

**GENERAL DESCRIPTION AND EXPLANATION OF THE JUDICIAL SYSTEM**  
**OF PANAMA**

The administration of justice is free of charge, prompt, and continuous. The management and conduct of all trials shall be done on plain paper and will not be subject to any tax. Vacations by Justices, judges, and court employees shall not interrupt the continuous operation of the respective courts.

The Judicial Branch is comprised of the Supreme Court, courts of review, and trial courts established by law. The administration of justice may also be exercised through arbitration jurisdiction, as determined by law. The courts of arbitration may hear and decide for themselves on matters within their jurisdiction.

The Supreme Court is comprised of as many Justices as the law determines, appointed by agreement of the Council of Ministers, and subject to approval by the Legislative Branch, for a period of ten years. The permanent absence of a Justice shall be covered by appointing a new candidate for the rest of the respective period.

Each Justice shall have an alternate appointed in the same fashion as the principal and for the same period, who shall replace the principal during his/her absences, according to the law. Only Judicial Career officials in the Judicial Branch may serve as alternates. Every two years two Justices shall be designated, except for cases in which because of the number of Justices sitting on the Court, more or less than two Justices are appointed. When the number of Justices on the Court is increased, the necessary appointments shall be made and the respective law shall include provisions to respect the principle of staggered terms.

The Supreme Court is comprised of nine (9) Justices chosen as set forth in the Constitution. The Supreme Court has four Chambers, with three permanent Justices in each, as follows: First chamber, Civil Matters; Second Chamber, Criminal Matters; third Chamber, Administrative Litigation; and Fourth Chamber, General Business.

When advisable for the administration of justice, the Full Court may, by a vote of at least seven Justices, redistribute the permanent members of the first three Chambers. During October

of every other year, the Supreme Court will, by a majority vote, elect its corporate President and Vice President.

The following are ineligible to serve as Supreme Court Justices:

1. Anyone who is currently or has previously served as a Deputy or alternate Deputy in the Legislative Branch during the current Constitutional term.

2. Anyone who is currently or has previously held positions of authority or jurisdiction in the Executive Branch during the current Constitutional term.

The following are requirements to serve as a Supreme Court Justice:

1. Be Panamanian by birth.

2. Be at least 35 years of age.

3. Have full enjoyment of one's civil and political rights.

4. Have a degree in law which is recorded in the office indicated by law.

5. Have ten years of experience in the legal profession in any of the following ways: as a practicing attorney, holding any post within the Judicial Branch, the Public Ministry, the Electoral Tribunal, or the Public Defender's Office which requires a law degree, or serving as a law professor at a university. The validity of one's credentials to serve as a Supreme Court Justice is recognized according to the aforementioned Constitutional provisions.

Anyone who has been convicted of an intentional crime through an executed judgment handed down by a court of law, may not hold any post within the Judicial Branch.

The following shall be the Constitutional and legal powers of the Supreme Court:

1. To uphold the integrity of the Constitution. To this end, the Full Court shall hear and decide, in hearings with the Attorney General of the Nation or the Attorney for Administration,

on the Constitutionality of laws, decrees, agreements, resolutions, and other acts which any person may deem to harm the Constitution in substance or form.

When during the course of a trial a public official in charge of administering justice becomes aware or is made aware by any of the parties that the legal or regulatory provision applicable to the case is unconstitutional, the public official shall submit the matter to the full Court, unless said provision has already been ruled upon by the Court, and he shall continue the conduct of the matter until it is ready to be decided upon. The parties may only raise Constitutional objections once at each jurisdictional stage.

2. Jurisdiction over administrative litigation involving any acts, omissions, defective or deficient rendering of public services, decisions, orders, or provisions that are carried out, adopted, issued, or incurred by civil servants or national, provincial, municipal, or autonomous or semi-autonomous public entities in the exercise of their official duties or on the pretext of carrying them out. To this end, the Supreme Court, in a hearing with the Attorney for Administration, may revoke allegedly illegal acts; reinstate the rights of the offended private party; enact new provisions to replace the ones that have been challenged; and may give a pretrial statement regarding the meaning and scope of an administrative act and its legal significance.

Any persons affected by the act, decision, order or provision involved may submit to the jurisdiction of administrative litigation; and any natural or legal person domiciled in the country may exercise the course of public action.

3. To investigate and put on trial Deputies in the legislature. For the purposes of the investigation, the Full Supreme Court shall commission a pretrial agent.

Decisions by the Court in exercise of the powers indicated in this Article are final and binding and must be published in the *Gaceta Oficial*.

Appeals based on unconstitutionality or *amparo* shall not be admissible against the decisions of the Supreme Court or its Chambers.

The Justices and principal judges may hold no other public office except that of professor of law at a university. In the courts and tribunals established by law, the justices shall be appointed by the Supreme Court and the judges by their superiors. Alternates shall be appointed

by the tribunal or the respective judge. All of these appointments shall be made according to the Judicial Career.

The justices and judges exercise their duties independently and answer to nothing but the Constitution and the law. However, lower ranking judges are obliged to adhere to and carry out the decisions handed down by their judicial superiors in terms of revoking or amending their decisions through decisions on appeals. The justices and judges shall not be deposed, suspended, or transferred in the exercise of their duties, except in cases provided for by law and according to the formalities of same.

The holding of a post within the Judicial Branch is incompatible with: any political participation except voting in elections, practicing law, conducting trade, or holding any other paid position, except that of professor of law in a university.

The salaries and allowances for Supreme Court Justices shall not be less than those of Cabinet Ministers. The elimination of any jobs within the Judicial Branch shall be made effective at the conclusion of the corresponding period.

The Supreme Court and the Attorney General shall prepare the respective budgets of the Judicial Branch and the Public Ministry, and remit them in timely fashion to the Executive Branch to be included in the draft General Budget of the public sector. The President of the Supreme Court and the Attorney General may at any point defend their respective draft budgets.

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

However, when this amount is higher than that which is required to meet the basic needs proposed by the Judicial Branch and the Public Ministry, the Executive Branch shall include the excess amount under other items of expenditure in the draft budget of the central government, so that the National Assembly can determine how to proceed.

Procedural laws that are approved shall be inspired, among other things, by the following principles:

1. Simplification of transactions, procedural economy, and lack of unnecessary procedures.

2. The purpose of the procedure is to recognize the rights set forth in the substantive law.

Justices and judges cannot be detained or arrested except in response to a warrant written by the judicial authority with jurisdiction to adjudge them. The law shall arbitrate the means by which those who cannot afford it may receive advice and legal representation for their defense, both through official agencies created for this purpose and bar associations recognized by the State. Trial by jury is instituted. The law shall determine which cases will be decided through this system.

### **The Public Ministry**

The function of Public Ministry shall be exercised by the Attorney General of the Nation, the Attorney for Administration, and the prosecutors, representatives, and other public officials established by law. The agents of the Public Ministry may, by delegation of authority as determined by law, exercise the powers of the Attorney General of the Nation. Following are the duties of the Public Ministry:

1. Defend the interests of the State or the Municipality.
2. Promote compliance with the law, judicial decisions, and administrative provisions.
3. Oversee the official conduct of public officials and ensure that they fully carry out their duties.
4. Prosecute crimes and violations of Constitutional or legal provisions.
5. Serve as legal advisors to administrative officials.
6. Fulfill the other functions set forth in the law.

In order to serve as Attorney General of the Nation or Attorney for Administration, one must fulfill the same requirements as those of Supreme Court Justices. Both shall be appointed for ten-year terms. Following are the special responsibilities of the Attorney General of the Nation:

1. File charges in the Supreme Court against those public officials whose adjudgment corresponds to that Court.

2. Ensure that the other Agents of the Public Ministry faithfully perform their duties, and that they are held accountable for any infractions or crimes they may commit.

In this vein, the same provisions governing judicial officials apply to Agents of the Public Ministry.

The Attorney General of the Nation and the Attorney for Administration shall be appointed in keeping with the same eligibility and ineligibility requirements established for Supreme Court Justices. The temporary absence of an Attorney General or Attorney for Administration shall be covered by a staff member of the Public Ministry serving as Acting Attorney; this individual shall also meet the eligibility requirements and shall be temporarily appointed by the respective Attorney.

The prosecutors and representatives shall be appointed by their superiors. Alternates shall be appointed by the respective prosecutor or representative. All of these appointments shall be made according to the Judicial Career.

For the purposes of judicial jurisdiction, the territory of the Republic of Panama is divided into four Judicial Districts. These shall in turn be divided into Judicial Circuits, which are in turn divided into Judicial Municipalities.

The First Judicial District shall include the provinces of Panamá, Colón, Darién and the San Blas area. The second Judicial District shall be comprised of the provinces of Coclé and Veraguas. The Third Judicial District is made up of the provinces of Chiriquí and Bocas del Toro. And the Fourth Judicial District is comprised of the provinces of Herrera and Los Santos. In the event that other territorial subdivisions are created and made part of a special system, these subdivisions will form part of the respective Judicial District. The Judicial District Superior

Courts and the Agencies of the Public Ministry that appear before them, shall be headquartered in the cities of Panamá, Penonomé, David, and Las Tablas, respectively.

The Judicial Circuits, in turn, are subdivided into Municipal Districts which correspond to each of the districts, according to the political division established by the Constitution.