

*Ley Orgánica y Reglamentos
de la
Comisión de Derechos Civiles*

I. LEYES DE PUERTO RICO ANOTADAS

TITULO 1—SECCIONES 151 A 161

Ley Núm. 102 de 28 de Junio de 1965

Fecha de Vigencia: Ley Orgánica: 28 de junio de 1965.
Reglamentos: 21 de enero de 1970.

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Capítulo 11. Comisión de Derechos Civiles

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§ 151. Creación

Se crea la Comisión de Derechos Civiles, que estará integrada por cinco (5) miembros nombrados por el Gobernador, con el consejo y consentimiento del Senado. No podrá ser miembro de la Comisión ningún funcionario o empleado del gobierno estatal y sus instrumentalidades y de los municipios con excepción de los maestros de instrucción pública y profesores de la Universidad de Puerto Rico.

Los miembros de la Comisión serán nombrados por un término de seis (6) años y, excepto por causa debidamente justificada previa audiencia del interesado, no podrán ser removidos de sus cargos antes del vencimiento del término para el que hubieren sido nombrados. Los miembros primeramente nombrados desempeñarán sus cargos en la siguiente forma: uno por dos (2) años; uno por tres

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(3) años; uno por cuatro (4) años y dos por seis (6) años. Los miembros que se nombren subsiguientemente, a no ser para cubrir alguna vacante, lo serán por el término de seis (6) años. La persona nombrada para cubrir una vacante que ocurriere antes del vencimiento del término de cualquiera de los miembros de la Comisión desempeñará el cargo por el resto del término del miembro sustituido.

Tres miembros de la Comisión constituirán *quorum* para tomar acuerdos, pero la Comisión podrá delegar en uno o más de sus miembros y en su Director Ejecutivo la función de escuchar testimonios o recibir cualquier otra evidencia para la Comisión.—Junio 28, 1965, Núm. 102, p. 283, sec. 1, ef. Julio 1, 1965.

Asignación.

La sec. 12 de la Ley de Junio 28, 1965, Núm. 102, dispone: "Se asigna la cantidad de cincuenta mil (50,000) dólares para el funcionamiento de la Comisión de Derechos Civiles en el ejercicio fiscal 1965-66."

Exposición de motivos.

La Ley de Junio 28, 1965, Núm. 102 tiene la siguiente exposición de motivos:

"En febrero de 1956 el entonces Gobernador de Puerto Rico, honorable Luis Muñoz Marín, creó un Comité de Derechos Civiles, con el propósito fundamental de estudiar toda la problemática de los derechos humanos en Puerto Rico, abarcando las cuestiones que surgen de la Constitución, de las leyes y del ejercicio de la autoridad del Gobierno Federal de los Estados Unidos de América.

"Dicho Comité, después de una labor intensa de investigaciones y estudios, llevada a cabo con la colaboración de profesores y estudiantes de la Universidad de Puerto Rico, de miembros de la Judicatura y del Departamento de Justicia, rindió un informe al Gobernador en el que, entre otras recomendaciones, indica la conveniencia de crear, como organismo especializado y con carácter permanente, para la protección de los derechos civiles en Puerto Rico, una Comisión que lleve a cabo actividades para educar al pueblo y a los funcionarios gubernamentales en cuanto a la significación de los derechos fundamentales y los medios de respetarlos, protegerlos y enaltecerlos.

"La vigencia de los derechos humanos depende, en gran parte, de las actitudes de las personas; y ningún otro medio puede ser mejor para encauzarlos, que la educación. Sin embargo, los derechos fundamentales de los ciudadanos, en última instancia, son responsabilidad del Gobierno ya que tales derechos forman parte esencial de la Constitución y las leyes del Estado. Consecuentemente, y aunque parte de la labor de educación en el sentido expresado pueden hacerla las instituciones educativas, es necesario el estímulo y la dirección de un organismo especializado y con carácter oficial que, en distinta forma y por medios más adecuados, lleve a cabo esa labor de investigación, educación y orientación, y que gestione, ante los individuos y ante las autoridades gubernamentales, la protección de los derechos fundamentales mediante reformas de importancia y significación general."

Contrarreferencias.

Ley de Derechos Civiles de Puerto Rico, véanse las secs. 13 a 19 del Título 1 de Leyes de Puerto Rico Anotadas.

Ley Federal de Derechos Civiles, véase 42 U.S.C. §§ 1971 *et seq.*

§ 152. Elección del Presidente, Vicepresidente y Secretario

Una vez constituida la Comisión, sus miembros elegirán, de entre ellos, un Presidente, un Vicepresidente, y un Secretario.—Junio 28, 1965, Núm. 102, p. 283, sec. 2, ef. Julio 1, 1965.

§ 153. Funciones

La Comisión tendrá las funciones siguientes :

(a) Educar a todo el pueblo en cuanto a la significación de los derechos fundamentales y los medios de respetarlos, protegerlos y enaltecerlos.

(b) Gestionar ante los individuos y ante las autoridades gubernamentales la protección de los derechos humanos y el estricto cumplimiento de las leyes que amparan tales derechos.

(c) Hacer estudios e investigaciones sobre la vigencia de los derechos fundamentales incluyendo quejas o querellas radicadas por cualquier ciudadano relacionadas con la violación de esos derechos.

(d) Presentar un informe anual y cualesquiera informes especiales, al Gobernador, al Tribunal Supremo, y a la Asamblea Legislativa, con las recomendaciones que creyere necesarias para la continua y eficaz protección de tales derechos. Luego del primer informe anual la Comisión incluirá al final de sus informes anuales un resumen de las recomendaciones que ha hecho anteriormente y una descripción de la acción tomada sobre dichas recomendaciones. La Comisión dará a la publicidad sus informes no más tarde [de] cinco días después de enviados al Gobernador, al Tribunal Supremo y a la Asamblea Legislativa. La Comisión también podrá darle publicidad a los estudios y monografías que le sometan sus consultores y asesores.

(e) Evaluar las leyes, normas y actuaciones de los gobiernos estatal y municipal relacionados con los derechos civiles y sugerir reformas en cuanto a los mismos.—Junio 28, 1965, Núm. 102, p. 283, sec. 3, ef. Julio 1, 1965; enmendada en Junio 29, 1966, Núm. 136, p. 460, ef. Junio 29, 1966.

—1966.

Inciso (d): La ley de 1966 incluyó al Tribunal Supremo entre las entidades a quienes la Comisión tiene que rendir informes.

§ 154. Reglamentos

La Comisión formulará los reglamentos necesarios para la realización de sus funciones, según establecidas en este Capítulo. En dichos reglamentos se proveerá lo necesario para el cumplimiento de los siguientes requisitos procesales :

*Organic Act and Regulations
of the
Commission of Civil Rights*

II. LAWS OF PUERTO RICO ANNOTATED

TITLE 1—SECTIONS 151–161

Act No. 102, June 28, 1965

Chapter 11. Commission of Civil Rights

SECTION ANALYSIS

- 151. Creation.
- 152. Election of chairman, vice-chairman and secretary.
- 153. Functions.
- 154. By-laws.
- 155. Investigations.
- 156. Oaths, testimonies and witnesses.
- 157. Office; Executive Director.
- 158. Cooperation of government organizations.
- 159. Per diems and reimbursement of expenses.
- 160. Administration of funds.
- 161. Penalties.

§ 151. Creation

A Commission of Civil Rights is hereby created which shall be composed of five (5) members appointed by the Governor, with the advice and consent of the Senate. No official or employee of the Commonwealth Government and its instrumentalities and municipalities shall be a member of the Commission, with the exception of public school teachers and professors of the University of Puerto Rico.

The members of the Commission shall be appointed for a term of six (6) years. Unless for a duly justified cause, after hearing, no member of the Commission shall be removed from office before expiration of the term for which appointed. Members first appointed shall hold office as follows: one for two (2) years; one for three (3) years; one for four (4) years, and two for six (6) years. Members subsequently appointed, unless to cover any vacancy, shall be for a term of six (6) years. A person appointed to fill a vacancy occurring before expiration of the term of any

of the members of the Commission shall hold office for the unexpired portion of such term.

Three members shall constitute a quorum for the business of the Commission, but the Commission may delegate to one or more of its members and to its Executive Director the function of hearing testimonies or receiving any other evidence for the Commission.—June 28, 1965, No. 102, p. 267, § 1, eff. July 1, 1965.

Appropriation.

Section 12 of Act June 28, 1965, No. 102, provided: "The sum of fifty thousand (50,000) dollars is hereby appropriated for the operation of the Commission of Civil Rights for the fiscal year 1965-66."

Statement of motives.

Act June 28, 1965, No. 102, contained the following statement of motives: "On February 1956, the then Governor of Puerto Rico, Luis Muñoz Marín, created a Committee of Civil Rights, aimed primarily at making a survey of all potential problems of human rights in Puerto Rico, covering questions arising from the Constitution, from the laws, and from the exercise of the authority of the United States Government.

"Said Committee, after an intensive task of investigation and study, carried out with the collaboration of professors and students of the University of Puerto Rico, members of the judiciary and of the Department of Justice, rendered a report to the Governor pointing out, among other recommendations, the convenience of creating, as a specialized organization with a permanent character, for the protection of the civil rights in Puerto Rico, a Commission to conduct activities for educating the public and the government officials on the meaning of the fundamental rights and the ways of respecting, protecting and exalting them.

"The effectiveness of the human rights depend, in a large measure, on the attitudes of the individuals; and there can be no better way to guide them than through education. The fundamental rights of the citizen, however, are ultimately the responsibility of the Government, since such rights constitute an essential part of the Constitution and laws of the Commonwealth. Consequently, and although part of the educational work in that sense may be done by educational institutions, it is necessary to have the stimulus and direction of a specialized organization, official in character, which, in a different manner and through more adequate means, will carry out this task of investigation, education and guidance, and which will seek, with the individual and before the government authorities, protection of the fundamental rights by means of reforms of general importance and significance."

Cross references.

Civil Rights Act of Puerto Rico, see sections 13-19 of Title 1, Laws of Puerto Rico Annotated.

Federal Civil Rights Act, see 42 U.S.C. § 1971 et seq.

§ 152. Election of chairman, vice-chairman and secretary

Once the Commission has been constituted, its members shall elect from among their number a chairman, a vice-chairman, and a secretary.—June 28, 1965, No. 102, p. 267, § 2, eff. July 1, 1965.

§ 153. Functions

The Commission shall have the following functions:

(a) To educate the entire population on the significance of the fundamental rights and the means of respecting, protecting and exalting them.

(b) To seek with individuals and before the government authorities protection of the human rights and strict enforcement of the laws protecting such rights.

(c) To carry out surveys and investigations on the effectiveness of the fundamental rights, including complaints and grievances by any citizen in connection with the violation of those rights.

(d) To render an annual report and any special reports to the Governor, the Supreme Court and the Legislature, with such recommendations as it may deem necessary for the continuous and effective protection of such rights. After the first annual report, the Commission shall include at the end of its annual reports a summary of the recommendations previously made by it and a statement of the action taken on said recommendations. The Commission shall publish its reports not later than five days after they have been sent to the Governor, the Supreme Court and the Legislature. The Commission may also publish the studies and monographs submitted by its consultants and advisers.

(e) To evaluate the laws, standards and acts of the Commonwealth and municipal governments in connection with the civil rights, and to suggest reforms in respect to same.—June 28, 1965, No. 102, p. 267, § 3, eff. July 1, 1965; amended June 29, 1966, No. 136, p. 438, eff. June 29, 1966.

—1966.

Subsection (d): The 1966 Act included Supreme Court among recipients of Commission's annual report.

§ 154. By-laws

The Commission shall formulate the necessary by-laws for the carrying out of its functions, as established in this chapter. Said by-laws shall make the necessary provisions for the fulfillment of the following procedural requirements:

(1) The holding of public hearings at least twice a year.

(2) Notices for public hearings shall be published ten days in advance in two newspapers of general circulation, and shall set forth in detail the purposes of and the business to be considered at such hearings.

(3) At the opening of the hearings in each city, the chairman shall explain the ends and purposes and the norms of the Commission. Each participant shall be furnished with a copy of the rules of procedure governing the hearings.

(4) All oral testimony shall be heard in public meetings except that when the Commission shall consider that the evidence or testimony to be presented at a hearing may tend to discredit, degrade or incriminate any person, it may then choose to receive said testimony in an executive meeting. The Commission, in rendering its report on the matter, may make public any testimony or evidence received in the executive meeting.

(5) Each witness may, if he so deems it convenient, be assisted by counsel. He shall also have the right not to be photographed without his consent; to be examined by his attorney within the norms of the hearing, and the application thereof by the chairman; to review the transcription of his testimony for exactness and to copy said transcription; to submit in writing brief sworn statements for the record of the hearing.

(6) If the Commission determines that any evidence tends to discredit or incriminate any person, it shall afford said person opportunity to appear in person or in writing.

(7) The Commission shall determine the other rules of procedure for the public hearings, including those that refer to the admissibility of evidence and to the exclusion of persons who violate the standards of respect and decorum that must prevail in a hearing.—June 28, 1965, No. 102, p. 267, § 4, eff. July 1, 1965.

§ 155. Investigations

The Commission shall not have authority for adjudging individual cases or granting remedies, but may investigate concrete controversies that may throw light on problems of general importance for the enhancement of civil rights.—June 28, 1965, No. 102, p. 267, § 5, eff. July 1, 1965.

§ 156. Oaths, testimonies and witnesses

The Commission and its Executive Director shall have authority to administer oaths and receive testimonies, and to subpoena witnesses to appear for testifying and producing any papers, books, documents or other evidence, through subpoena.

Should a witness summoned by the Commission fail to appear and testify, or to produce the required evidence, or refuse to answer any question in connection with any study or investigation

being conducted by the Commission in the discharge of its functions, the chairman of the Commission may request assistance from the San Juan Part of the Superior Court of Puerto Rico to compel such witness to appear and testify, or to produce the required evidence, as the case may be. The Secretary of Justice shall tender to the Commission the necessary legal assistance for said purposes.

Once the petition is filed in the San Juan Part of the Superior Court of Puerto Rico, said Court shall subpoena the witness to appear and testify or to produce the evidence requested, or both, before the Commission; disobedience of the order issued by the Court shall be punished by said Court as civil contempt.—June 28, 1965, No. 102, p. 267, § 6, eff. July 1, 1965.

§ 157. Office; Executive Director

In order to carry out its functions, the Commission shall establish and organize an office adequate to its needs, attached to the Department of Justice, but without being part of same and using its administrative services only when necessary in facilitating its work. It shall also appoint an Executive Director who shall be responsible for organizing and directing the work in the office and, with the approval of the Commission, shall appoint the office personnel, which shall not be subject to the provisions of the personnel laws and regulations of the Government of Puerto Rico. In like manner, the Director may contract for the services of experts and advisors. The Director shall administer the budget and shall be responsible for his acts to the Commission, through its chairman.—June 28, 1965, No. 102, p. 267, § 7, eff. July 1, 1965.

§ 158. Cooperation of government organizations

The Commission may use the services and facilities offered by persons or private institutions and those of the departments, agencies, instrumentalities or other organizations of the Government of Puerto Rico and its political subdivisions. All said government organizations shall cooperate with and shall offer their services and facilities to the Commission, on request of the Commission or of the Governor.

The Commission may hire or appoint any official or employee of the Government of Puerto Rico or of any of its departments, agencies, instrumentalities, organizations, or political subdivisions,

with the consent of the appointing authority of the government organization where said official or employee is rendering services. In such case, it shall be the duty of the appointing authority to retain for said officials or employees their positions or employment while the Commission is using their services.

The Commission is further authorized to contract, without being subject to the provisions of section 551 of Title 3, for the services of any official or employee of the Government of Puerto Rico or of any of its departments, agencies, instrumentalities, organizations, or political subdivisions, and to pay for the additional services rendered to the Commission after their regular service hours.

The Commission may, with the approval of the Governor, entrust to any department, agency, bureau, division, authority, instrumentality, organization or political subdivision of the Government of the Commonwealth of Puerto Rico, any study or investigation, or any phase or part thereof, or to perform any other kind of work that might be necessary for the discharge of its functions. The government organization so entrusted shall give every priority possible to the fulfillment of such study, investigation or work. The government organization entrusted with such study, investigation or work, may request and obtain from the Commission, if in its judgment it is necessary, with authorization of the Governor, a transfer of funds for such sum as the Commission may consider reasonable.

The Commission may appoint advisory committees in each of the municipalities of the country, composed of citizens from those municipalities.—June 28, 1965, No. 102, p. 267, § 8, eff. July 1, 1965.

§ 159. Per diems and reimbursement of expenses

The members of the Commission, with the exception of public school teachers and professors of the University of Puerto Rico, shall be entitled to a per diem of twenty-five (25) dollars for each meeting they attend, or for each day they engage in businesses entrusted to them by the Commission or its chairman in relation with the duties imposed on them by this chapter.

All the members of the Commission shall also be entitled to reimbursement of the expenses necessarily incurred in the discharge of their official duties, subject to the regulations adopted for the purpose by the Commission.

A member of the Commission receiving a pension or annuity from any retirement system of the Government of Puerto Rico or

from any of its agencies, instrumentalities, public corporations, or political subdivisions, may receive payment of the per diems without detriment to his retirement pension or annuity.—June 28, 1965, No. 102, p. 267, § 9, eff. July 1, 1965.

§ 160. Administration of funds

The Commission is hereby authorized to receive and administer funds derived from legislative appropriations, funds transferred from other agencies or dependencies of the government, and donations of any kind.

For its normal functioning, in accordance with its work program, the corresponding annual appropriations shall be made in specific items within the general budget of expenses of the government.—June 28, 1965, No. 102, p. 267, § 10, eff. July 1, 1965.

§ 161. Penalties

(1) Any person who shall voluntarily disobey, hinder or obstruct the Commission or its authorized agents in the discharge of their duties under this chapter, or who shall obstruct the holding of a hearing conducted in accordance with this chapter, shall be punished by a fine of not more than \$5,000 or by imprisonment for a term of not more than one year, or by both penalties, in the discretion of the Court.

(2) Without the consent of the Commission no evidence or testimony offered in an executive meeting will be published. Any person violating this provision shall be punished by a fine of not more than \$5,000 or by imprisonment for a term of not more than one year, or by both penalties, in the discretion of the Court.—June 28, 1965, No. 102, p. 267, § 11, eff. July 1, 1965.

III. REGLAS Y REGLAMENTOS DE PUERTO RICO

TITULO 1—SECCIONES 154-1 a 154-17 y 154-31 a 154-35

Reglamentos Expedientes Núms. 1298 y 1299 de 20 de enero de 1970

Capítulo 11. Comisión de Derechos Civiles

Subcapítulo 154. Reglas y Reglamentos

DIVISION 1. AUDIENCIAS

SECCIONES

- 154- 1. Audiencias públicas—Frecuencia
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- 154- 3. —Notificaciones
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- 154-13. Transcripción de declaraciones
- 154-14. Comparecencia de testigos
- 154-15. Ponencias
- 154-16. Audiencias privadas
- 154-17. Vigencia

§ 154-1. Audiencias públicas—Frecuencia

La Comisión celebrará audiencias públicas por lo menos 2 veces al año, tomando en cuenta las solicitudes que reciba de los ciudadanos y las necesidades de investigación que se manifiesten en la comunidad, para así determinar los temas, fechas, lugares y horas correspondientes.

Procedencia.

Secs. 154-1 a 154-7: Reglamento para las Audiencias de la Comisión de Derechos Civiles, aprobado por la Comisión de Derechos Civiles de Puerto Rico en Enero 19, 1970, ef. inmediatamente después de su aprobación y promulgación por el Secretario de Estado. Radicado ante el Secretario de Estado en Enero 20, 1970, Expediente Núm. 1298. Publicado en el *Boletín de Puerto Rico*, Vol. 9, Núm. 6.

Autorización.

Ley de Junio 28, 1965, Núm. 102, p. 283, sec. 4; 1 L.P.R.A. sec. 154.

1 R.&R.P.R. § 154-1 COMISION DE DERECHOS CIVILES

Vigencia.

La Orden Ejecutiva del Gobernador de Puerto Rico de Enero 21, 1970, Boletín Administrativo Núm. 1517, dispuso que el Reglamento Expediente Núm. 1298 que constituye esta División, empezara a regir inmediatamente, sin esperar por la fecha dispuesta por ley para su vigencia.

Preámbulo.

El Reglamento Expediente Núm. 1298, que constituye esta División, tiene el siguiente preámbulo:

“La Comisión de Derechos Civiles, creada por la Ley Núm. 102, de 28 de junio de 1965 [1 L.P.R.A. secs. 151 a 161], tiene las funciones siguientes:

“(a) Educar al pueblo en cuanto a la significación de los derechos fundamentales y los medios para respetarlos, protegerlos y enaltecerlos;

“(b) Gestionar ante individuos, entidades y ante las autoridades gubernamentales, la protección de los derechos humanos;

“(c) Hacer estudios e investigaciones sobre la vigencia de los derechos fundamentales, incluyendo quejas o querellas de ciudadanos sobre violaciones de esos derechos;

“(d) Evaluar las leyes y las normas y actuaciones gubernamentales relacionadas con los derechos civiles y sugerir las reformas necesarias; y

“(e) Rendir informes al Gobernador y la Asamblea Legislativa, los cuales hará públicos.

“La Comisión no tendrá autoridad para adjudicar casos individualizados ni adjudicar remedios, pero podrá investigar planteamientos de controversias concretas en cuanto arrojen luz sobre problemas de importancia general para el mejoramiento de los derechos civiles.

“En virtud de la citada Ley de Derechos Civiles, que impone a la Comisión la obligación de celebrar audiencias y hacer investigaciones, se promulga el presente Reglamento, cuyo propósito principal es facilitar la presentación de evidencia ante la Comisión, con la debida protección de los derechos de los deponentes, los procedimientos adecuados para conocer sus pruebas y el ambiente propicio de orden, decoro y veracidad.”

§ 154-2. —Carácter

Las audiencias públicas podrán ser de carácter general, para recibir evidencia sobre cualquier problema de derechos civiles, o de carácter especializado, limitándose a uno o varios temas o problemas de derechos civiles.

§ 154-3. Notificaciones

Las notificaciones de las audiencias públicas deberán incluir descripciones detalladas de sus propósitos y de los asuntos a considerarse, así como los datos sobre fechas, horas y lugares, y se

publicarán con 10 días de anticipación en 2 ó más periódicos de circulación general.

§ 154-4. —Explicación de propósitos y normas

Al comenzar cada audiencia, el Presidente de la misma deberá explicar los propósitos y las normas de la Comisión, así como el procedimiento de las vistas, y pondrá a disposición del público copias de la División presente.

§ 154-5. —Presidencia

El Presidente de la Comisión presidirá las vistas y podrá delegar esta función a cualquiera de los otros miembros de la Comisión, o a su Director Ejecutivo.

§ 154-6. Evidencia—Procedimiento

Por el carácter no-judicial de las vistas, no podrán aplicarse en ellas las mismas reglas de evidencia que rigen en los tribunales de justicia. La Comisión, directamente o por medio de la persona que esté presidiendo, hará las determinaciones sobre pertinencia, admisibilidad y otros aspectos de la presentación de prueba y de procedimiento.

§ 154-7. —Juramentos

Todas las declaraciones se harán bajo juramento o afirmación de exactitud y veracidad, que podrá tomar el Presidente, cualquier miembro de la Comisión que él designe, o el Director Ejecutivo.

§ 154-8. —Interrogatorios

Podrán interrogar a los testigos los miembros de la Comisión, el Director Ejecutivo y los asesores, en el orden que determine el Presidente. Si un miembro del público interesa hacer alguna pregunta a un ponente, deberá entregarla por escrito al Presidente, quien determinará si él o alguno de los miembros de la Comisión o de su Oficina debe hacerla suya. No se permitirá que ningún miembro del público interrogue directamente a ningún ponente. Esta limitación se extiende a los abogados en cuanto a interrogar personas que no sean sus representados.

§ 154-9. —Declaraciones verbales

Todas las declaraciones verbales se oirán en sesiones públicas excepto que cuando la Comisión considere que la evidencia o testimonios a presentarse en una vista tenderán a difamar, degradar,

1 R.&R.P.R. § 154-9 COMISION DE DERECHOS CIVILES

o incriminar a cualquier persona, podrá optar por recibir dicho testimonio en sesión ejecutiva. Al rendir su informe sobre el asunto la Comisión podrá hacer público cualquier testimonio o evidencia recibida en sesión ejecutiva.

§ 154-10. —Difamatoria o incriminatoria

Si la Comisión determina que alguna evidencia tiende a difamar o incriminar a alguna persona, le dará a ella la oportunidad de comparecer personalmente o por escrito.

§ 154-11. Derechos de ponentes

Cada ponente tendrá derecho a ser aconsejado por su abogado y a que éste lo interrogue dentro de las normas de las audiencias y su aplicación por el Presidente. También tendrá derecho a que no se le fotografíe sin su consentimiento; a revisar la exactitud de la transcripción de su testimonio y a copiar esa transcripción; a someter manifestaciones breves por escrito y bajo juramento para ser incluidas en el récord de la audiencia; y a que se le otorgue una copia del Reglamento de las Audiencias.

§ 154-12. “Subpoenas”

La Comisión, cualquiera de sus miembros y el Director Ejecutivo tendrán autoridad para tomar juramentos y declaraciones, y para ordenar la comparecencia y declaración de testigos y la presentación de cualesquiera papeles, libros, documentos u otra evidencia mediante *subpoena*.

§ 154-13. Transcripción de declaraciones

La transcripción de las declaraciones verbales se hará en cintas magnetofónicas o en cualquier otra forma apropiada que la Comisión seleccione.

§ 154-14. Comparecencia de testigos

Solamente podrán comparecer como testigos a las audiencias públicas las personas que hayan solicitando turnos previamente en las formas y fechas fijadas por la Comisión, pero ésta podrá hacer excepciones a estos requisitos para permitir o requerir comparecencias.

§ 154-15. Ponencias

La Comisión podrá requerir ponencias escritas y limitar las verbales cuando lo estime necesario para el mejor desenvolvimiento

de sus vistas públicas. Tratará de dar la mayor oportunidad posible al público para presentar sus ponencias pero deberá procurar que el tiempo disponible se distribuya equitativamente y en forma que permita a la Comisión obtener la evidencia y las recomendaciones necesarias para cumplir con sus obligaciones.

§ 154-16. Audiencias privadas

La presente División gobernará los procedimientos de las audiencias privadas en todo cuanto de ella sea aplicable.

§ 154-17. Vigencia

Esta División entrará en vigor inmediatamente después de su aprobación y promulgación por el Secretario de Estado, a tenor con las disposiciones de la Ley sobre Reglamentos de 1958 (3 L.P.R.A. secs. 1041 a 1059).

Vigencia.

Véase la nota de vigencia bajo la sec. 154-1 de este título.

DIVISION 2. SELLO OFICIAL

SECCIONES

- 154-31. Sello oficial; descripción
- 154-32. Dónde se estampará el sello
- 154-33. Prohibiciones; uso como emblema o insignia
- 154-34. Uso para fines privados
- 154-35. Vigencia

§ 154-31. Sello oficial; descripción

El sello oficial de la Comisión se compondrá de un campo circular color azul que contendrá los siguientes símbolos:

(a) Dibujo alegórico de la flama eterna en color blanco, que significa la vigilancia y protección perenne de los derechos fundamentales de la ciudadanía, enmarcada en la *integridad* de la forma republicana de gobierno, representada por *3 poderes*; (3 lenguas de la llama) a saber, el legislativo, el ejecutivo y el judicial.

(b) El fondo *azul* donde descansa la flama representa el color del universo infinito y, además, la *libertad* del individuo y los *derechos inalienables* del hombre que mantienen en equilibrio a los poderes constitucionales ya descritos.

(c) En franja circular, alrededor del sello, aparecen en letras rojas, lo siguiente:

1 R.&R.P.R. § 154-31 COMISION DE DERECHOS CIVILES

COMISION DE DERECHOS CIVILES (del)

Estado Libre Asociado de Puerto Rico

siendo ésta la identificación oficial como organismo especializado y con carácter permanente, a tenor con su ley orgánica. El *rojo* simboliza la educación, investigación y orientación sobre los derechos humanos que es la *sangre* vital que nutre a los 3 poderes del gobierno democrático.

(d) 1965—Este es el año de creación de la Comisión de Derechos Civiles de Puerto Rico, mediante la Ley Núm. 102 de 28 de junio de 1965 (1 L.P.R.A. secs. 151 *et seq.*).

(e) El facsímil del sello será el siguiente:



Procedencia.

Secs. 154-31 a 154-35: Reglamento sobre el Sello Oficial de la Comisión de Derechos Civiles, aprobado por la Comisión de Derechos Civiles de Puerto Rico en Enero 19, 1970, ef. inmediatamente después de su aprobación y promulgación por el Secretario de Estado. Radicado ante el Secretario de Estado en Enero 20, 1970, Expediente Núm. 1299. Publicado en el *Boletín de Puerto Rico*, Vol. 9, Núm. 6.

Autorización.

Ley de Junio 28, 1965, Núm. 102, p. 283, sec. 4; 1 L.P.R.A. sec. 154.

Vigencia.

La Orden Ejecutiva del Gobernador de Puerto Rico de Enero 21, 1970, Boletín Administrativo Núm. 1517, dispuso que el Reglamento Expediente Núm. 1299 que constituye esta División, empezara a regir inmediatamente, sin esperar por la fecha dispuesta por ley para su vigencia.

§ 154-32. Dónde se estampará el sello

En los documentos oficiales, los informes y estudios especiales, las certificaciones y correspondencia oficial, se estampará el sello de la Comisión.

§ 154-33. Prohibiciones; uso como emblema o insignia

Queda prohibido el uso del sello de la Comisión como emblema o insignia de partidos políticos o de candidatos que figuren en la papeleta electoral.

§ 154-34. Uso para fines privados

Se prohíbe, además, el uso del sello para fines privados de personas, corporaciones y asociaciones de fines no pecuniarios, así como uso en marcas de fábrica.

§ 154-35. Vigencia

Esta División entrará en vigor inmediatamente después de su aprobación y promulgación por el Secretario de Estado, a tenor con las disposiciones de la Ley sobre Reglamentos de 1958 (3 L.P.R.A. secs. 1041 a 1059).

Vigencia.

Véase nota de vigencia bajo la sec. 154-31 de este título.

IV. RULES AND REGULATIONS OF PUERTO RICO

TITLE 1—SECTIONS 154-1 TO 154-17 and 154-31 to 154-35

Regulation File Nos. 1298, 1299
January 20, 1970

Chapter 11. Civil Rights Commission

Subchapter 154. Rules and Regulations

DIVISION 1. HEARINGS

SECTIONS

- 154- 1. Public hearings—Frequency
- 154- 2. —Type
- 154- 3. —Notices
- 154- 4. —Explanation of purposes and norms
- 154- 5. —Chairmanship
- 154- 6. Evidence—Proceeding
- 154- 7. —Oaths
- 154- 8. —Interrogatories
- 154- 9. —Oral testimony
- 154-10. —Defamatory or incriminatory
- 154-11. Rights of witnesses
- 154-12. Subpoenas
- 154-13. Transcription of testimony
- 154-14. Appearances of witnesses
- 154-15. Papers
- 154-16. Private hearings
- 154-17. Effectiveness

§ 154-1. Public hearings—Frequency

The Commission shall hold public hearings at least twice a year, taking into account the request received from citizens, and the needs of investigation manifested in the community, in order to determine the corresponding subjects, dates, places and hours.

Source.

Sections 154-1 to 154-17: Regulations for Hearings of the Civil Rights Commission, app. by Puerto Rico's Commission of Civil Rights Jan. 19, 1970, eff. immediately after its approval and promulgation by the Secretary of State. Filed with the Secretary of State Jan. 20, 1970, File No. 1298. Published in the *Puerto Rico Register*, Vol. 9, No. 6.

Authority.

Act June 28, 1965, No. 102, p. 267, § 4; 1 L.P.R.A. § 154.

Effectiveness.

Executive Order of the Governor of Puerto Rico Jan. 21, 1970, Administrative Bulletin No. 1517, provided that Regulation File No. 1298, set out in this division, shall become effective immediately without waiting for the date provided by law for its effectiveness.

Preamble.

Regulation File No. 1298, set out in this division, contained the following preamble:

"The Commission of Civil Rights, established by Act No. 102, of June 28, 1965 [1 L.P.R.A. §§ 151 to 161], has the following functions:

"(a) To educate the people on the significance of the fundamental rights and the means of respecting, protecting and exalting them;

"(b) To seek with individuals, entities and before government authorities the protection of the human rights;

"(c) To carry out surveys and investigations on the effectiveness of the fundamental rights, including complaints and grievances by any citizen in connection with the violation of those rights;

"(d) To evaluate the laws and governmental standards and acts related to the civil rights, and to suggest reforms; and

"(e) To submit reports to the Governor and the Legislature, which it shall make public.

"The Commission shall not have authority for adjudging individual cases or granting remedies, but may investigate concrete controversies that may throw light on problems of general importance for the enhancement of civil rights.

"By virtue of said Civil Rights Act, which imposes on the Commission the obligation to hold hearings and carry out investigations, these Regulations are hereby promulgated, the main purpose of which shall be to facilitate the submission of evidence before the Commission, with due protection of the deponents' rights, the adequate proceedings to become acquainted with their evidences, and an atmosphere of order, respect and truthfulness."

§ 154-2. —Type

The public hearings may be of a general type, to receive evidence on any civil rights problem, or of a specialized type, limited to one or various civil rights subjects or problems.

§ 154-3. —Notices

Notices for public hearings shall set forth in detail the purposes of and the business to be considered at such hearings, as well as the information regarding dates, hours and places, and shall be published 10 days in advance in 2 or more newspapers of general circulation.

§ 154-4. —Explanation of purposes and norms

At the opening of each hearing, the Chairman shall explain the purposes and norms of the Commission, as well as the proceedings of the hearings, and shall furnish the public with copies of this division.

§ 154-5. —Chairmanship

The Chairman of the Commission shall preside over the hearings and may delegate this function to any other member of the Commission, or to its Executive Director.

§ 154-6. Evidence—Proceeding

Due to the nonjudicial nature of the hearings, the same rules for evidence that prevail in the courts of justice may not be applied thereat. The Commission, directly or through the person presiding, shall make such determinations as regards pertinence, admissibility, and other aspects of evidence submission and of proceeding.

§ 154-7. —Oaths

All testimonies shall be given under oath or affirmation of accuracy and veracity, and may be administered by the Chairman, any member of the Commission as he may designate, or the Executive Director.

§ 154-8. —Interrogatories

Witnesses may be interrogated by members of the Commission, the Executive Director, and the advisors, in such order as may be determined by the Chairman. If a member of the public wishes to ask a deponent any question, he shall hand it in writing to the Chairman, who shall determine if he or any of the members of the Commission or of his Office should ask it. No member of the public may directly interrogate a deponent. This limitation is extensive to attorneys in regard to interrogating persons that are not represented by them.

§ 154-9. —Oral testimony

All oral testimony shall be heard in public meetings, except that when the Commission shall consider that the evidence or testimony to be given at a hearing may tend to discredit, degrade or incriminate any person, it may then choose to receive said testimony in an executive meeting. In rendering its report on the matter, the Commission may make public any testimony or evidence received at the executive meeting.

§ 154-10. —Defamatory or incriminatory

If the Commission determines that any evidence tends to discredit or incriminate any person it shall afford said person the opportunity to appear in person or in writing.

§ 154-11. Rights of witnesses

Each witness, if he deems it convenient, may be assisted by counsel and to be examined by him within the norms of the hearings and the application thereof by the Chairman. He shall also have the right not to be photographed without his consent; to review the transcription of his testimony for exactitude and to copy said transcription; to submit in writing brief sworn statements for the record of the hearing; and to be given a copy of the Rules for the Hearings.

§ 154-12. Subpoenas

The Commission, any of its members and its Executive Director shall have authority to administer oaths and receive testimonies, and to order witnesses to appear for testifying and producing any papers, books, documents or other evidence, through subpoena.

§ 154-13. Transcription of testimony

The transcription of oral testimonies shall be registered in tape recorders or in any other appropriate manner chosen by the Commission.

§ 154-14. Appearances of witnesses

Only persons having previously asked for turns in the manner and on the dates fixed by the Commission may appear as witnesses at the public hearings, but the Commission may make exceptions to these requisites for allowing or requiring appearances.

§ 154-15. Papers

The Commission may require written papers and limit the oral ones when it deems it necessary for the better procedure of its public hearings. It shall try to give the people the best possible opportunity to present their papers, but it shall see to it that the time available is distributed equitably and in such a manner as to allow the Commission to obtain the necessary evidence and recommendations to fulfill its duties.

1 R.&R.P.R. § 154-16 CIVIL RIGHTS COMMISSION

§ 154-16. Private hearings

This division shall govern the proceedings of private hearings in everything on which it may apply.

§ 154-17. Effectiveness

This division shall take effect immediately after its approval and promulgation by the Secretary of State, pursuant to the provisions of the 1958 Regulations Act (3 L.P.R.A. §§ 1041 to 1059).

Effectiveness.

See effectiveness note under § 154-1 of this title.

DIVISION 2. OFFICIAL SEAL

SECTIONS

- 154-31. Official seal; description
- 154-32. Where the seal shall be stamped
- 154-33. Prohibitions; use as emblem or insignia
- 154-34. Use for private purposes
- 154-35. Effectiveness

§ 154-31. Official seal; description

The official seal of the Commission shall be made up of a blue circular field containing the following symbols:

(a) An allegorical sketch of the eternal flame in white, which means the vigilance and perennial protection of the citizenry's fundamental rights, framed in the *integrity* of the republican form of government, represented by 3 powers: (3 tongues of flame) to wit, the legislative, the executive and the judiciary.

(b) The *blue* background where the flame rests represents the color of the infinite universe and, further, the individual's *liberty* and man's *inalienable rights*, which maintain in equilibrium the already described constitutional powers.

(c) In circular fringe, around the seal, the following appears in *red* letters:

COMMISSION OF CIVIL RIGHTS (of the)
Commonwealth of Puerto Rico

this being the official identification as a specialized organization of a permanent nature, pursuant to its organic law. *Red* symbolizes education, investigation and orientation on the human rights, which is the vital *blood* that nourishes the 3 powers of democratic government.

(d) 1965—This is the year of the establishment of Puerto Rico's Commission of Civil Rights, under Act No. 102 of June 28, 1965 (1 L.P.R.A. § 151 et seq.).

(e) The seal's facsimile shall be as follows:



Source.

Sections 154-31 to 154-35: Regulations on the Use of the Official Seal of the Commission of Civil Rights, app. by Puerto Rico's Commission of Civil Rights Jan. 19, 1970, eff. immediately after its approval and promulgation by the Secretary of State. Filed with the Secretary of State Jan. 20, 1970, File No. 1299. Published in the *Puerto Rico Register*, Vol. 9, No. 6.

Authority.

Act June 28, 1965, No. 102, p. 267, § 4; 1 L.P.R.A. § 154.

Effectiveness.

Executive Order of the Governor of Puerto Rico Jan. 21, 1970, Administrative Bulletin No. 1517, provided that Regulation File No. 1299, set out in this division, shall become effective immediately without waiting for the date provided by law for its effectiveness.

§ 154-32. Where the seal shall be stamped

The Commission's seal shall be stamped on all official documents, reports and special studies, certifications and official mail.

§ 154-33. Prohibitions; use as emblem or insignia

The use of the Commission's seal is hereby prohibited as emblem or insignia of political parties or candidates appearing on the electoral ballot.

§ 154-34. Use for private purposes

The use of the seal is also forbidden for private purposes of individuals, nonprofit corporations and associations, as well as in trademarks.

1 R.&R.P.R. § 154-35 CIVIL RIGHTS COMMISSION

§ 154-35. Effectiveness

This division shall take effect immediately after its approval and promulgation by the Secretary of State, pursuant to the provisions of the 1958 Regulations Act (3 L.P.R.A. §§ 1041 to 1059).

Effectiveness.

See effectiveness note under § 154-31 of this title.