, they must include, among other information, an email address, if they have one. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 191 DPR 791 [91 PR Offic. Trans. 44] (2014). Instead, the Supreme Court number (RUA number) of counsel for the petitioner or the respondent, as the case may be, shall be required. *See*, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment: 2025 Amendments

Subdivision (A)(2) eliminates reference to telefax as it is obsolete. The provision under subdivision (A)(3) requiring the case number assigned by the

Court of Appeals in the cover of the petition is suppressed only for cases with an electronic court record, thus adapting the rule to the automated assignment of case numbers resulting from the electronic submission of papers through SUMAC.

Subdivision (B) is amended generally to adapt the same to the changes to Rule 75.

The wording of subdivision (C)(1)(c) is modified to reinforce a party's duty to notify the Court of the filing of related cases, in keeping with the amendment to Rule 16.

The wording of subdivision (C)(3) is amended in general considering the changes to Rule 76 and the elimination of Rule 76.1.

Lastly, subdivision (D) was amended to increase the page limit from twenty-five to thirty-five for cases with an electronic court record, considering the amendment to Rule 70(D) to reduce the paper size.

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.

Comment:

This rule corresponds to Rule 35 of the 1996 CCA Rules.

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. When electronic filing is not possible, an original must be filed in paper form. In such case, motions and papers may also 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.

Comment:

This rule corresponds to Rule 36 of the 1996 CCA Rules.

Comment: 2025 Amendments

This rule is amended to adjust its provisions to the electronic filing and service of documents in SUMAC. When paper filing is necessary, the requisite filing of three copies of motions and any other subsequent papers is eliminated.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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) Documents shall be arranged in chronological order. All the pages of the appendix must be consecutively numbered for cases with a paper court record. The appendix shall also contain a table of contents indicating the page number on which each document appears. For cases with an electronic court record, the appendix shall contain a table of contents indicating the docket entry for each document. Documents in the electronic court record shall be

identified by their docket number (e.g., Docket #123) and the page numbers of the documents referenced.

(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.

Comment:

This rule corresponds to Rule 37 of the 1996 CCA Rules. The second sentence of Rule 37(B) is eliminated because its provisions are now contained in Rule 34(E)(2). The subdivision (B) clarifies that documents to be included in the memorandum in opposition should be relevant to the controversy.

Comment: 2025 Amendments

This rule was amended to increase the page limit for the memoranda in opposition to the issuance of the writ, from twenty-five to thirty-five for cases with an electronic court record, considering the amendment to Rule 70(D) to reduce the paper size. Subdivision (C) is amended to distinguish the manner of arranging the appendix and its table of contents for paper and electronic court records. Once the filer has created the appendix in the electronic court record, SUMAC will show an image on screen of these entries. This will be the table of contents to which this subdivision refers. Therefore, the filer need not draft or upload a table of contents for the appendix.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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. Briefs may not exceed twenty-five pages for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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.

Comment:

This rule corresponds to Rule 38 of the 1996 CCA Rules.

A copy of the resolution shall only be served on the Court of First Instance when so ordered the Court of Appeals, as mandatory service is impractical.

Comment: 2025 Amendments

Subdivision (A) is amended to increase the number of pages the brief may have to thirty-five for cases with an electronic court record. It was necessary to increase the number of pages in proportion to the amendment to Rule 70(D), which reduced the paper size of an appellant's brief from 8.5" x 14" to 8.5" x 11".

Following the procedure set forth in subdivision (A), the case shall be perfected with the filing of the show-cause brief without requiring the petitioner's reply brief.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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 supplemental 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 supplemental brief.

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

Comment:

This rule corresponds to Rule 39 of the 1996 CCA Rules. This rule provides that the petition for certiorari shall be considered the brief for petitioner, replacing the verb “may be” to “shall” pursuant to the policy of simplifying and expediting the procedures with the Court of Appeals. When filing the reproduction of the oral evidence, the petitioner shall inform the court that a supplemental brief will be filed.

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.

Comment:

This rule corresponds to Rule 40 of the 1996 CCA Rules.

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 13.3 of Law No. 58 of 2020, as amended, known as the Puerto Rico Election Code of 2020, 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.

Comment:

This rule corresponds to Rule 41 of the 1996 CCA Rules.

Section 1.017 of the Puerto Rico Electoral Act, Law No. 4 of December 20, 1977, as amended, provides for judgments rendered by the Court of First Instance in proceedings under Section 1.016 of the Puerto Rico Electoral Act to be reviewed with the Court of Appeals. The former Judiciary Act added that the proper venue for such proceedings was with the Court of Appeals. However, under the Judiciary Act of the Commonwealth of Puerto Rico of 2003, it was thought to be unnecessary to specify this, providing instead that the Court of Appeals will entertain any matter determined by special law (Section 4.006(e)). Rule 32 above authorizes petitions for certiorari, which encompasses the proceedings discussed in this Part.

Pursuant to the Puerto Rico Electoral Act, the resolutions, decisions or orders issued by the State Election Commission are reviewed by the Court of First Instance through a de novo proceeding. These, in turn, are reviewed by the Court of Appeals through certiorari.

Section 3.002(d) of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 provides that the Supreme Court shall review through a writ of certiorari, to be issued at its discretion, the judgments and resolutions rendered by the Court of Appeals within the terms provided by the rules of procedure or by special law. Supreme Court Rule 21 contains the special provisions applicable to petitions for certiorari filed with the Supreme Court to review the judgments rendered by the Court of Appeals under Section 1.017 of the Puerto Rico Electoral Act.

Comment: 2025 Amendments

This rule is amended to adjust its provisions to the electronic filing and service of documents in SUMAC. It was also amended to include the enactment of Law No. 58 of 2020, known as the Puerto Rico Election Code of 2020, which is the current statute governing elections in Puerto Rico.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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.

The Court of Appeals has ten days to decide the case brought before it.

The petitioner may file a motion for reconsideration with the Court of Appeals with the same ten-day term to seek review with the Supreme Court, provided that notice is served coterminously on an adversely affected party. The motion for reconsideration will interrupt the term to seek review with the Supreme Court. The Court of Appeals has five days to hear and pass on the motion. Failure to pass on the motion within said term shall be deemed as denied outright, and the parties may file for judicial review in a higher-ranking court. Each party may only file one motion for reconsideration.

Within thirty days before an election, the term to file a petition for review with the Court of Appeals shall be forty-eight hours. The petitioner shall serve a copy of the petition for review on the respondent court and on any affected party within said term. The Court shall dispose of the matter within a period of not more than ten days from the date on which the case was filed. There is no right to move for reconsideration in these cases.

The term to seek review in any matter or controversy that arises within five days before an election shall be twenty-four hours. The petition must be served on the filing date and decided no later than the day after filing. The petitioner shall serve a copy of the petition for review on the respondent court and on any affected party within said term, and the case must be decided no later than the day after filing. There is no right to move for reconsideration in these cases.

Comment:

This rule corresponds to Rule 42 of the 1996 CCA Rules.

Comment: 2025 Amendments

This rule is amended to adjust its provisions to Law No. 58 of 2020, known as the Puerto Rico Election Code of 2020, which is the current statute governing elections in Puerto Rico.

Rule 43. Filing and Service

(A) Manner of filing

Petitions for certiorari submitted for the consideration of the Court of Appeals shall be taken by filing the same in the Office of the Clerk of the Court of Appeals together with the proper filing fees.

The date of payment of filing fees, if applicable, shall be the date certiorari was filed. Therefore, the filing date of the petition shall not relate back to the date the electronic document was uploaded. The electronic filing system will issue an acknowledgement of electronic submission indicating that the appeal was uploaded to the system. This acknowledgement will show the date and time of the transaction and will provide that the document is not officially filed until the proper filing fees are paid.

If the petition for certiorari is filed electronically in SUMAC and the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record of the case at the Court of First Instance to notify of the filing of said petition. This entry shall suffice to comply with the service requirement on the lower court. However, if the petition for certiorari relates to a case that did not have an electronic record at the Court of First Instance, the petitioner shall serve the Office of the Clerk of the part of the Court of First Instance that rendered the decision sought to be reviewed with a duly time-stamped copy of the cover or first page of the petition within forty-two hours of filing. This term is of strict compliance.

When paper filing is required under Rule 2.1, the petition for certiorari shall be taken by filing an original in the Office of the Clerk of the Court of Appeals or in the Office of the Clerk of the respondent court.

If 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.

If the petition is filed in paper form in the Office of the Clerk of the respondent court, the petitioner shall serve the Office of the Clerk of the Court of Appeals an original of the petition duly time-stamped by the Office of the Clerk of the respondent court within forty-eight hours after filing the petition.

These terms are of strict compliance.

(B) Service

Electronic filing of the petition for certiorari shall constitute service on counsel of record, provided the attorney has appeared in the case, or, in the alternative, on the parties.

When electric service is not possible, 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.

Any electronic communication between parties' counsel, including service of papers filed with the Court, and communications between parties' counsel and the Court shall be made to the email address registered in the Master Roll of Attorneys.

Comment:

This rule corresponds to Rule 43 of the 1996 CCA Rules. Concerning the methods of service, the rule refers to Rule 48.

Comment: 2025 Amendments

Subdivision (A) is amended to clarify that, as a rule, petitions for certiorari shall be filed in SUMAC with the proper filing fees. It provides how the Court of First Instance is served when the petition for certiorari is filed in SUMAC. If the case had an electronic record at the Court of First Instance, the electronic filing system automatically will generate a docket entry in the record to notify of the filing of the appeal with that part of the court. However, if the petition for certiorari relates to a judicial proceeding that did not have an electronic record at the Court of First Instance, the Office of the Clerk of the part of the Court of First Instance must be served with a duly time-stamped copy of the cover or first page of the petition within the term provided in subdivision (A).

Subdivision (B) is modified to provide that the electronic filing of petitions for certiorari shall constitute service on counsel, the Solicitor General, and the District Attorney, since the electronic filing system allows a party to add attorney contact information. In such cases, the electronic filing system will generate a notice with the name and email address of each attorney served.

The second paragraph of subdivision (B) provides that the petitioner must serve the petition for certiorari on self-represented litigants or on any other party not served automatically through the electronic filing system.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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.

Comment:

This rule corresponds to Rule 44 of the 1996 CCA Rules.

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.

Comment:

This rule corresponds to Rule 45 of the 1996 CCA Rules.

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.

Comment:

This rule corresponds to Rule 46 of the 1996 CCA Rules.

Comment: 2025 Amendments

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

Rule 47. Subsequent Motions and Papers

The motions and any other subsequent papers related to the petition for certiorari shall only be filed in the Office of the Clerk of the Court of Appeals. When electronic filing is not possible, an original must be filed in paper form. 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.

Comment:

This rule corresponds to Rule 47 of the 1996 CCA Rules.

Comment: 2025 Amendments

The rule is amended to clarify that motions and any other subsequent papers the Court of Appeals may allow must be filed as prescribed in Rule 2.1. When electronic filing in SUMAC is not possible, the filing of an original with the Clerk of the Court of Appeals is still required. The requisite filing of three copies is eliminated.

Rule 48. Service of Papers

Electronic filing of the papers shall constitute service on counsel. Once filed, the electronic filing system will issue a notice with the name and email address of each attorney served. The filer shall be responsible for verifying that the information provided in the automatic notice is correct.

The filer shall serve the paper on self-represented parties or on any other party required under applicable law.

When electric service is not possible, the paper must be duly time-stamped with the filing date. Service shall be made by certified mail, return receipt requested, through a similar private personal delivery service with acknowledgment of receipt, by personal service, or by email, provided that the document served is a true and exact copy of the original document.

The party or the party's counsel 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.

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

Any electronic communication between parties' counsel, including service of papers filed with the Court, and communications between parties' counsel and the Court shall be made to the email address registered in the Master Roll of Attorneys.

Comment:

This rule corresponds to Rule 48 of the 1996 CCA Rules.

Comment: 2017 Amendments

Rule 48 is amended to add service by email among the available options for serving papers on the parties, provided the document served is a true and exact copy of the original document. Furthermore, the rule specifically provides that the address to be used to notify the parties shall be the address that arises from the record of the case. When serving notice on counsel, however, the

mailing address or email registered in the Master Roll of Attorneys will be used. *See*, Supreme Court R. 9(j).

Comment: 2025 Amendments

The rule is amended to reflect how service on the parties shall be made under the scenario of paper or electronic filing. When service must be made physically, the original wording of this rule remains in effect. However, reference to telefax is stricken as it has become obsolete. Forms of service are expanded to include service by email.

In the case of attorneys, it bears emphasizing the importance of keeping their contact information updated in the Master Roll of Attorneys (RUA, by its Spanish acronym), as prescribed in Supreme Court Rule 9(j), 4 LPRA App. XXI-B, R. 9(j). This duty not only stems from the Rules of the Supreme Court but is also an ethical obligation which may entail disciplinary sanctions if breached. *See, In re Pratts Barbarossa*, 199 DPR 594 [99 PR Offic. Trans. 37] (2018).

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).

Comment:

This rule corresponds to Rule 49 of the 1996 CCA Rules.

Comment: 2017 Amendments

Subdivision (D) is amended so it corresponds with the changes incorporated into Rule 71(B) below.

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 of cases that, considering the date they were commenced, were not processed electronically in the Court of First Instance. The foregoing does not apply to cases processed 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.

Comment:

This rule corresponds to Rule 50 of the 1996 CCA Rules.

Comment: 2017 Amendments

Subdivision (A) is amended to provide that a request to transmit the original record of the case in the Court of First Instance does not apply to cases with electronic filings. Be it noted that in such cases, the electronic case file is the original record, which is available to all appellate court judges and authorized personnel in digital form SUMAC.

Subdivision (B) is modified to include the option of serving the motion for the transmittal of the original record in the Court of First Instance by email. In addition, the term is extended to five days so as to offer reasonable time to process the case file.

Comment: 2025 Amendments

This rule was amended to clarify that a request by the Clerk of the Court of Appeals to the Court of First Instance to transmit the original record is proper for cases that were not processed electronically in the Court of First Instance considering the date they were commenced.

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 email 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).

Comment:

This rule corresponds to Rule 51 of the 1996 CCA Rules.

Comment: 2025 Amendments

Subdivision (C) is amended to clarify that the Office of the Clerk must notify the parties by email through SUMAC on the same date it is entered in the record.

Rule 52. Reconsideration (rehearing); 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) The Clerk of the Court shall send the mandate to the Court of First Instance along with the entire original record, if it had been transmitted, (i) ten working days after the decision by the Court of Appeals becomes final and unappealable or (ii) at any time before the date the decision becomes final and unappealable, on the date it becomes final and unappealable or when, on its own initiative or on motion of a party, it is so ordered by the Court of Appeals for good cause.

Comment:

This rule corresponds to Rule 52 of the 1996 CCA Rules.

Comment: 2017 Amendments

Subdivision (B) is amended so it corresponds with the changes incorporated into Rule 71(B) below.

Comment: 2025 Amendments

Subdivision (D) is modified to clarify that the Court may send the mandate at any time, even before the appealed decision becomes final and unappealable for the purpose of immediately allowing the Court of First Instance to further the proceedings, when the circumstances so warrant. Certainly, a party adversely affected by this action may (i) move the Court of First Instance to refrain from hearing further proceedings while the decision of the Court of Appeals is not yet final and unappealable or (ii) seek review with the Supreme Court and, in aid of jurisdiction, move the court to stay the proceedings before the Court of First Instance.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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.

Comment:

This rule corresponds to Rule 53 of the 1996 CCA Rules.

**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.

Comment:

This rule corresponds to Rule 54 of the 1996 CCA 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.

(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, 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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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. 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 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.

Comment:

This rule corresponds to Rule 55 of the 1996 CCA Rules. It adopts the content of Section 4.006(d) of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 as to the jurisdiction of the Court of Appeals concerning these matters.

Comment: 2017 Amendments

Subdivision (C) is amended to stress the requirement of including both a mailing address and an email address in petitions for habeas corpus and mandamus. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 191 DPR 791 [91 PR Offic. Trans. 44] (2014). Instead, the Supreme Court number (RUA number) of counsel for the petitioner, if represented by an attorney, shall be required. *See*, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment: 2025 Amendments

Subdivision (B) is amended generally to adapt the same to the changes to Rule 76 and to the elimination of Rule 76.1.

Subdivision (C) is amended to eliminate reference to a fax number as it is obsolete.

Subdivision (E) was amended to increase the number of pages the petition for habeas corpus o mandamus may have to thirty-five for cases with an electronic court record, considering the amendment to Rule 70(D) to reduce the paper size.

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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.

Comment:

This rule corresponds to Rule 56 of the 1996 CCA Rules, adding the word “bodies” to accommodate it to the more encompassing language of the new Judiciary Act of the Commonwealth of Puerto Rico of 2003. It should be made clear that judgments rendered by agencies that are excluded from the definition of “agency” in the Commonwealth of Puerto Rico Uniform Administrative Procedures Act (UAPA) are subject to judicial review since such decisions adjudicate the rights or obligations of the parties. 3 LPRA § 2102.

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 final order or decision of the administrative body or agency, or within the applicable term when the time to request judicial review has been interrupted by the timely filing of a motion for reconsideration, unless an applicable special law fixes a different term.

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.

Comment:

This rule corresponds to Rule 57 of the 1996 CCA Rules. The term under Section 4.2 of the UAPA is thirty days as of the date a copy of the notice of the final order or resolution of the administrative body or agency was filed in the record, but the date on which it was deposited in the mail is also added. *Hosp. Dr. Domínguez v. Ryder*, 161 DPR 341 [61 PR Offic. Trans. 27] (2004).

Comment: 2025 Amendments

This rule incorporates the provisions of the Government of Puerto Rico Uniform Administrative Procedure Act, Law No. 38 of June 30, 2017.

Rule 58. Filing and Service

(A) Filing the petition for review

Petitions for review shall be taken by filing the same in the Office of the Clerk of the Court of Appeals together with the proper filing fees.

The date of payment of filing fees, if applicable, shall be the date review was filed. Therefore, the filing date of the petition for review shall not relate back to the date the electronic document was uploaded. The electronic filing system will issue an acknowledgement of electronic submission indicating that the appeal was uploaded to the system. This acknowledgement will show the date and time of the transaction and will provide that the document is not officially filed until the proper filing fees are paid.

When paper filing is required under Rule 2.1, the petition for review shall be taken by filing an original in the Office of the Clerk of the Court of Appeals together with the proper filing fees.

(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 as prescribed by Rule 13(B).

(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 or counsel for 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 petitioner may certify the court any change in the terms of the original certificate of service by a supplemental motion within three working days after the filing of the petition for review. This term is of strict compliance.

Comment:

This rule corresponds to Rule 58 of the 1996 CCA Rules. The term to serve notice on the parties and on the agency is of strict compliance. In order to standardize the norm, this rule refers to the provisions on proof of service for the different methods provided under Rule 13(B) on appeals. See Rule 12.1, which authorizes the court to cure defects of form or notice for good cause shown, provided it does not affect the rights of the parties.

Comment: 2025 Amendments

Subdivision (A) is amended to clarify that the official date of filing shall be the date filing fees are paid, if the dates differ. The rule also provides that the electronic filing system shall issue an acknowledgement of electronic submission confirming that the petition was successfully uploaded. It will show the date and time of the transaction and provide that the document is not officially filed until the proper filing fees are paid.

Subdivision (B)(2) is amended to provide that the petitioner shall serve a copy of the petition on the respondent as prescribed in Rule 13(B).

Be advised that, under the new Rule 2.1, electronic submission of papers through SUMAC shall be equivalent to the filing with the Clerk of the Court of Appeals.

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, 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

In the case of appeals filed in paper form under Rule 2.1, 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. The party shall certify whether the appeal is related to any other proceeding pending in the Court of Appeals or in the Supreme Court as of the filing date. If after filing a party learns that another case has been filed with the Court of Appeals or the Supreme Court concerning the same case, such party must inform the Court of Appeals immediately by motion.

(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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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) Documents in the appendix shall be arranged in chronological order. All the pages of the appendix must be consecutively numbered for cases with a paper court record. The appendix shall also contain a table of contents indicating the page number on which each document appears. For cases with an electronic court record, the appendix shall contain a table of contents indicating the docket entry for each document. In such cases, documents in the record of the Court of First Instance need not be uploaded again. Documents in the electronic court record shall be identified by their docket number (e.g., Docket #123) and the page numbers of the documents referenced.

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

Comment:

This rule corresponds to Rule 59 of the 1996 CCA Rules. It includes the information that must be provided on the cover of the appeal to identify the matter (biddings, certificate of convenience and necessity, environmental rulings, personnel issues) and agency (Department of Justice, Department of Health, Department of Consumer Affairs, Board of Appeals of the Personnel Administration System, or Investigation, Prosecution, and Appeal Commission) at the moment of filing. According to the provisions of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, the court, upon motion of petitioner or appellant or on its own motion, may allow the party to file the documents in the appendix after filing the appeal, and may not dismiss the case for such omission. Pursuant to Rule 12.1, the court will give the parties the opportunity to cure any defects of form.

Comment: 2017 Amendments

Subdivision (A)(2) is amended to point out the requirement including both a mailing address and an email address in all petitions for review. When a party is asserting their right to self-representation, they must include, among other information, an email address, if they have one. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 191 DPR 791 [91 PR Offic. Trans. 44] (2014). Instead, the Supreme Court number (RUA number) of counsel for the

petitioner or the respondent, as the case may be, shall be required. *See*, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment: 2025 Amendments

The provision under subdivision (A)(3) requiring the case number assigned by the Court of Appeals in the cover of the petition is suppressed for cases with an electronic court record, thus adapting the rule to the automated assignment of case numbers resulting from the electronic submission of papers through SUMAC.

Subdivision (B) is amended generally to adapt the same to the changes to Rule 75.

The wording of subdivision (C)(1)(c) is modified to reinforce a party's duty to notify the Court of the filing of related cases, in keeping with the amendment to Rule 16 and 34.

The wording of subdivision (C)(3) is amended in general considering the changes to Rule 76 and the elimination of Rule 76.1.

Subdivision (D) was amended to increase to thirty-five the number of pages the petition may have for cases with an electronic court record.

Subdivision (E)(4) is amended to distinguish the manner of arranging the appendix and its table of contents for paper and electronic court records. Once the filer has created the appendix in the electronic court record, SUMAC will show an image on screen of these entries. This will be the table of contents to which this subdivision refers. Therefore, the filer need not draft or upload a table of contents for the appendix.

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.

Comment:

This rule corresponds to Rule 61 of the 1996 CCA Rules. The provisions related to the issuance of the writ are stricken since it is no longer discretionary under the new Judiciary Act of the Commonwealth of Puerto Rico of 2003. The term “solicitud de revision” is replaced with “recurso de revision” in this rule and in others. [The translation, however, remains the same, with “petition for review.”]

Rule 62. Subsequent Motions and Papers

(A) The motions and any other subsequent papers related to the petition for review shall be filed only in the Office of the Clerk of the Court of Appeals. When electronic filing is not possible, an original must be filed in paper form. In such case, motions and papers may also 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.

Comment:

This rule corresponds to Rule 62 of the 1996 CCA Rules.

Comment: 2025 Amendments

Subdivision (A) is amended to provide that, for cases with paper court records, motions and papers subsequent to the filing of a petition for review must be filed in original. The requisite filing of three copies is eliminated.

As a rule, motions and papers shall be filed through SUMAC, as prescribed in Rule 2.1. Thus, the submission of papers in SUMAC shall be equivalent to the Office of the Clerk of the Court of Appeals.

Rule 63. Respondent's Brief in Opposition

(A) Within thirty days 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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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).

When challenging an agency's assessment of the evidence, the petitioner may file a supplemental brief thirty days after the approval of the stipulated or narrative statement of the evidence or the filing of the transcript, referencing the parts of the statement or the transcript that are relevant to the assignments of error. Upon filing the statement or transcript of the evidence, the petitioner shall notify the Court that a supplemental brief will be filed.

In cases in which a part of the oral evidence is to be submitted for the consideration of the Court of Appeals, the thirty-day term for filing the respondent's brief shall begin to run from the filing date of the statement or the transcript of the evidence, unless the petitioner files a supplemental brief, in which case the respondent shall file a reply brief within the next thirty days of the filing of the supplemental brief.

(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) Documents shall be arranged in chronological order. All the pages of the appendix must be consecutively numbered for cases with a paper court record. The appendix shall also contain a table of contents indicating the page number on which each document appears. For cases with an electronic court record, the appendix shall contain a table of contents indicating the docket entry for each document. Documents in the electronic court record shall be identified by their docket number (e.g., Docket #123) and the page numbers of the documents referenced.

(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.

Comment:

This rule corresponds to Rule 63 of the 1996 CCA Rules. The provision concerning the appendix and the undue exclusion of evidence is eliminated

since it repeats the provisions of Rule 59(E)(2). Given that appeal shall be taken as a question of law, the rule provides for the filing of the respondent's brief in opposition (see Rule 64).

Comment: 2025 Amendments

Subdivision (A) is amended to increase the number of pages the petition may have from twenty-five to thirty-five for cases with an electronic court record, considering the amendment to Rule 70(D), which reduced the paper size of appellant's electronic filing from 8.5" x 14" to 8.5" x 11". Subdivision (C) is also amended to distinguish the manner of arranging the appendix and its table of contents for paper and electronic court records. Once the filer has created the appendix in the electronic court record, SUMAC will show an image on screen of these entries. This will be the table of contents to which this subdivision refers. Therefore, the filer need not draft or upload a table of contents for the 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.

Comment:

This rule corresponds to Rule 64 of the 1996 CCA Rules. This rule adopts the provisions of Section 4.006(c) of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, which states that the appearance of the Commonwealth of Puerto Rico will not be mandatory. It recognizes the court's authority to issue orders to expedite the adjudication of cases (see Rule 61).

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.

Comment:

This rule corresponds to Section 4.006(c) of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, which provides that the petition for judicial review shall be taken by the Court of Appeals as a question of law.

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 proceed as prescribed in Rule 76. If petitioner fails to do so, the other parties may file a similar motion.

(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 as prescribed in Rule 76, and the agency must carry out the pertinent procedures with the Court of First Instance.

Comment:

This rule corresponds to Rule 67 of the 1996 CCA Rules.

Comment: 2025 Amendments

The wording of subdivision (C)(3) is amended in general considering the changes to Rule 76 and the elimination of Rule 76.1.

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.

Comment:

The Report on the Review of the Judiciary Act of Puerto Rico, which preceded the enactment of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, shed light on the situation that the decisions or rulings of administrative bodies or agencies related to government benefits and services for those in need, such as those concerning government health plan (Tarjeta de Salud), nutritional assistance program, public housing, subsidized housing, unemployment benefits, and others, were not subject to judicial review. This

means that for the hundreds or thousands of people with limited resources who resort to different bodies or agencies, such as the Department of the Family, the Department of Labor and Human Resources, or the Department of Housing, to request welfare benefits, they have no remedy of judicial review to appeal whatever benefits they may have been approved, denied, or modified. The Report concluded that these individuals with limited resources do not have access to a Panel of the appellate court to review these decisions because of their lack of financial resources.

Given that one of its basic underpinnings of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 is granting access to the courts to people with limited resources, this special judicial review proceeding is adopted for the intermediate appellate court.

It bears mentioning that, as with other petitions for judicial review, the mere filing of the petition does not stay the proceedings in the administrative body or agency, and the Government is not required to appear, unless the Court of Appeals provides otherwise.

This special proceeding for judicial review requires simple forms to facilitate filing, with easy access, flexible terms, and a speedy and straightforward process. The applicable public assistance claims will be listed in this form.

The court always has the power under Rule 7(B)(5) to dispense with papers, terms, or proceedings that are *not* jurisdictional in nature in order to impart appellate justice and provide greater access to the people. The UAPA allows for the Supreme Court to adopt special rules for such cases, including special terms and conditions.

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, 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*.

As provided in Rule 2.1, documents submitted through SUMAC must be signed electronically by counsel as follows: “Sgd./ Attorney’s Full Name.” When the document requires the signature of a person who is not an attorney or when a person appears *pro se* and wishes to submit a paper in SUMAC, the signature shall be set by hand. The official version shall be the document on the record in the electronic filing system.

(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.

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.

Comment:

This rule corresponds to Rule 69 of the 1996 CCA Rules. The inclusion of an email address in filings and the requirement that the parties expressly indicate that they are appearing *pro se* are incorporated in this rule.

The rule also provides that the signature of counsel or of the party on a paper is a certification of having served notice thereof on the date so indicated (see Rule 13(A)).

The provision allowing the Clerk to return unsigned pleadings, motions, or papers has been eliminated. In such cases, the Clerk will notify the deficiency to counsel or to the party so it may be corrected within a reasonable term, in accordance with Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 and Rule 5(C) of these Rules.

Comment: 2017 Amendments

Subdivision (A) is amended to require providing both a mailing address and an email address in pleadings, motions, and other papers. When a party is asserting their right to self-representation, they must include, among other information, an email address, if they have one. The requirement of including the Bar Association number is eliminated, in keeping with *Rivera Schatz v. ELA y Col. Abo. PR II*, 191 DPR 791 [91 PR Offic. Trans. 44] (2014). Instead, the Supreme Court number (RUA number) of the party's counsel is required. See, Supreme Court Rs. 9(j), 17(d)(1)(B), 20(g)(1)(B) & 33(b).

Comment: 2025 Amendments

Subdivision (A) is amended to remove the fax number as contact information to be provided in pleadings, motions, and other papers as it has become obsolete. A paragraph was added to provide that an electronic signature shall be equivalent to a signature set by hand pursuant to Civil Procedure Rule 67 (32 LPRA App. V, R. 67) and Criminal Procedure Rule 254 (34 LPRA App. II, R. 254). Furthermore, the rule specifies how documents submitted in SUMAC must be signed.

Rule 70. Form of Papers; copies

(A) All papers filed in the Court of Appeals shall be typeset on letter-size paper (8½" x 11"). Filings in paper court records must use legal-size paper (8½" x 14") on one side of the paper only. In both cases, filings must be in pica typeface or larger and 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 word processing program is used, the text must be printed, for paper court filings, in Courier or similar font in size 12 solid characters.

(B) Digitalized photocopies of original documents may be included in the appendix if said copies are clearly legible.

(C) Except as provided herein for specific writs or appeals, when documents must be submitted in paper form with the Clerk of the Court of Appeals, it shall be done by filing a clearly legible original, 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.

(G) Any reference to electronic docket entries in papers addressed to the Court of Appeals must be identified by its proper docket number (e.g., Docket #123), citing the page numbers of the referenced documents.

Comment:

This rule corresponds to Rule 70 of the 1996 CCA Rules, but the wording is modified to reflect the actual practice. Consequently, the proper left margin is set, the font is specified when using a computer or word processor, and font settings for printed documents are simplified.

The number of copies for the court filings is reduced so as to standardize the number required for other filings.

In order to provide consistency with to Rule 5, and pursuant to Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, subdivision (C) provides that in the event of deficiencies, the Clerk will inform this fact to counsel or the party so they may be cured within a reasonable term. Furthermore, the rule clarifies that an original and a copy of the transcription of evidence must be filed, either when the record is transmitted by the Court of First Instance or when it is filed by any of the parties.

Lastly, the provision concerning the Clerk's lack of authority to reject documents that fail to meet the requirements of form set forth by regulation is eliminated as such standard is already contained in Rule 5.

Comment: 2025 Amendments

Subdivision (A) was amended to provide that papers filed electronically must use letter-size paper and to clarify that filings in paper court records must use legal-size paper.

Subdivision (B) is amended to add the requirement of digitalizing original documents that the filer must submit in the appendix.

Subdivision (C) is modified to clarify that the duty to file an original applies to filings in paper court records, as this requirement is not necessary for electronic filings in SUMAC.

Lastly, a new subdivision (G) is added to specify how to identify electronic docket entries referenced in papers submitted to the Court of Appeals.

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 through the designated electronic system. When electronic service is not possible, service shall be made simultaneously in person, by regular mail, through any other similar personal delivery service, 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 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 appearing *pro se* at their email address, if any, or at the mailing address informed in the petition in the absence of an email address. When the Court should deem it necessary, it may also order that service be made by telephone or by other electronic means.

When necessary, the Clerk of the Court of Appeals shall serve the decision of the Court on the parties' counsel and on any other party appearing *pro se* by regular mail. 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.

Comment:

This rule corresponds to Rule 71 of the 1996 CCA Rules. Service by fax, telephone or email, when ordered by the court, is included herein.

Comment: 2017 Amendments

Subdivision (B) is amended to incorporate new technology in the process of serving notice by the Clerk of the Court of Appeals. Once administrative measures have been implemented and the necessary technology is in place, this amendment allows for the serving electronic notice on the parties and their counsel of every decision rendered by this court. Service shall be made to the email address registered in the Master Roll of Attorneys. *See*, Supreme Court R. 9(j). Likewise, this amendment provides for serving notice on a party appearing *pro se* by mail to the address provided in the petition or by email, if any. *See*, Civil Procedure Rs. 67.2 & 67.6 (32 LPRA App. V). *See also*, Criminal Procedure R. 254 (34 LPRA App. II).

Comment: 2025 Amendments

Subdivision (A) is amended to clarify that the filer's duty to serve the brief and subsequent papers in person, by mail, through any other similar personal delivery service, or by email shall be in cases with paper court records and to provide how service shall be made on the parties in cases with electronic court records. Furthermore, subdivision (B) clarifies that service by mail shall be done in cases with paper court records. However, reference to telefax is stricken as it has become obsolete.

Rule 72. Time for Filing Papers; extensions

(A) Whenever, under the applicable regulations, a paper must be filed electronically in the Court of Appeals within a specific term or day, said term shall expire at 5:00 P.M. of that day, the term will extend until 11:59 P.M. of the day on which the term expires.

When electronic filing is not possible, papers must be filed in the Office of the Clerk of the Court of Appeals before the applicable term expires during its regular office hours from 8:30 A.M. to 5:00 P.M. or deposited in the drop box, which shall be available from 5:00 P.M. to 11:59 P.M. on workdays.

(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.

(D) All papers that require fees shall be deemed to have been officially filed upon payment of the proper fees, when required by law.

Comment:

This rule corresponds to Rule 72 of the 1996 CCA Rules.

The rule allows for the extension of the court's hours of operation by granting access until midnight for the purpose of filing papers, if such mechanisms are provided (see Rule 5 and its comments). The Court of Appeals must notify the general public when measures that grant such access are allowed. Administrative Order of May 19, 2004, provides for an extension through midnight of the day on which the term expires to file papers with the Court of Appeals.

Comment: 2025 Amendments

Subdivision (A) is amended to modify the deadline to file papers with the Court of Appeals, when submitted on the last day of the term, and extend it to 11:59 P.M. instead of 5:00 P.M., considering the fact that attorneys can submit documents electronically in SUMAC any day of the week, including Saturdays, Sundays, and legal holidays. The rule clarifies the process for filing papers in the Office of the Clerk of the Court of Appeals, whether because the record is kept in paper form or due to technical problems with SUMAC, among other issues.

Subdivision (D) is added to provide that the date filing fees are paid, if applicable, shall be the date of filing in court. So long as the proper fees remain unpaid, when required, papers will not be deemed as filed, even if they have been submitted electronically and uploaded to SUMAC.

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 for cases with a paper court record and thirty-five pages for cases with an electronic court record, 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.

Comment:

This rule corresponds to Rule 73 of the 1996 CCA Rules. This rule concerning briefs in opposition is simplified as to provide only that which is necessary.

Comment: 2025 Amendments

Subdivision (E) was amended to increase the page limit of appeals to thirty-five for cases with an electronic court record. It was necessary to increase the number of pages in proportion to the amendment to Rule 70(D), which reduced the paper size of an appellant's petition from 8.5" x 14" to 8.5" x 11". See the comment to Rule 16.

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 documents in the appendix 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 electronic docket number where each document appears.

Documents in the electronic court record shall be identified by their docket number (e.g., Docket #123) and the page numbers of the documents referenced. In the case of paper filing, documents shall be arranged in chronological order, and all the pages of the appendix must be consecutively numbered. 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, reproducing the appendix would be burdensome or, by way of exception, it may not be filed electronically pursuant to Rule 2.1, the party may file a single copy of the same in a compact disc or USB flash drive. It shall be identified with an abridged caption and the case number, if assigned. All files will be in “.pdf” (Portable Document Format) format only; no other file format will not be accepted. The party may request that the original record be transmitted instead of filing sizeable documents or briefs.

Comment:

This rule corresponds to Rule 74 of the 1996 CCA Rules. The opening paragraph providing for the mandatory filing of an appendix has been replaced with a language reflecting the policy promoting flexibility adopted in these Rules. The rule allows a party, as an exception to Rule 70(C) and with leave of court, to refer to the appendix or documents in another pending case involving the same matter or to file a single copy of sizeable documents, in addition, to request the transmission of the original record instead of filing in the appendix with such documents. This makes litigation less costly.

Comment: 2025 Amendments

Subdivision (A) is amended to include that the table of contents must identify the electronic docket number of the document in SUMAC at the Court of First Instance. Once the filer has created the appendix in the electronic court record, SUMAC will show an image on screen of these entries. This will be the table of contents to which this subdivision refers. Therefore, the filer need not draft or upload a table of contents for the appendix.

Subdivision (F) is amended to allow the appendix to be submitted in a compact disc or USB flash drive when the electronic filing of the appendix would be burdensome because the paper court record in the Court of First

instance or the administrative record is sizeable. This also shall apply to the appendix to petitions that, by way of exception, may not be submitted electronically, as provided in Rule 2.1 (Rules of Construction for Electronic Filing).

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:

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.

Comment:

This rule corresponds to Rule 75 of the 1996 CCA Rules.

Comment: 2025 Amendments

The requirement of preparing a table of authorities is eliminated. This simplifies and lowers the cost to appear before the Court of Appeals without affecting the ability of a panel to resolve the case.

Rule 76. Reproduction of Oral Evidence

(A) Applicability

A party filing an appeal with the Court of Appeals shall notify the Court of Appeals not later than ten days after the filing of the appeal whether the party intends to reproduce the oral evidence presented in the respondent court or to submit a transcript, a stipulated narrative statement, or any other means of reproduction. 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.

When a party challenges the weighing of the evidence by the respondent court, or if the Court of Appeals finds it necessary or appropriate to examine the oral evidence to properly adjudicate the assignments of error raised by an appellant or petitioner, the Court, unless otherwise stated by the party, shall order such party, within a reasonable term, to inform whether it intends to reproduce the oral evidence and by which means. The order shall advise of the consequences of failing to seasonably reproduce the oral evidence, which may

include deeming any assignment of error that completely or partially depends on an examination of the oral evidence as waived.

On motion of a party or on its own initiative, the Court shall determine whether to allow the reproduction of the oral evidence and the means to be used.

(B) Reproducing the Recording

Once the reproduction of the evidence is ordered, the movant shall request the respondent court to reproduce the recording of 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 recording is reproduced, the Clerk of the Court of First Instance or the officer of the agency concerned shall deliver the reproduction to the movant and shall notify such fact to the other parties and to the Court of Appeals.

(C) Transcript

If a transcript of oral evidence is used, it shall be made by the party requesting the same, at the movant's expense, within thirty days after delivery of the reproduction.

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.

In the case of a criminal appeal, when the party requesting the transcript is indigent, the transcript shall be prepared by the officers of the General Court of Justice *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.

If authorized by the Court, the movant may use the party's recording made with their own recording device or the court's 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.

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.

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.

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.

(D) Stipulated Narrative Statement

If a stipulated narrative statement is allowed, the appellant or petitioner shall submit a proposed stipulated narrative statement to the other parties within thirty days of the order authorizing the same.

During the next twenty days, the parties shall try, through communications and meetings, to arrive at a stipulated narrative 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 appellant's or petitioner's proposed statement, 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.

To assist in the preparation of a stipulated narrative statement, counsel and prosecutors may use recordings made with their own recording devices.

Regarding the proposed, unstipulated statement, the Court may:

- (a) use both statements as a reproduction of the evidence if the disagreements between the parties are not substantial,
- (b) order a full or partial transcript of the oral evidence as prescribed in Rule 76(C),
- (c) order the transmission of a tape with the recording of the proceedings, or
- (d) order any other measure that may expedite the proceedings.

Comment:

This rule corresponds to Rule 76 of the 1996 CCA Rules. In addition to the current methods, this rule allows a movant to request and record the proceedings with their own personal recorder or to reproduce the recording of the proceedings and prepare a transcript, which the court may accept if the

opposing party stipulates that it is a true and correct reproduction of oral evidence

Comment: 2025 Amendments

Rules 76 and 76.1 are merged and are amended generally.

Reference to the narrative statement approved by the Court of First Instance is stricken since this procedure is rarely used, is usually the one that causes the most delays, and is burdensome for the respondent. Nevertheless, the court retains discretion to allow any other method of reproduction of the evidence it may deem appropriate in a given case, including the narrative statement approved by the Court of First Instance or any other not specifically provided in these Rules.

The rule also provides the duty of the court to affirmatively inquire as to the parties' intent to reproduce the oral evidence when an assignment of error depends completely or partially on the examination of the same to make sure that a party voluntarily waives the reproduction of the oral evidence by omission, rather than by ignorance of the proper procedure.

Subdivision (B) clarifies that an *ex officio* transcript only lies for indigent parties filing an appeal in criminal cases.

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 Rule 76, when the nature of the assignments of error so warrant.

The record on appeal shall be transmitted to the Court of Appeals within fifteen days of the order of the Court.

(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 Rule 76, when so authorized.

In all cases, the Court of Appeals *motu proprio* or on motion of a party, may order the original record transmitted. This provision shall not apply to cases filed electronically in the Court of First Instance when the electronic court record is available to judges and authorized personnel of the Court of Appeals.

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.

Comment:

This rule corresponds to Rule 77 of the 1996 CCA Rules.

Comment: 2017 Amendments

A paragraph is added at the end of Rule 77 to provide that a request to transmit the original record of the case in the Court of First Instance does not apply to cases with electronic filings. Be it noted that in such cases, the electronic case file is the original record, which is available to all appellate court judges and authorized personnel in digital form through SUMAC.

Comment: 2025 Amendments

Subdivision (A) is amended to clarify that the reproduction of the oral evidence shall only be part of the record on appeal when it is necessary to adjudicate the case and to simplify the process when the original record of the respondent court must be transmitted. Subdivision (B) is amended to clarify that the reproduction of the oral evidence shall only be part of the record on appeal when authorized by the Court.

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 a statement certifying the truth under pain of perjury, setting forth 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*.

Comment:

This rule corresponds to Rule 78 of the 1996 CCA Rules. This rule provides that the court may prepare forms to facilitate the filing of claims by an indigent party. Section 4.004 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003.

Comment: 2025 Amendments

The requirement that the application to proceed as an indigent party be submitted under oath is eliminated, providing instead that the form be submitted with a certification under penalty of perjury. This seeks to simplify and make the process of filling out the form less burdensome, while maintaining the obligation to provide accurate information; otherwise the party may be prosecuted for contempt of court.

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. Even if the party moving for an order aid of jurisdiction has failed to comply with any of the provisions of these Rules, the Court of Appeals may issue such orders unless the provisions pertain to jurisdiction.

(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 notice 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.

Comment:

This rule corresponds to 1996 CCA Rule 79. It adds the requirement that the motion for order in aid of jurisdiction be served on the rest of the parties, and on any other person against whom a remedy is sought, through the method of service that would allow such parties to learn of the motion simultaneously with its filing. If the motion is filed jointly with the action, both shall be notified simultaneously. This rule seeks to avoid the filing of motions where the other party is not immediately notified of said motion and of the action. This rule provides that the parties may be notified by personal service or by fax or email.

Comment: 2025 Amendments

Subdivision (C) is amended to clarify that the Court has discretion to issue orders in aid of jurisdiction on its own initiative even if the motion fails to meet a requirement provided in these Rules unless such provisions pertain to jurisdiction.

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 hearings before the panels of the Court of Appeals may be held by videoconference or by any other electronic means that allow for the remote appearance of all or certain parties. Hearings may also be held at the Court of Appeals, 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 ordered by the panel before which the matter is submitted, but always in coordination with the Administrative Judge.

(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.

Comment:

This rule corresponds to Rule 80 of the 1996 CCA Rules.

Comment: 2025 Amendments

Subdivision (A) is amended to allow the parties to request a hearing for oral argument at any time. The Court retains discretion to determine whether to hold such hearings. The rule also clarifies that oral arguments may be heard at the Court of Appeals or by videoconference or any other electronic means that allows for the remote appearance of the parties.

Rule 80.1. Consolidating Actions

(A) When two or more cases are filed with the Court of Appeals involving errors relating to the same judgment, resolution or order, or the final decision of an agency, such cases shall be consolidated. When two or more cases are filed with the Court of Appeals against several rulings (whether judgments, resolutions, or orders) issued in the same case, these too shall be consolidated.

(B) When different cases are filed involving a common question of law but such cases do not involve errors relating to the same judgment, resolution, or order or arise from the same litigation, such cases may be consolidated to avoid inconsistent rulings. The chief judges of the panels concerned shall make a preliminary evaluation and present the matter to their respective panels for a final decision, considering the applicable judicial standards. If the panels involved in the evaluation reach an agreement, they will proceed as agreed. If they do not reach an agreement, the panel assigned the oldest case will decide whether it is proper to consolidate them. The ruling on the issue of consolidation shall be entered in the appropriate resolution.

(C) For appeals in criminal cases, which may involve several cases or defendants in the same proceeding and, therefore, multiple judgments, cases arising from the same trial and the same evidence shall be consolidated, unless the panels assigned such cases agree that it is more convenient if the cases were not consolidated, which ruling shall be entered in the appropriate resolutions.

(D) When it is proper to consolidate two or more petitions for judicial review of an administrative decision, two or more petitions for appeal, or one petition for appeal and petitions for discretionary writs, cases filed later shall

be consolidated with those filed first and the proceedings shall continue until their final adjudication. The panel or panels assigned the more recent case or cases shall enter an order, serving notice on the parties, to return the case to the Office of the Clerk of the Court of Appeals, which shall assign the case to the panel assigned the older case. The panel assigned the oldest case shall enter the order of consolidation once the cases have been reassigned by the Clerk of the Court. The different panels concerned may agree, in furtherance of efficiency, to arrange the consolidated cases in a specific form or order by issuing the appropriate resolutions.

Comment: 2025 Amendments

The rule is generally amended to adopt the wording of Administrative Order No. DJ 2019-316, as amended by Administrative Order No. DJ 2019-316A.

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

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.

(C) Without the consent of the parties

A motion to appear as amicus curiae may be filed along with the brief. 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. The Court, at its discretion, may authorize or deny the appearance.

Comment:

This rule corresponds to Rule 81 of the 1996 CCA Rules.

Comment: 2025 Amendments

The rule is amended generally to eliminate the term within which to file the motion to appear as amicus curiae. When all the parties consent, the

motion should not be disallowed based on the moment it was filed. Should any party object, the Court retains discretion to determine whether to allow the motion, which usually includes considering the stage of the proceedings and the moment the motion was filed, based on the particular circumstances of each case.

Be advised that, under the new Rule 2.1, the amicus curiae brief must be filed electronically in SUMAC, which shall be equivalent to the filing with the Clerk of the Court of Appeals.

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.

Comment:

This rule corresponds to Rule 82 of the 1996 CCA Rules.

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. The Court shall not lose jurisdiction on account of a party's failure to meet a regulatory requirements unless such requirements are jurisdictional or of strict compliance.

(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.

Comment:

This rule corresponds to Rule 83 of the 1996 CCA Rules. It adopts the requirement of filing an affidavit on behalf of the defendant in criminal cases to withdraw the petition (see Supreme Court Rule 32). The wording follows the mandate in the Judiciary Act of the Commonwealth of Puerto Rico of 2003 requiring that the Rules of the Court of Appeals prevent the dismissal of actions for defects of form or notice. In line with this, subdivision (B)(3), which provided for the dismissal of a petition for not having been perfected, is eliminated. Nevertheless, the court may still order the dismissal for lack of service of process or for failure to comply with the orders of the court to perfect the action (see subdivision (B)(3), keeping in mind the provisions of Rule 12.1).

Bear in mind the rule laid down by the Supreme Court that dismissals, as a sanction, should be used as a last resort in order to reconcile the parties' duty to comply with procedural requirements and their statutory right to have their case reviewed by a collegiate panel of three judges. Seeking this balance, the Court of Appeals should employ less drastic measures that promote the diligent prosecution and filing of cases. See, *Román et als. v. Román et als.*, 158 DPR 163 [58 PR Offic. Trans. 11] (2002).

Subdivision (E) refers to premature appeals when a motion to reconsider is still pending in the Court of First Instance. The rule seeks to prevent the

parties from assuming an unnecessary cost during the appellate process because of dismissals ordered on such grounds.

So as to dispense with unnecessary steps and costs in cases that are prematurely filed, the Supreme Court in *Ruiz Cáceres v. P.R.T.C.*, [150 DPR 200] [50 PR Offic. Trans. 19] (Resolution) (2000), dismissed the action and decreed:

On motion of a party, so as to streamline the handling of the case and promote procedural economy, the Clerk of the Court is authorized to return the documents in the record of this case, except for the original filing. Once the documents have been detached, the party may replace the cover and the last page with the signatures, showing the new filing date. The party must also attach to the appendix a copy of the resolution whereby the motion to reconsider was denied, in addition to the notice slip, before filing the new petition.

See also, in this vein, the separate opinion issued by Justice Naveira Merly in *Empress Hotel, Inc. v. Acosta*, 150 DPR 208 [50 PR Offic. Trans. 22] (2000).

Comment: 2025 Amendments

Subdivision (C) clarifies that the jurisdiction of the Court depends only on compliance with jurisdictional and strict compliance requirements.

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.

Comment:

When a final decision of a trial court or an administrative body or agency lacks the grounds on which it based its decision, the Court of Appeals usually requires the trial court or agency to state the grounds for the decision so it may better carry out its reviewing function. Furthermore, dismissing the appeal and ordering the trial court or agency to issue a new grounded decision forces the parties to file a new appeal. Given that the filing of two appellate proceedings to review the same decision is neither proper nor efficient and that it would entail an unnecessary investment of time and money for all parties,

the rule laid down by the Supreme Court in *Pueblo v. Pérez*, 159 DPR 554 [59 PR Offic. Trans. 55] (2003) is adopted. In doing so, the guiding principles of the Judiciary Act of the Commonwealth of Puerto Rico of 2003 are preserved, namely, that justice be effective, fair and inexpensive, and that actions not be dismissed where the court may provide a reasonable opportunity to correct defects when doing so does not affect the rights of the parties.

Rule 84. Motion for Reconsideration (rehearing); 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. When the decision to be reconsidered (i) does not dispose of the entire case but only an interlocutory or provisional matter and (ii) was issued by a special panel other than the one to which the case has been properly assigned, the motion for reconsideration shall be forwarded to the latter panel.

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

(E) The Clerk of the Court 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 (i) ten working days after the decision by the Court of Appeals becomes final and unappealable or (ii) at any time before the date the decision becomes final and unappealable, on the date it becomes final and

unappealable or when, on its own initiative or on motion of a party, it is so ordered by the Court of Appeals for good cause.

Comment:

This rule corresponds to Rule 84 of the 1996 CCA Rules.

The rule is amended to incorporate the wording of Civil Procedure Rule 53.1(h) on the effect of the motion to reconsider on the terms to appeal and to expressly provide that the term to resort to the Supreme Court is stayed by the timely filing of said motion. The rule allows for the filing of a motion in opposition and establishes when the motion for reconsideration will be considered submitted for decision, clearly setting forth that the court may pass on the motion at any time.

The mandate must be sent to the Court of First Instance or to the pertinent agency ten business days after the decision rendered by the Court of Appeals becomes final and unappealable.

Comment: 2025 Amendments

Subdivision (C) is modified to clarify that when a special panel rules on an interlocutory matter in a case assigned to another panel, the motion to reconsider ordinarily should be heard by the panel that has been assigned the case. Sometimes (*e.g.* certain weeks in July and during the Christmas holiday) urgent interlocutory matters may arise which are referred to a special panel, even though the case is assigned to another. In these circumstances, the motion for reconsideration generally should be decided by the panel that has been assigned the case since the purpose of the special panel should be limited to hearing urgent matters in a case belonging to a sister panel.

Subdivision (E) is modified to clarify that the Court may send the mandate at any time, even before the appealed decision becomes final and unappealable for the purpose of immediately allowing the Court of First Instance to further the proceedings, when the circumstances so warrant. Certainly, a party adversely affected by this action may (i) move the Court of First Instance to refrain from hearing further proceedings while the decision of the Court of Appeals is not yet final and unappealable or (ii) seek review with the Supreme Court and, in aid of jurisdiction, move the court to stay the proceedings before the Court of First Instance.

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.

Comment:

This rule corresponds to Rule 85 of the 1996 CCA Rules. It also incorporates the provisions of Section 4.008 of the Judiciary Act of the Commonwealth of Puerto Rico of 2003, which authorizes the court to impose economic sanctions, costs, and attorney's fees under the circumstances specified in this rule.

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.

Comment:

This rule corresponds to Rule 86 of the 1996 CCA Rules. The wording of this rule was modified to provide that a certified copy of all or part of the record may be sent to correct an error therein, 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.

Comment:

This rule corresponds to Rule 87 of the 1996 CCA Rules but includes updates.

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.

Comment:

These Rules repeal the Rules of the Circuit Court of Appeals of Puerto Rico of 1996 and supersedes the Transitory Rules of the Court of Appeals of November 18, 2003. The Rules of Civil Procedure, the Rules of Criminal Procedure, and the Rules for the Administration of the Court of First Instance must be amended in line with the Judiciary Act of the Commonwealth of Puerto Rico of 2003 and these Rules.

Rule 89. Effectiveness

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

Comment:

Whereas the Transitory Rules of the Court of Appeals were in force until the approval of these Rules, whereas such Transitory Rules were circulated widely for comments, which were taken into consideration in the drafting of these Rules, wherefore, it is provided that these Rules shall take immediate effect.

Comment: 2017 Amendments

The amendments hereby incorporated into the Rules of the Court of Appeals by virtue of [Resolution ER-2017-07] shall take effect immediately and shall apply to all proceedings pending before such court.

Comment: 2018 Amendments

The amendments to the Rules of the Court of Appeals by virtue of [Resolution ER-2018-03] shall take effect in sixty days, shall take effect immediately, and shall apply to all proceedings pending in said court.

Comment: 2025 Amendments

The amendments to the Rules of the Court of Appeals incorporated by virtue of Resolution ER-2025-01, adopted on April 24, 2025, shall take effect on June 16, 2025, and shall apply to all proceedings pending before such court.