

(H. B. 2249)
(Conference)

(No. 220-2009)

(Approved December 29, 2009)

AN ACT

To amend Rules 4.2, 4.3; renumber Rule 4.3.1 as Rule 4.5, renumber Rules 4.5, 4.6, and 4.7 as Rules 4.6, 4.7, and 4.8; to amend Rules 4.6, 6.3, 8.7, 9.1, 9.2, 9.3, 9.4, 10.1, 13.3, 23.4, 24.1, 24.2, 26, 27.1, 27.6, 30.1, 31.2, 33, 34.6, 35.4, 52.1, 52.2, 57.2, 57.6, 58.4, 60, and 67.1; to add a new Rule 70 and renumber current Rules 70, 71, 72, and 73 as Rules 71, 72, 73, and 74 of the Rules of Civil Procedure of Puerto Rico adopted by the Supreme Court on September 4, 2009, and remitted to the Legislative Assembly, 2nd Regular Session of the 16th Legislative Assembly; to amend the attached forms pursuant to the provisions of these Rules.

STATEMENT OF MOTIVES

In accordance with the provisions of Article V, Section 6 of the Constitution of the Commonwealth of Puerto Rico, on September 4, 2009, the Supreme Court of Puerto Rico adopted and remitted to the Legislative Assembly the new Rules of Civil Procedure for the General Court of Justice. These are leading-edge rules that foster people's access to justice in addition to making case management and court proceedings more flexible.

The Rules of Civil Procedure were referred to the Committee on the Judiciary and Ethics of the House of Representatives of Puerto Rico and to the Committee on the Judiciary-Civil of the Senate of Puerto Rico. On October 9, 2009, both Legislative Committees initiated a comprehensive process of evaluation, study, and analysis of the aforesaid Rules of Civil Procedure. Jointly, the two Legislative Committees held multiple public hearings at the Capitol, as well as in Ponce and Humacao. Attorneys engaged in the private practice,

Law Professors, Judges of the General Court of Justice, and attorneys of the Department of Justice, as well as the members of the Standing Rules of Civil Procedure Advisory Committee, participated in said hearings.

The Chief Justice of the Supreme Court of Puerto Rico, the Honorable Federico Hernández-Denton, participated in the first hearing, during which he submitted the new Rules of Civil Procedure to both Committees and explained to such Committees the process carried out by the Standing Rules of Civil Procedure Advisory Committee. The Honorable Héctor J. Conty-Pérez, Vice Chair of the Advisory Committee, several members of such Committee, and the Department of Justice also participated. Subsequently, another hearing was held at the Capitol, with the participation of Ramón Mendoza-Rosario, Esq., President of the Delegation of Attorneys of the District of Carolina. Hearings were also held in Ponce and Humacao. In Ponce, Rafael Hernández-Colón, Esq., former Governor and a member of the Advisory Committee, Prof. Javier Echevarría, representing the Pontifical Catholic University of Puerto Rico School of Law, and Mr. Ignacio García-Franco, a law student at such University and President of Limón Auto Corp., were in attendance. In Humacao, Charles S. Hey-Maestre, Esq., Executive Director of Legal Services of Puerto Rico, attended the hearing. Through their participation, all of the above provided great input and contributed considerably to this comprehensive study of the new Rules of Civil Procedure.

Upon analyzing the new Rules of Civil Procedure in their entirety, as well as all the recommendations received, this Legislative Assembly, pursuant to the provisions of Article V, Section 6 of the Constitution of the Commonwealth of Puerto Rico, hereby approves the new Rules of Civil Procedure for the General Court of Justice of Puerto Rico, as amended herein.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.— Rule 4.2 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 4.2.— Form.—

The summons shall be signed by the Clerk and bear the name and seal of the Court, specifying the Part, state the names of the parties, subject to the provisions of Rule 8.1. It shall be directed to the defendant, state the name, mailing address, telephone number, fax number, email address, and identification number of the plaintiff’s attorney, if any, before the Supreme Court of Puerto Rico or of the plaintiff if he/she does not have an attorney, as well as the term within which these rules require the defendant to appear before the Court. It shall also notify the defendant that a failure to appear shall result in a default judgment against him/her, for the relief demanded in the complaint, or any other, as deemed by the Court in the exercise of its sound discretion.”

Section 2.— Rule 4.3 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 4.3.— By Whom Served; Term to Serve.—

- (a) ...
- (b) ...
 - (1) ...
 - (2) ...
 - (3) ...
 - (4) by public notice as provided in Rule 4.6, or
 - (5) ...

(c) The summons shall be served within a term of one hundred and twenty (120) days after the complaint is filed or after the date of issue of the service of summons by publication. The Clerk shall issue the summons on the same day in which the complaint is filed. Should the Clerk fail to issue the summons on the same date, the Court shall grant an additional term for serving the summons, which shall be equal to the number of days the issue is delayed, once the plaintiff files a petition for extension on a timely manner. If the summons is not served within such term, the Court shall dismiss and shelve the action without prejudice. A subsequent dismissal and shelving due to noncompliance with the term provided herein shall have the effect of adjudication on the merits.”

Section 3.— Rule 4.3.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby renumbered as Rule 4.5 and amended to read as follows:

“Rule 4.5.— Waiving Personal Service of Summons; Duty of the Defendant to Avoid the Expenses of Serving the Summons.—

(a) ...

(b) ...

(1) ...

(2) ...

(3) ...

(4) ...

(5) Notify the defendant that, if he/she waives the summons, he/she shall sign the waiver request stating that such waiver was voluntary and not the result of coercion, and return it within a term of twenty (20) days from the date such request was sent, or thirty (30) days if the defendant is outside of Puerto Rico.

(6) ...

(c) A defendant who returns a waiver of summons within the term established in paragraph (5) above shall serve an answer to the complaint within thirty (30) days after the date on which the waiver request was returned.

...”

Section 4.— Rules 4.5, 4.6, and 4.7 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, are hereby renumbered as Rules 4.6, 4.7 and 4.8.

Section 5.— Rule 4.6, which is hereby renumbered as Rule 4.7, and Rule 6.3 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, are hereby amended to read as follows:

“Rule 4.7.— Proof of Service.—

The person effecting service shall make proof thereof to the Court within the term during which the person served must respond to the process. If service is made by a marshal, proof may be made by executing a certificate of service to such effect; and if served by a nonofficial person, proof of service must be made by the server’s affidavit. If service is made by publication, the same shall be proved by the newspaper’s manager or authorized agent’s affidavit, together with a copy of the published notice and a writ by the attorney stating that a copy of the summons and the complaint were mailed. In cases where service is made pursuant to Rules 4.3(b)(2) and (5), it shall be proved by an affidavit attesting to compliance with all the established requirements, or by Court order. In case of the situation presented in Rule 4.6, the defendant’s return receipt shall be presented. In cases covered under Rule 4.6, the defendant shall file his/her acknowledgment of receipt. Failure to make proof of service shall not affect the validity of the service. The sworn acceptance or waiver of the defendant, or his/her appearance, shall render said proof unnecessary.”

“Rule 6.3. – Affirmative Defenses. –

In responding to a pleading, the following defenses shall be affirmatively stated: (a) settlement, (b) accord and satisfaction, (c) arbitration and award, (d) assumption of risk, (e) negligence, (f) discharge in bankruptcy, (g) duress, (i)[sic] failure of consideration, (j) fraud, (k) illegality, (l) lack of diligence, (m) license, (n) payment, (o) release, (p) *res judicata*, (q) acquisitive or extinctive prescription, (r) waiver, and any other matter constituting an avoidance or affirmative defense. These defenses shall be clear, direct, and concise when responding to a pleading or they shall be deemed as waived, unless the party becomes aware of the existence of the same during discovery, in which case, an amendment to the pertinent pleading shall be made.

...”

Section 6.– Rule 8.7 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 8.7.– Language.–

Pleadings, requests, and motions shall be written in Spanish or English. Pleadings that must be signed by a party or another person who does not speak Spanish or English may be drawn in said party or person’s native language, as long as they are accompanied by the necessary copies in Spanish or English. It shall not be necessary or mandatory to translate documents written in English. However, in such cases in which the service of justice so warrants, or when the translation of the documents is necessary for the fair adjudication of the case, or in the case any of the parties so requests, the Court shall order the translation of all pleadings, motions, or documents requested.”

Section 7.— Rules 9.1 and 9.2 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, are hereby amended to read as follows:

“Rule 9.1.— Signature and Information of Pleadings.—

When a party to a complaint is represented by an attorney, every pleading shall be signed by at least one attorney of record, who shall state his/her name, license number issued by the Supreme Court of Puerto Rico, telephone and fax numbers, mailing address, and email address, as these appear in the Attorney Registration of the Supreme Court of Puerto Rico. Moreover, the first pleading submitted by the attorney shall include the street and mailing addresses and the telephone number of the party he/she is representing. When a natural person is a party to the complaint and is not represented by an attorney, he/she shall sign his/her pleading and state his/her telephone and fax numbers, mailing address, and email address, if any.

...”

“Rule 9.2.— Legal Representation.—

Any attorney who assumes legal representation of a party to a proceeding pending in the Court shall submit a motion to such effect, which shall include his/her license number issued by the Supreme Court of Puerto Rico, telephone and fax numbers, mailing address, and email address.”

Section 8.— Rule 9.3 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 9.3.– Conduct.–

The appearance of an attorney in any hearing, conference, or proceeding without being duly prepared may be considered as a conduct constitutive of obstruction to the sound administration of justice. The Court, in the exercise of its inherent power to oversee the conduct of attorneys that postulate before it, may, *motu proprio* or by request of a party, impose penalty or other sanctions, or disqualify an attorney that incurs conduct that is constitutive of obstruction to the sound administration of justice, or who is in dereliction of his/her duties before the Court, his/her clients or his/her fellow attorneys.”

Section 9.– Rule 9.4 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 9.4.– Self-representation.–

...

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

...

...

(1) ...

(2) ...

A person who assumes self-representation shall be subject to the same sanctions provided in Rule 9.3 for attorneys, as well as to the procedural consequences that these rules provide for parties represented by attorneys. The

Court is not required to enlighten the self-represented person about laws or rules, or to appoint attorneys to advise him/her during the proceedings, or to question the reasons why such person has opted for self-representation, except for times in which it deems it convenient to achieve the sound administration of justice.”

Section 10.— Rule 10.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 10.1.— When Presented.—

A defendant in or outside of Puerto Rico shall file his/her answer within thirty (30) days after service of the summons and complaint upon him/her or, should the summons be served pursuant to the provisions of Rule 4.6, after the publication of the summons. A party served with a pleading stating a cross-claim against him/her shall file a copy of his/her answer thereto within ten (10) days after service upon the party. The plaintiff shall file his/her reply to a counterclaim, thus denominated in the reply, within ten (10) days after service of the answer. When the Commonwealth of Puerto Rico, its officials, or any of its instrumentalities, other than public corporations, and the municipalities of Puerto Rico are parties to a complaint, any party shall file its answer to such complaint, its answer to a cross-claim against it, or its reply to a counterclaim, within an non-extendable term of sixty (60) days after service of the summons and complaint.

...”

Section 11.— Rule 13.3 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 13.3.– Relation Back of Amendments.–

The amendments shall relate back to the date of the original pleading, whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, omission, or occurrence set forth in the original pleading.

An amendment relates back to the date of the original pleading when it changes the party against whom a claim is asserted, if the foregoing provision is satisfied and within the prescriptive term the party to be brought in by the amendment: (1) knew of the pending cause of action, so that he/she is not prejudiced in maintaining a defense on the merits, and (2) should it had not been for a mistake concerning the identity of the proper party, the action would have been brought originally against the party.

An amendment to add a plaintiff shall relate back to the date of the original pleading if such plaintiff has a claim that arises from the same conduct, transaction, omission, or occurrence set forth in the original pleading and if such defendant knew, within the prescriptive term, of the existence of the cause of action of the claimants who wish to assemble as plaintiffs and of their participation in the original action.”

Section 12.– Rule 23.4 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 23.4.– Manner of Conducting Discovery.–

Methods of discovery may be used in any sequence. The fact that a party is conducting discovery by any method shall not operate to delay or postpone any other party’s discovery, unless the court, upon motion of a party and for the convenience of parties and witnesses, and in the interest of justice, orders otherwise.

The mechanisms for discovery may not begin until the term to respond to the pleading has ended.”

Section 13.— Rule 24.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 24.1.— Before Action.—

(a) ...

(1) ...

(2) ...

(3) ...

(4) ...

(5) ...

(6) his/her interest that the deposition be taken via oral examination or written questions.

...”

Section 14.— The title of Rule 24.2 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 24.2.— During Appeal.—

...”

Section 15.— Rule 26 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 26.— Stipulations Regarding Depositions and Other Methods of Discovery.—

Insofar as they are not in conflict with the docket order established in Rule 37.3, the parties may stipulate:

(1) ...

(2) that the procedures provided by these rules for other methods of discovery may be modified.

(3) that any of the attorneys present may administer the oath to or take the statement of the deponent, as well as of the stenographer and the translator, if any.”

Section 16.— Rule 27.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 27.1— When Depositions May be Taken.—

After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination without leave of court, except that the plaintiff may not take any deposition whatsoever without leave of court prior to the expiration of the term that the defendant has to respond the complaint. If the defendant seeks discovery within such term, the aforementioned limitation does not apply. The attendance of a witness may be compelled by subpoena as provided in Rule 40. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.

(b) ...

...”

Section 17.— Rule 27.6 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 27.6.— Depositions of Corporations or Organizations.—

A party may name a private corporation or a partnership or association as the deponent in the notice for taking the deposition or in a subpoena, and describe with reasonable particularity the matters for examination. In the absence of a

specification by the party as to the person or persons to be examined, the organization named as deponent shall designate the person or persons with the most knowledge about the matters for examination to testify on their behalf or on behalf of the organization, and may set forth, for each person designated, the matters on which he/she will testify. A subpoena shall advise a nonparty organization of its duty to make such naming or designation. The person so designated shall testify as to matters known or available to the organization. This provision shall also be applicable to the Government of Puerto Rico, its instrumentalities, public corporations, and municipalities.”

Section 18.— Rule 30.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 30.1.— Procedure for Its Use.—

Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership, association or government agency, by any officer, official, or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of court, be served upon the plaintiff after commencement of the action. They may also be served upon any other party to the action, provided that the term for said party to answer the pleading against him/her has elapsed. Each interrogatory shall be answered separately and fully in writing, under oath, unless it is objected to.

...”

Section 19.— Rule 31.2 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 31.2.– Procedure.–

The request may, without leave of court, be served upon the plaintiff after commencement of the action, and upon any other party at any time after the term to respond to the pleading against such party has elapsed. The request shall describe with reasonable particularity the items to be inspected and specify a reasonable date, time, place, and manner therefor, according to reasonability criteria.

...”

Section 20.– Rule 33 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 33.– REQUEST FOR ADMISSION.–

(a) Requests for Admission. – For purposes of the pending action only, a party may serve upon any other party a written request for admission of the truth of any matters within the scope of Rule 23.1 set forth in the request that relate to statements or opinions of fact or of the application of law to facts, including the genuineness of any documents described in the request. Copies of documents shall be served with the request, unless they have been or are otherwise furnished or made available for inspection and copying. The request may be served upon the plaintiff without leave of court after commencement of the action, and upon any other party after the term to respond to the pleading has elapsed.

...”

Section 21.– Rule 34.6 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 34.6.— Expenses and Attorney’s Fees Against the Commonwealth of Puerto Rico.—

According to this rule, expenses and attorney’s fees may be imposed against the Commonwealth of Puerto Rico, insofar as a hearing to such effect is previously held.”

Section 22.— Rule 35.4 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 35.4.— Entry of Consent Judgment.—

(a) A judgment may be entered without a trial or before the commencement of action, based upon the consent of a person with the legal capacity to obligate him/herself, either for money due or to become due, or to secure any person against contingent liabilities in favor of the defendant, or both, in the manner prescribed by this rule. Once the Court issues such judgment, it shall be entered and notified by the Court’s clerk and will become final and binding at the date of entry.

(b) ...

...”

Section 23.— Rule 52.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 52.1.— Procedure.—

Every procedure for appeal, certiorari, certification, and any other procedure to review judgments and decisions shall be handled in accordance with the applicable laws, these rules, and the rules adopted by the Supreme Court of Puerto Rico.

A petition for a writ of certiorari to review judgments or interlocutory orders of the Court of First Instance shall only be granted by the Court of Appeals when a judgment or order under Rules 56 and 57, or the denial of a dispositive motion, are appealed. However, and except for the aforesaid provision, the Court of Appeals may review interlocutory orders or judgments of the Court of First Instance when judgments regarding the admissibility of witnesses to the facts or essential experts, matters related to evidentiary privileges, entries of default, or family court cases are appealed. In these cases, the Court of Appeals does not need to support its ruling when denying the granting of a writ of certiorari.

Any other interlocutory order or judgment issued by the Court of First Instance may be reviewed on the writs of appeal of the judgment subject to the provisions of Rule 50 regarding harmless errors.”

Section 24.— Rule 52.2 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 52.2.— Terms and Effects of Filing an Appeal, a Writs of Certiorari, or a Petition for Certification.—

(a) ...

(b) Writs of Certiorari. – Writs of Certiorari before the Court of Appeals to review final judgments in proceedings of voluntary jurisdiction or before the Supreme Court to discretionally review the judgments or orders of the Court of Appeals in writs of appeal or the final judgments or orders in writs of certiorari in proceedings of voluntary jurisdiction shall be filed within the jurisdictional term of thirty (30) days counted from the date of filing of a copy of the notice of the appealed judgment or order.

...

In those cases in which proceedings before the Court of First Instance are stayed through writs of certiorari, the Court of Appeals shall resolve the matter brought before it within sixty (60) days after the parties concerned are heard.

(c) Writs of Appeal or Certiorari when the Commonwealth of Puerto Rico is a Party. – In those cases in which the Commonwealth of Puerto Rico, its municipalities, officials, or one of its instrumentalities other than a public corporation are parties to a case, the writ of appeal to review judgments of the Court of First Instance, or the writs of certiorari to discretionally review the judgments or orders of the Court of Appeals in writs of appeal, shall be filed by any party to the case injured by the judgment or order within the jurisdictional term of sixty (60) days counting from the filing of a copy of the notice of the appealed judgment or order.

...

(d) ...

Also, the recourse of certification shall be formalized when the Supreme Court of the United States, a United States Court of Appeals for any Circuit, a United States District Court, the highest court of appeals of any of the states and territories of the United States of America, or any other lower court of appeals, has a case under its consideration which involves Puerto Rican legal issues that may determine the result thereof, and with regards to which, in the opinion of the requesting Court, there are no clear precedents in the case law of this Court.

(e) ...

...”

Section 25.– Rule 57.2 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 57.2.– Preliminary Injunction.–

(a) ...

...

Proof of service of notice shall be provided in the same manner allowed for the service and amendment of the summons under Rules 4.7 and 4.8.

(b) ...”

Section 26.– Rule 57.6 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 57.6.– Labor-Management Disputes.–

This Rule does not modify Act No. 50 of August 4, 1947, as amended, 29 L.P.R.A. §§ 101 through 107, in any way regarding the issue of interdictions and injunctions in cases arising from or involving a labor-management dispute. Neither does it modify the provisions of any other law of the Commonwealth of Puerto Rico regarding the issue of interdictions and injunctions in actions affecting employers and employees.”

Section 27.– Rule 58.4 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 58.4.– Process.–

(a) ...

(b) ...

(c) ...

(d) ...

(e) Proof of Service; Amendment. – Proof of service of process and its amendment shall be made in the manner allowed for the service and for the amendment of the summons under Rules 4.7 and 4.8.

...”

Section 28.– Rule 60 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 60.– Claims of \$15, 000 or Less.–

When an action is filed regarding the collection of an amount not exceeding fifteen thousand dollars (\$15,000), excluding interest, and the action does not specifically request that the case be handled under the regular procedure, the plaintiff shall file a form to request a Summons and Order of Notice, which shall be issued immediately by the Clerk. The plaintiff shall be the responsible for serving the Summons and Order of Notice and a copy of the complaint, either personally pursuant to Rule 4 or by certified mail with acknowledgement of receipt, within ten (10) days of the filing of the complaint.

The Summons and Order of Notice shall state the date set for the hearing on the merits, which shall be held not later than three (3) months as of the filing of the complaint, but never before fifteen (15) days after the notice has been served upon the defendant. In the notice, the defendant shall be advised to appear at the hearing and answer the complaint and that in case he/she fails to do so judgment by default shall be entered against him/her.

The plaintiff may appear at the hearing either *pro se* or with legal representation. The Court shall hear all matters involved in the complaint during the hearing and issue a judgment immediately. If the defendant fails to appear and the Court determines that he/she was duly notified and that he/she owes a certain amount of money to the plaintiff, it shall enter its judgment in accordance with

Rule 45. By request of a party, if it is shown to the Court that the defendant has any substantial claim, or in the interest of justice, the defendant shall be entitled to request that the action continues to be processed through regular procedure prescribed under these rules, or the Court may order so *motu proprio*.”

Section 29.— Rule 67.1 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, is hereby amended to read as follows:

“Rule 67.1.— Service; When Required.—

...

No service is required on a party who is in default for failing to appear, except that pleadings asserting new or additional claims for relief against such parties shall be served on that party as provided under Rule 4.4, or in its default, in Rule 4.6.”

Section 30.— A new Rule 70 is hereby added to the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009, to read as follows:

“Rule 70.— Decisions and Judgments.—

Contentious cases heard on the merits and motions for summary judgments shall be decided within ninety (90) days as of the date on which they are filed for adjudication. All other motions, cases by default, and other judicial matters shall be decided within thirty (30) days as of the date on which the issue is filed in Court. However, both terms may be reasonably extended when the nature of the issue or any unusual circumstance so require.

The date on which the introduction of evidence concludes shall be deemed to determine that cases have been filed and are ready for adjudication, unless the Court grants a term to the parties to submit memoranda of law, in which case, the filing date shall be deemed extended for the duration of such term or until the

memoranda of law are filed in the event that such filing occurs before the expiration of the term granted therefor.

Motions for summary judgments shall be deemed to be filed when the motion or motions opposing the same are received. The date of receipt of the opposing motion or motions, or failure to receive the same within the term established therefor, shall determine that cases have been filed and are ready for adjudication. This submittal shall be understood to be extended to the term granted by the Court to reply or duplication, unless the same are filed before the term expires, in which case, cases shall be deemed as filed on the date on which those documents are filed.”

Section 31.— Current Rules 70, 71, 72, and 73 are hereby renumbered as 71, 72, 73, and 74 of the Rules of Civil Procedure of Puerto Rico, adopted by the Supreme Court of Puerto Rico on September 4, 2009.

Section 32.— The Supreme Court of Puerto Rico is hereby empowered to make any change to the forms attached to the Rules, provided that they are not inconsistent with the provisions of these Rules.

Section 33.— Severability Clause.—

If any clause, paragraph, subparagraph, section, provision, or part of this Act is nullified or found to be unconstitutional, the ruling to such effect shall not affect, impair, or invalidate the remainder thereof. The effect of such ruling shall be limited to such clause, paragraph, subparagraph, section, provision, or part thus nullified or found to be unconstitutional.

Section 34.— This Act shall take effect on July 1, 2010.

Section 35.— Pursuant to Article V, Section 6 of the Constitution of Puerto Rico, the new Rules of Civil Procedure for the General Court of Justice of Puerto Rico are hereby approved, as amended herein.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 220-2009 (H. B. 2249) (Conference)** of the **2nd Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend Rules 4.2, 4.3; renumber Rule 4.3.1 as Rule 4.5, renumber Rules 4.5, 4.6, and 4.7 as Rules 4.6, 4.7, and 4.8; to amend Rules 4.6, 6.3, 8.7, 9.1, 9.2, 9.3, 9.4, 10.1, 13.3, 23.4, 24.1, 24.2, 26, 27.1, 27.6, 30.1, 31.2, 33, 34.6, 35.4, 52.1, 52.2, 57.2, 57.6, 58.4, 60, and 67.1; to add a new Rule 70 and renumber current Rules 70, 71, 72, and 73 as Rules 71, 72, 73, and 74 of the Rules of Civil Procedure of Puerto Rico adopted by the Supreme Court on September 4, 2009, and remitted to the Legislative Assembly, 2nd Regular Session of the 16th Legislative Assembly; to amend the attached forms pursuant to the provisions of these Rules.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 14th day of November, 2012.

María del Mar Ortiz Rivera