RULES OF CIVIL PROCEDURE OF PUERTO RICO

SUPREME COURT OF PUERTO RICO

RULES OF CIVIL PROCEDURE OF PUERTO RICO*

* Adopted by the Supreme Court of Puerto Rico by Resolution ER-2009-03 of September 4, 2009, *In re Aprobación Rs. Proc. Civil*, 176 DPR 673 [76 PR Offic. Trans. 38] (2009), and enacted with amendments by the Legislative Assembly through Law No. 220 of December 29, 2009.

This document compiles further translations of amendments as made available by the Legislature of Puerto Rico, to wit: Law No. 98 of 2010, Law No. 177 of 2010, Law No. 68 of 2011, Law No. 90 of 2012, Law No. 98 of 2012, Law No. 18 of 2013, Law No. 148 of 2013, and Law No. 120 of 2017. The official translation of following statutes were not available at the time of this compilation: Law No. 96 of 2016, Law No. 174 of 2018, Law No. 240 of 2018, Law No. 16 of 2020, Law No. 54 of 2021, and Law No. 44 of 2023. Please consult the Spanish version.

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RULES OF CIVIL PROCEDURE OF PUERTO RICO

CHAPTER I
SCOPE OF RULES

Rule 1. Scope of Rules

These rules shall govern the procedure in all suits of a civil nature in the General Court of Justice. They shall be construed so as to facilitate access and case management and to secure the just, speedy, and inexpensive determination of every action.

CHAPTER II
COMMENCEMENT OF ACTION

Rule 2. Commencement of Action

An action is commenced by filing a complaint with the court.

Rule 3. Jurisdiction, Venue, and Transfer

Rule 3.1. Jurisdiction

(a) The General Court of Justice shall have jurisdiction:

(1) over every matter, case or controversy arising within the territorial limits of the Commonwealth of Puerto Rico, and

(2) over persons domiciled in this jurisdiction and over non-domiciled persons who have any contact with the jurisdiction that is consistent with the applicable constitutional provisions.

(b) The court shall have power to entertain voluntary jurisdiction proceedings. A voluntary jurisdiction proceeding may be filed in the court for the purpose of establishing and perpetuating a fact that is not an issue in any legal action at that time and is not injurious to a certain and determinate person.

Rule 3.2. Venue

Every action shall be filed in the corresponding division or part of the court, as provided by law and by these rules, but no case will be dismissed for having been wrongly laid in a court without proper venue.

Every case shall be heard in the division or part of the court in which it was filed by agreement of the parties and with the grounded consent of the judge presiding over that division or part. Otherwise, it shall be transferred to the proper part of the court by order of the judge.

Rule 3.3. Actions involving real property

Actions involving title to real property or any right or interest thereto shall be filed in the part of the court corresponding to that in which the subject of the action, or part thereof, is located.

Rule 3.4. Actions to be tried according to the place of origin of the cause of action

Actions against the Commonwealth of Puerto Rico and against insurance or securities companies, and actions to recover damages shall be filed in the part of the court corresponding to that in which the subject of the insurance or security is located or in which the cause of action or any part thereof originated.

Rule 3.5. Actions to be tried according to the place of residence of the parties

In all other cases, the action shall be filed in the part of the court corresponding to the established place of residence of any or all defendants, except actions involving claims for wages, which will be heard in the part of the court corresponding to the plaintiff's place of residence. In actions seeking child support, the case shall be heard in the part corresponding to the child's residence. If none of the defendants reside in Puerto Rico, or if the plaintiff does not know where they reside, the action may be brought in any part of the Court of First Instance. Actions against businesses, partnerships, corporations, and associations with offices or agents located in different places may be brought against them in the part of the court in which their headquarters, main office or agent is located, or the place in which they incurred obligations.

Rule 3.6 Transfer of actions

(a) When an action has been filed in an improper part of the court, a defendant who wishes to challenge that part's venue must file a motion, within a term of thirty (30) days from the date of notice of the suit and service of process, to have the action transferred to the proper part of the court, setting forth in detail the facts on which the motion for transfer is grounded unless they are clearly stated in the face of the complaint or in the case record. If no written opposition to the motion for transfer is filed within ten (10) days following service of notice of said motion, the case shall be transferred to the proper part of the court.

The filing of any motion or responsive pleading within the aforementioned thirty (30)-day period shall not be considered a waiver of the right to seek transfer.

(b) The court may order an action transferred from the part of the court where it is being heard to another part in the interest of justice or for the witnesses' convenience.

Rule 4. Summons

Rule 4.1. Issuance

The plaintiff may present a summons upon filing the complaint for immediate issuance by the Clerk. At the plaintiff's request, the Clerk shall issue separate or additional summonses against any defendants.

Rule 4.2. Form

The summons shall be signed by the Clerk, 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 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.

Rule 4.3. By whom served; term to serve

(a) Personal service of process shall be made by a marshal or by any other person who is at least eighteen (18) years of age and can read and write, is not a party or a party's attorney or relative within the fourth degree of consanguinity or second of affinity, and has no interest in the action.

(b) When, pursuant to Rule 3.1 or other statutory provision, the Court of First Instance has jurisdiction to entertain a complaint against a defendant who is outside Puerto Rico, service shall be made in one of the following manners:

(1) By personal delivery as prescribed in subdivision (a) of this rule;

(2) As prescribed by the law of that place for service in an action in its courts of general jurisdiction;

(3) By letters rogatory to the foreign country in which the defendant is located;

(4) By public notice as provided in Rule 4.6, or

(5) As directed by the court.

(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 [i]n 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.

Rule 4.4. Personal service

The summons and the complaint shall be served together. Upon serving a copy of the summons and of the complaint, either by physically delivering copies thereof to the defendant or by making them available in the immediate presence of the defendant, the person effecting service shall make proof thereof on the back of the copy of the summons, writing above his or her signature the date, place, and manner of service, and the name of the person upon whom service was made. Service shall be made as follows:

(a) Upon a person of legal age, by delivering a copy of the summons and of the complaint to the individual personally or to an agent authorized by that person or appointed by law to receive service of process.

(b) Upon a person under fourteen (14) years of age, by delivering a copy of the summons and of the complaint to his or her father or mother with patria potestas, or to a guardian. If they are outside Puerto Rico, service shall be made instead upon any of the persons in charge or having care of the child, or with whom the child lives. If the father, mother or guardian is in Puerto Rico but the child does not live with said person, summons shall also be served upon any of the persons mentioned above.

Upon a person fourteen (14) years of age or older, by delivering a copy of the summons and of the complaint to the child personally and to his or her father or mother with patria potestas, or to a guardian. If the father, mother or guardian is outside Puerto Rico, service shall be made instead upon any of the persons in charge or having care of the child, or with whom the child lives.

(c) Upon a person declared incompetent by a court and for whom a guardian has been appointed, by delivering a copy of the summons and of the complaint to the person and to his or her guardian. If a person who has not been declared incompetent by a court is committed in an institution for the treatment of mental illness, the copy of the summons and of the complaint shall be delivered to that person and to the director of the institution. In all other cases where the plaintiff, his or her attorney, or the person effecting serving has reasonable grounds to believe that the person to be served is mentally incompetent, notice shall be given to the court so that it may proceed as prescribed by Rule 15.2(b).

(d) Upon a person confined in a correctional institution, by delivering a copy of the summons and of the complaint to him or her personally and to the director of the institution.

(e) Upon a corporation, company, partnership, association, or any other artificial person, by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent

authorized by appointment or by law to receive service of process. The Conjugal Partnership shall be served by delivering a copy of the summons and of the complaint to both spouses.

(f) Upon the Commonwealth of Puerto Rico, by delivering a copy of the summons and of the complaint to the Secretary of Justice or to a person designated by him or her.

(g) Upon an officer or an agency of the Commonwealth of Puerto Rico other than a public corporation, by delivering a copy of the summons and of the complaint to said officer or to the chief executive of said agency. Furthermore, in all suits filed against an officer or an agency of the Commonwealth of Puerto Rico other than a public corporation, it shall be an indispensable requirement that the plaintiff deliver a copy of the summons and of the complaint to the Secretary of Justice or to the person designated by him or her. If the agency is a public corporation, the copies shall be delivered as prescribed by Rule 4.4 (e).

(h) Upon a municipal corporation or agency thereof with standing to sue and be sued, by delivering a copy of the summons and of the complaint to the chief executive officer thereof or to the person designated by him or her.

Rule 4.5. Waiving personal service of summons; duty of defendant to avoid the expenses of serving the summons

(a) A person of legal age, a corporation, company, partnership, association, or any other artificial person who has received notice that an ordinary civil action has been commenced against such natural or artificial person has a duty to avoid the costs of serving a personal summons and may waive service of a summons under the circumstances described below. A defendant who waives personal service of a summons does not thereby waive any defense for lack of jurisdiction or any motion for transfer to another part of the court for lack of venue.

(b) The plaintiff may notify the defendant of the commencement of the action and request that the defendant waive service of a summons. The notice and request shall:

(1) Be in writing and shall be addressed directly to the defendant if the defendant is a natural person of legal age, or to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process if the defendant is a corporation, company, partnership, association, or any other artificial person.

(2) Be dispatched by certified mail, return receipt requested, with delivery restricted to the defendant or to a person authorized by the defendant.

(3) Be accompanied by a copy of the complaint duly time-stamped with the filing date and shall identify the court in which it was filed.

(4) Inform the defendant of the consequences of complying and of failing to comply with the request.

(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) Provide the defendant with an extra copy of the request for waiver and a pre-addressed envelope.

If the defendant fails to comply with the request for waiver, the court shall impose the costs incurred in effecting service unless good cause for the failure be shown.

(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 was requested.

(d) The plaintiff shall file the waiver of service with the court and the action shall proceed as if a summons and complaint had been served at the time of filing the waiver, and no proof of service shall be required.

(e) A defendant who fails to comply with a request to waive service of a summons shall pay the costs incurred by the plaintiff in effecting service, in addition to attorney's fees for any motion required to collect the costs of service.

(f) The mechanism established in subdivisions (a) to (e) above for requesting waiver of service of a summons may not be used to serve summons upon the Commonwealth of Puerto Rico, its agencies, corporations, instrumentalities, municipalities, or public officers in their official or personal capacity, nor upon children or incompetent persons. In those cases, summons shall be served as provided in Rule 4.4.

Rule 4.6. Service of summons by publication

(a) When the person to be served is outside Puerto Rico or, if in Puerto Rico, could not be located after reasonable diligence or is hiding to avoid being served, or when summons is to be served on a foreign corporation with no resident agent and it is proven to the satisfaction of the court by affidavit stating the efforts made to serve process, and this affidavit or the complaint filed also establishes the existence of a claim that warrants relief against the person upon whom service is to be effected or that said person is a proper party to the action, the court may order a summons be served by publication of notice. Return of unexecuted process shall not be required as a condition for issuing an order for publication of service.

The order shall direct the publication to be made once in a newspaper of general circulation in the island of Puerto Rico. The order shall also direct that a copy of the summons and of the complaint be sent to the defendant, within ten (10) days following the date of publication, by certified mail, return receipt requested, or by any other mail delivery service requiring a signed receipt therefor, provided that said entity has no ties with the defendant and no interest in the litigation, at the defendant's last known physical or mailing

address, unless it is stated by affidavit that despite reasonable efforts (which shall be stated) to ascertain the defendant's physical or mailing address, it has been impossible to find any address for the defendant; in this case, the court shall dispense with compliance with this provision.

(b) The notice shall contain the following information:

(1) Title—Service by Publication of Notice

(2) Part of the Court of First Instance

(3) Case number

(4) Name of the plaintiff

(5) Name of the defendant to be served

(6) Type of action

(7) Name, address, and telephone number of the plaintiff's attorney

(8) Name of the person who issued the notice

(9) Date of issue

(10) Term within which the person thus served must answer the complaint, as prescribed by Rule 10.1, and a warning that if such person fails to answer the complaint by filing the original of the answer with the proper court, with a copy for the plaintiff, judgment by default may be rendered against the defendant for the relief sought without further summons or hearing. The notice shall identify in ten (10)-point boldface type every first mention of a natural or artificial person mentioned therein.

If the complaint is amended at any time before the date of appearance of the defendant summoned by publication, the amended complaint shall be served on the defendant in the manner prescribed by the applicable rule on service of process.

(c) Service of summons will be effected upon unknown defendants by publication of notice as provided in this rule, substantially complying therewith whenever possible.

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 4.8. Amendment

At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process was issued.

CHAPTER III
PLEADINGS AND MOTIONS

Rule 5. Pleadings Allowed

Rule 5.1. Pleadings

The pleadings allowed are the complaint, the counterclaim, the cross-claim, the third-party complaint, and the corresponding answers thereto.

No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Rule 5.2. Action by stipulation of facts

When there is a controversy that may give rise to a suit, the parties, without having to file pleadings, may file with the court a stipulation of facts together with an affidavit stating that there exists a real and effective controversy between the parties and that the stipulation is filed in good faith so that the court may determine the rights of the parties. If the court determines that such a controversy exists, the proceedings shall be governed by these rules.

Rule 6. General Rules of Pleading

Rule 6.1. Claim for relief

A pleading that sets forth a claim for relief must contain:

(1) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(2) a prayer for the relief to which the pleader deems to be entitled. Relief in the alternative or of several different types may be demanded.

Rule 6.2. Defenses; form of denials

(a) In responding to a pleading, a party shall admit or deny the averments upon which the adverse party relies and shall state the party's

defenses to each claim asserted and the facts that show that the party is entitled to raise such defenses.

(b) If the party filing a responsive pleading fails to comply, in whole or in part, with the requirements provided in subdivision (a) of this rule, the court, on its own initiative or upon motion of a party, may issue an order to compel compliance with the requirements of that subdivision.

(c) If the party is without knowledge or information sufficient to form a belief as to the truth of an averment because it involves facts that could not be ascertained within the time provided for filing the responsive pleading, the party shall so state. The party thus acting must investigate the truth or falsehood of the averment denied for lack of information and knowledge and must amend the pleading within the time set by the court at the initial conference or on or before the date set for the pretrial conference. If the responsive pleader is unable to verify the averments so denied after employing available discovery methods and other reasonable diligence, the pleader must amend the pleading in order to deny the averments. If the pleading is not amended to admit or deny the averments denied for lack of knowledge or information, the averments shall be taken as admitted.

(d) Denials shall fairly meet the substance of the averments denied and shall affirmatively state the version of the facts denied by the responsive pleader. When the responsive pleader intends to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder. The responsive pleader may specifically deny each of the averments or paragraphs of the pleading or may generally deny all the averments or paragraphs of the pleading except such averments or paragraphs as the pleader expressly admits. However, when a pleader intends to deny all the averments of a pleading, the pleader may do so by general denial subject to the provisions of Rule 9.

Rule 6.3. Affirmative defenses

In responding to a pleading, the following defenses must 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, (h) impediment, (i) failure of consideration, (j) fraud, (k) illegality, (*l*) lack of diligence [laches], (m) license, (n) payment, (o) release, (p) *res judicata,* (q) acquisitive or [liberative] 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.

When a party mistakenly designates a defense as a counterclaim or a counterclaim as a defense, the court, if justice so requires and under the terms

it may deem proper, shall treat the pleading as if there had been a proper designation.

Rule 6.4. Effect of failure to deny

Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, shall be deemed admitted when not denied in the responsive pleading.

Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied.

Rule 6.5. Pleading to be concise and direct; inconsistency

(a) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleadings or motions are required. All pleadings shall be so construed as to do justice.

(b) Subject to the provisions of Rule 9, a party may set forth, in the alternative, as many separate claims or defenses as the party has, regardless of consistency.

Rule 6.6. Rule on extensions of time

All motions for extension of time shall make a showing of good cause based on concrete and well-grounded explanations. Any motion for extension of time shall be filed before the expiration of the term sought to be extended and as prescribed by Rule 68.2. The extended term shall start to run on the day after the expiration of the term sought to be extended.

Rule 7. Pleading Special Matters

Rule 7.1. Capacity

It is not necessary to aver the capacity of a party to sue or be sued, the authority of a party to sue or be sued in a representative capacity, or the legal existence of an artificial person that is made a party. When a party desires to raise an issue as to the legal existence of another party, the capacity of any party to sue or be sued or the authority of a party to sue or be sued in a representative capacity, the party shall do so by specific averment, which shall include such supporting particulars as are peculiarly within the pleader's knowledge.

Rule 7.2. Fraud, mistake or condition of the mind

In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other attitude or condition of a person's mind may be averred generally.

Rule 7.3 Time and place

For the purpose of testing the sufficiency of a pleading, averments of time and place are material and shall be considered like all other averments of material matter.

Rule 7.4. Special damage

When items of special damage are claimed, they shall be specifically stated.

Rule 7.5 Description of real property

A pleading claiming a right over real property shall describe such property so accurately as to make its identification possible.

Rule 8. Form of Pleadings and Motions

Rule 8.1. Caption

Every pleading shall contain a caption setting forth the name of the court, specifying the part thereof, the names of the parties, the file number, the designation, and the title of the action. In the complaint, the caption shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first litigant for each party with an appropriate indication of the existence of other parties. Pleadings in voluntary jurisdiction proceedings shall include the petitioner's full name over the phrase *Ex parte.*

Rule 8.2. Paragraphs; separate statements

All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited, as far as practicable, to a statement of a single set of circumstances; any paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction, omission, or occurrence, and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

Rule 8.3. Adoption by reference; exhibits

Any statement in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or motion. A copy of any written instrument which is an exhibit to a pleading will be considered a part thereof for all purposes.

Rule 8.4. Motions

An application to the court for an order shall be by motion, which, unless made during a hearing or trial, shall be made in writing, setting forth with particularity the grounds and arguments therefor and the relief or order sought. It shall also be accompanied by any document or affidavit that may be necessary to decide the motion.

A party opposing a motion shall file a duly grounded opposition within twenty (20) days after service of the motion. The opposition shall be accompanied by any document or affidavit necessary to decide the same. If no

opposition is filed within said period of twenty (20) days, the motion shall be taken under advisement.

Motions shall be taken under advisement without a hearing unless the court, on its own initiative or upon motion of a party, decides to set a hearing therefor at its discretion. This rule shall not apply to motions for which the law or these rules require that a hearing be held.

Rule 8.5. Motions for continuance or postponement

All pretrial motions for continuance or postponement of a hearing shall be in writing and shall state the grounds therefor. A motion for continuance may be presented orally only on the day of the hearing and for unforeseen, extraordinary reasons beyond the control of the parties or of their attorneys. The moving party must suggest at least three alternative dates to reschedule the hearing after verifying that the dates suggested pose no conflict for the opposing party.

Any stipulation to continue a hearing must be approved by the judge presiding over the case.

Rule 8.6. Documents for the record

The parties may include in the record any matter related to the judicial proceedings which, at that time or procedural stage, does not require the attention of the trier, by way of a document addressed to or entitled "FOR THE RECORD."

These documents will be treated as motions, except that once they are entered in the record they will not be submitted for consideration by the judge. At any subsequent stage of the proceedings and the adjudication, the court may take notice of its contents and of the effective date on which they were filed.

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.

Rule 8.8. Form of papers

The rules applicable to captions, signatures, and other matters related to the form of pleadings apply to motions and other papers.

Rule 8.9. Disclosure statement

Every nongovernmental corporate party shall file a disclosure statement issued identifying any parent corporation, subsidiaries, and affiliates holding ten percent (10%) or more of its stock, or stating that there is no such corporation. Said disclosure statement shall be filed with the first appearance in Court and included in as part of the case file.

If at the first appearance it is established that there are no corporations holding ten percent (10%) or more of its stock, and said circumstances change thereafter, the corporation shall disclose it promptly in writing to the court.

Rule 9. Representations to Court

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 [Roll of Attorneys] of the Supreme Court of Puerto Rico. Moreover, the first pleading submitted by the attorney shall include the street and mailing addresses and 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 number and fax numbers, mailing address, and email address, if any.

The attorney or the party shall forthwith notify the court by motion, under the caption of the case, regarding any change in telephone number, fax number, mailing address or email address.

Except when otherwise specifically provided by rule or statute, papers need not be verified or accompanied by affidavit. The signature of the attorney or the party is tantamount to certifying that the signer is willing and able to comply with the settings and orders of the court, that the signer has read the paper and that to the best of his or her knowledge, information, and belief, formed after a reasonable inquiry, the paper is duly supported by factual contentions and warranted by existing law, and that it is not being presented to cause an injustice or delay, or to harass or to increase the cost of litigation.

If a paper is signed in violation of this rule, the court, upon motion or on its own initiative, shall impose upon the signer, the represented party, or both, any sanction provided in Rule 9.3, or may enter an order to pay to the other party or parties reasonable expenses incurred as a result of the filing of the paper, including a reasonable amount in attorney's fees.

If it is shown that a paper was filed containing false, misrepresented, defamatory or indecent information, or if offensive or vile language is used, the court shall impose any sanction provided in Rule 9.3.

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.

When an attorney who has appeared before a court in representation of a client requests to withdraw from such representation, he/she shall file a written motion to that effect. The attorney shall state the grounds for which his/her withdrawal should be allowed and provide information as to his/her phone number and the mailing address of the client he/she represents. He/she shall also state that he/she has notified his/her client of his/her withdrawal and that he/she has complied with the precepts of the [Canons of Professional Ethics]. The court shall have the authority to reject the withdrawal thus requested in such exceptional cases in which it deems that the rights of one party could be seriously injured or that the proceedings would be unnecessarily delayed.

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 [who] postulate before it, may, *motu proprio* or by request of a party, impose penalty or other sanctions, or disqualify an attorney [who] 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.

Rule 9.4. Self-representation

Natural persons in ordinary civil cases may represent themselves. A self-represented person shall meet the following requirements:

(a) The person may not be represented by counsel;

(b) The decision to represent one's self must be made voluntarily and intelligently, with full knowledge that the person will be treated as any other party represented by counsel;

(c) The person must be able to assume his or her own representation adequately and in accordance with the complexity of the issue being adjudicated;

(d) The person must have the minimum knowledge needed to defend his or her interests adequately, comply with procedural rules, and invoke the applicable substantive law; and

(e) Self-representation may not cause or contribute to an undue delay or disruption of the proceedings and may not obstruct the adequate administration of justice or offend the dignity of the court, the parties, or their counsel.

The court shall ascertain that the person meets these requirements from the initial appearance in court and throughout the proceedings. Failure to meet any of these requirements will constitute good cause to terminate self-representation. When the court terminates a person's self-representation, it will order such person to appear represented by counsel within a specific term.

If in the course of the proceedings a party wishes to assume self-representation, that party must seek leave from the court; but in addition to complying with the provisions of subdivisions (a) through (e) above, the party must satisfy the following criteria:

(1) The person must have sought self-representation in a timely manner, and

(2) The person must have expressly and unequivocally stated the intent or desire of assuming self-representation.

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.

Rule 10. Defenses and Objections

Rule 10.1. When presented

A defendant in or outside 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 a non-extendable term of sixty (60) days after service of the summons and complaint.

Unless a court order fixes a different time, the service of a motion permitted under these rules or under Rule 36 alters the periods set forth above as follows:

(1) if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within ten (10) days after notice of the court's order;

(2) if the court grants a motion for a more definite statement, a copy of the responsive pleading shall be served within ten (10) days after the service of the more definite statement.

Rule 10.2. How presented

Every defense, in law or fact, to a claim for relief shall be asserted in the responsive pleading, except that the following defenses may be made, at the option of the pleader, by a duly grounded motion:

(1) lack of jurisdiction over the subject matter;
(2) lack of jurisdiction over the person;
(3) insufficiency of process;
(4) insufficiency of service of process;
(5) failure to state a claim upon which relief can be granted;
(6) failure to join an indispensable party.

No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, said party may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense numbered (5), matters outside the pleading under attack are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and shall be subject to all further proceedings prescribed in Rule 36 until its final disposition, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion under said rule.

Rule 10.3. Motion for judgment on the pleadings

After all the pleadings are closed, any party may move for partial or full judgment on the pleadings, pursuant to Rule 42.3. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and shall be subject to all further proceedings prescribed in Rule 36 until its final disposition, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion under said rule.

Rule 10.4. Motion for more definite statement

If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading. The motion shall be well grounded and shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within ten (10) days after notice of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

Rule 10.5. Motion to strike

Upon the court's own initiative at any time, or upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted, upon motion made by a party within ten (10) days after the service of the pleading upon the party, the court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter, and any document in support thereof.

Rule 10.6. Preliminary hearings

The defenses specifically numbered (1) to (6) in Rule 10.2, whether made or to be made in a pleading or by motion, the motion for judgment mentioned in Rule 10.3, and the motion to strike mentioned in Rule 10.5, shall be heard and decided on the merits at or before the scheduling conference.

Rule 10.7. Consolidation of defenses

A party who makes a motion under Rule 10 may join with it any other motions herein provided for and then available to the party. If a party makes a motion under Rule 10 but omits therefrom any defense or objection then available to the party which Rule 10 permits to be raised by motion, the party shall not thereafter make a motion based on the defense or objection so omitted, except a motion as provided in Rules 10.2(1) and 10.8(b).

Rule 10.8. Waiver of defenses

(a) A defense of lack of jurisdiction over the person, insufficiency of process, or insufficiency of service of process is waived:

(1) if omitted from a motion for consolidation of defenses under Rule 10.7, or

(2) if it is neither made by motion under Rule 10 nor included in a responsive pleading or in an amendment thereof not requiring permission of the court, as provided by Rule 13.1.

(b) A defense of failure to state a claim upon which relief can be granted, a defense of failure to join an party indispensable under Rule 16, and an objection of failure to state a legal defense to a claim may be made in any pleading permitted or ordered under Rule 5.1, or by motion for judgment on the pleadings, or at the trial on the merits.

(c) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

Rule 11. Counterclaim and Cross-Claim

Rule 11.1. Compulsory counterclaims

A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises

out of the transaction, omission, or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. However, such claim need not be stated as a counterclaim if at the time the action was commenced the claim was the subject of another pending action.

Rule 11.2. Permissive counterclaims

A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction, omission, or occurrence that is the subject matter of the opposing party's claim.

Rule 11.3. Scope of counterclaim

A counterclaim may or may not diminish or defeat the recovery sought by the opposing party and may claim relief exceeding in amount or different in kind from that sought in the pleading of the opposing party.

Rule 11.4. Counterclaim maturing or acquired after pleading

A claim which either matured or was acquired by the pleader after serving a pleading may be presented as a counterclaim with the permission of the court.

Rule 11.5. Omitted counterclaim

When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice so requires, the pleader may, by leave of court, set up the counterclaim by amendment.

Rule 11.6. Cross-claim against co-party

A cross-claim may state any claim arising out of the transaction, omission, or occurrence that is the subject matter either of the original action or of a counterclaim therein or relating to any property that is the subject matter of the original action. Such cross-claim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of a claim asserted in the action against the cross-claimant.

The cross-claim may be filed without leave of court within thirty (30) days after the filing date of the answers of all cross-claim defendants. After the expiration of this term, the party must seek the permission of the court to file the cross-claim after a showing of good cause.

Rule 11.7. Joinder of additional parties

Persons other than those made parties to the original action may be made parties to a counterclaim or cross-claim in accordance with the provisions of Rules 16 and 17.

Rule 12. Third-Party Practice

Rule 12.1. When defendant may bring in third party

A defending party may, as a third-party plaintiff, cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the defending party for all or part of the plaintiff's claim or who is or may be liable to any party to the action.

The third-party complaint may be filed without the leave of court within thirty (30) days after the filing date of an answer to the complaint or of a reply to the counterclaim. After the expiration of this term, the party must seek the permission of the court to file the complaint after a showing of good cause.

The person so served, hereinafter called the "third-party defendant," shall make any defenses to the third-party plaintiff's claim as provided in Rule 10, and any counterclaims against the third-party plaintiff's claim and cross-claims against any other third-party defendants as provided in Rule 11.

The third-party defendant may assert against the plaintiff any defenses that the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction, omission, or occurrence that is the subject matter of the original claim in the action. The plaintiff may assert any claim against the third-party defendant arising out of the transaction, omission, or occurrence that is the subject matter of the plaintiff's original claim in the action, and the third-party defendant thereupon shall assert any defenses as provided in Rule 10 and any counterclaims and cross-claims as provided in Rule 11.

Any party may move to strike the third-party claim, or for its severance or separate trial, and the court may render judgment on the original claim or only on the third-party claim pursuant to Rule 42.3. A third-party defendant may proceed under this Rule 12 against any person not a party to the action who is or may be liable to the third-party defendant or to any party to the action for all or part of the claim made in the action.

Rule 12.2. When plaintiff may bring in third party

When a claim is asserted against a plaintiff by any party to the action, the plaintiff may proceed in the same manner as the defendant under Rule 12.1.

Rule 13. Amended Pleadings

Rule 13.1. Amendments

Any party may amend the party's own pleading at any time before a responsive pleading is served. If the pleading is one to which no responsive pleading is permitted and the action has not been scheduled for trial, the party may so amend it at any time within twenty (20) days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by

written consent of the adverse party; and leave shall be freely given when justice so requires. The entire amended pleading shall be attached to the motion for leave to amend the pleadings. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within twenty (20) days after service of the amended pleading, whichever period may be the longer, unless the court orders otherwise.

Rule 13.2. Amendments to conform pleadings to the evidence

When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure to so amend shall not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the court may allow the pleadings to be amended when the presentation of the merits of the action will be subserved thereby, when the party requesting the amendment shows good cause for having failed to submit the amendment at the proper time during the proceedings, and when the admission of such evidence will not prejudice the other party's action or defense. In passing on the motion, the court shall consider the effect of the amendment on the outcome of the case and any prejudice it may cause to the party objecting to the continuance of the hearing.

The provisions of Rules 42.4 and 67.1 shall apply whenever default is entered against a party for failure to appear.

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 amendment: (1) knew of the pending action, so that he/she is not be 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.

Rule 14. Joinder of Claims

Rule 14.1. Joinder of claims

A party asserting a claim may join as many independent or alternate claims as the party has against an opposing party.

Rule 14.2. Joinder of contingent claims

Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action. The court shall not decide on the contingent claim until it has disposed of the principal claim.

CHAPTER IV
PARTIES

Rule 15. Capacity to Appear as Plaintiff or Defendant

Rule 15.1. Real party in interest

Every action shall be prosecuted in the name of the real party in interest, but a party authorized by statute may sue in that person's own name without joining the party for whose benefit the action is brought. When so provided by statute, a claim for the benefit of another may be brought in the name of the Commonwealth of Puerto Rico. No action shall be dismissed on the ground that it was not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest.

Rule 15.2. Children and incompetent persons

(a) A person who is not of legal age shall appear by his or her parent with patria potestas or, in the absence thereof, through his or her general guardian. A person of legal age or who has been emancipated and who has been declared incompetent by a court shall appear by his or her general guardian. However, the court may appoint a guardian ad litem for a person who is not of legal age or an incompetent person as it deems proper or as provided by law.

(b) In the cases mentioned in the last sentence of Rule 4.4(c) and in Rule 22.2, the court shall determine the party's mental condition and whether it is convenient and proper to appoint a guardian ad litem.

Rule 15.3. Defendants under a common name

When two or more persons do business under a common name, whether or not it comprises the names of such persons, they may be sued under the common name and service upon one of them shall be sufficient.

Rule 15.4. Defendant whose name is not known

Whenever a plaintiff does not know the true name of a defendant, the plaintiff shall so state in the complaint, setting forth the specific claim the plaintiff allegedly has against said defendant. In that case, the plaintiff may designate the defendant with a fictitious name in any pleading or proceeding, and upon discovery of the true name the plaintiff shall forthwith make the corresponding amendment in the pleading or proceeding.

Rule 16. Indispensable Joinder of Parties

Rule 16.1. Indispensable joinder

Persons having a joint interest and whose absence would impede the disposition of the action shall be made parties and joined as plaintiffs or defendants, as the case may be. When a person should join as a plaintiff but refuses to do so, the person may be made a defendant.

Rule 16.2. Joinder of parties not indispensable

The court may order the appearance of persons subject to its jurisdiction who, though not indispensable, should join as parties if complete relief is to be accorded among those already parties to the action.

Rule 17. Permissive Joinder of Parties

Rule 17.1. Permissive joinder

Any number of persons may join in one action as plaintiffs or defendants if they assert a right to relief or one is asserted against them jointly, severally or, in the alternative, in respect of or arising out of the transaction, omission, occurrence, or series of transactions, omissions, or occurrences, and if any question of law or fact common to all of these persons will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

Rule 17.2. Orders to avoid prejudice

The court may make such orders as to avoid difficulties, delays, or expense to a party by the inclusion of a party against whom the party asserts no claim and who asserts no claim against the party, may order separate trials or make other orders to prevent delay or prejudice, and may render judgment on a claim by or against one or more parties under Rule 42.3.

Rule 18. Misjoinder of Parties

Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court, on motion of any party or on its

own initiative, at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately.

Rule 19. Interpleader

Persons having justiciable claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that the plaintiff is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of cross-claim, third-party complaint, or counterclaim. The provisions of this rule supplement and do not in any way limit the joinder of parties permitted in Rule 17.

Rule 20. Class Actions

Rule 20.1. Prerequisites to a class action

One or more members of a class may sue or be sued as representative parties on behalf of all members only if:

(1) the class is so numerous that joinder of all members is impracticable,

(2) there are questions of law or fact common to the class,

(3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and

(4) the representative parties will fairly and adequately protect the interests of the class.

Rule 20.2. Class actions maintainable

An action may be maintained as a class action if the prerequisites of Rule 20.1 are satisfied and, in addition:

(a) the prosecution of separate actions by or against individual class members would create a risk of

(1) inconsistent or varying adjudications with respect to individual members of the class that would establish incompatible standards of conduct for the party opposing the class, or

(2) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of the other members not parties to the adjudications, or would substantially impair or impede their ability to protect their interests;

(b) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive

relief or corresponding declaratory relief with respect to the class as a whole; or

(c) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:

(1) the interest of members of the class in individually controlling the prosecution or defense of separate actions;

(2) the nature and extent of any litigation concerning the controversy already commenced by or against members of the class;

(3) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(4) the difficulties likely to be encountered in the management of a class action.

Rule 20.3. Determining by order whether to certify a class action; notice; judgment; actions conducted partially as class actions

(a) As soon as practicable after the commencement of an action brought as a class action, the court, after holding a hearing, shall determine whether to certify the action as a class action. An order under this subdivision may be conditional and may be altered or amended before final judgment.

(b) In any class action certified under Rule 20.2(c), the court shall direct to the class members the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort, except when this would be so difficult that it would obstruct the prosecution of the action, in which case the court shall determine the manner in which notice shall be given. The notice shall advise each member that:

(1) the court will exclude from the class any member so requests it by a specified date,

(2) the judgment, whether favorable or not, will be binding upon all members who do not request exclusion, and

(3) any member who does not request exclusion may, if the member so desires, enter an appearance through counsel.

(c) The judgment in an action maintained as a class action under Rule 20.2(a) or (b), whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under Rule 20.2(c), whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in Rule 20.3(b) was directed, and who have not requested exclusion, and whom the court finds to be members of the class.

(d) When appropriate, an action may be brought or maintained as a class action with respect to particular issues, a class may be divided into subclasses and each subclass treated as a class, and the provisions of this rule shall then be construed and applied accordingly.

Rule 20.4. Orders in conduct of actions

In the conduct of actions to which this rule applies, the court may issue appropriate orders:

(a) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(b) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(c) imposing conditions on the representative parties or on intervenors;

(d) requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(e) providing special rules for the proceedings and the terms to be had for discovery; or

(f) dealing with similar procedural matters.

The orders may be combined with an order under Rule 37, and may be altered or amended as may be desirable from time to time.

Rule 20.5. Voluntary dismissal or compromise

A class action shall not be voluntarily dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all class members in such manner as the court directs.

Rule 20.6. Balance of undistributed funds upon payment of class action settlement, attorney's fees, and litigation costs

(a) For purposes of this Rule, the phrase "residual funds" means money that remains after the payment of all approved class member claims, including expenses, litigation costs, attorney's fees, and all other court-approved disbursements. The foregoing does not preclude the court from approving compromises and settlements which have no residues or residuals.

(b) Any order entering a judgment or approving a settlement of a class action that establishes a process identifying and compensating of members of the class, shall establish and provide for the disbursement of residual funds or residues, if any. The court shall set a date when the parties shall report to the

court the total amount of the payment and disbursement to the class members. Upon receipt of the report stating that the persons identified by the court as class members have been paid and, upon payment of the expenses, litigation costs, attorney's fees authorized by the court, the court shall provide and specify that the total amount of the residual funds be deposited in the Access to Justice Fund created by virtue of [Law] No. 165-2013, as amended, to be distributed among programs that provide legal assistance to low-income individuals in cases involving civil, family, or administrative matters, or for the purposes of addressing matters that have a direct or indirect relationship to the objectives of the underlying class action litigation, or that otherwise promote the substantive or procedural interests of the members of the class.

Rule 20.7.[2]

Rule 21. Intervention

Rule 21.1. Intervention of right

Upon timely application, anyone shall have the right to intervene in an action:

(a) when a statute or these rules confer an unconditional right to intervene, or

(b) when the applicant claims a right or interest relating to the property or transaction that is the subject of the action which, as a practical matter, may be impaired by the final disposition of the action.

Rule 21.2. Permissive intervention

Upon timely application, anyone may be permitted to intervene in an action:

(a) when a statute confers a conditional right to intervene, or

(b) when the applicant's claim or defense and the main action have a question of fact or law in common.

When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a government officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, the court shall order said party to serve appropriate notice of the claim or defense on the officer or agency, and the officer or agency, upon timely application, may be permitted to intervene in the action. In exercising its discretion, the court shall consider whether the intervention will unduly delay the litigation or prejudice the adjudication of the rights of the original parties.

[2] Rule 20.7 was added by Law No. 174 of 2018 and was not available in English at the time these Rules were compiled. Please consult the Spanish version.

Rule 21.3. Validity of a constitutional provision, statute, executive order, franchise, or administrative regulation

When the constitutionality of a statute, executive order, franchise, or administrative regulation of the Commonwealth of Puerto Rico is drawn in question in any action to which the Commonwealth or an officer or agency thereof is not a party, the court shall notify the Secretary of Justice and shall allow the Commonwealth of Puerto Rico to intervene. The court may compel the appearance of the Commonwealth of Puerto Rico when deemed necessary.

Rule 21.4. Procedure

A person desiring to intervene shall serve a motion to intervene upon all parties as provided in Rule 67. The motion shall state the grounds therefor and shall be accompanied by a pleading that sets forth the claim or defense for which intervention is sought.

Rule 21.5. Right to intervene of third parties claiming personal or real property attached by order of the court

When a marshal executes a writ of execution, a writ of attachment, or any other order against any piece of personal or real property and said property, or any part thereof or interest therein, is claimed by one not a party to the action, said third party shall be entitled to bring a motion to intervene. The procedure for intervention with respect to real or personal property shall be governed by these rules.

Rule 21.6. Motion to release property; bond

In cases in which the intervenor wishes to recover possession of the attached property, the intervenor shall file a motion to such ends, and the court shall pass upon it after affording the parties an opportunity to present their position regarding the intervenor's motion at a hearing. If the motion is granted, the intervenor shall give security for the amount of the attachment, plus any other sum which the court deems appropriate to protect the rights of the affected party, to recover possession thereto.

Rule 21.7. Conditions to the bond

A bond shall be executed on condition that if the claimant fails to justify his or her claim, the claimant shall return the property to the attaching officer, to the officer's successor, or to the depositary of the property, and shall be liable for any damage or impairment sustained by the property, including total loss. The claimant shall likewise pay such other compensation as the court deems fair and reasonable if such compensation is appropriate under the specific facts of the case.

If the claimant prevails, the bond shall be exonerated.

Rule 22. Substitution of Parties

Rule 22.1. Death

(a) If a party dies and the claim is thereby extinguished, judgment will be rendered to dismiss the action.

(b) If a party dies and the claim is not thereby extinguished, any of the parties to the action or their attorneys shall suggest the death upon the record and a statement of the fact of the death shall be served upon the other parties within thirty (30) days after the fact of the death is known. Upon motion made within ninety (90) days after service thereof, the court may order the substitution of the proper parties. The motion for substitution may be made by the successors or representatives of the deceased party and shall be served on the parties as provided in Rule 67 and upon persons not parties in the manner provided in Rule 4. The complaint may be amended for the sole purpose of making the substitution and incorporating the new parties to the action. If the motion for substitution is not made within the prescribed term, the action shall be dismissed without prejudice.

(c) In the event of the death of one or more of the plaintiffs or of one or more of the defendants in an action in which the right sought to be enforced survives only to the surviving plaintiffs or only against the surviving defendants, the action does not abate. The death shall be noted in the record, and the action shall proceed in favor of or against the surviving parties.

Rule 22.2. Incompetency

If a party becomes incompetent, the court, upon motion served as provided in Rule 22.1, may allow the action to be continued by or against the party's guardian or guardian ad litem.

Rule 22.3. Transfer of interest

In case of any transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party. Service of the motion shall be made as provided in Rule 22.1.

Rule 22.4. Public officers

When a public officer of the United States, of the Commonwealth of Puerto Rico, of its municipalities or of any of its agencies or instrumentalities is a party to an action in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate, and the officer's successor is automatically substituted as a party.

CHAPTER V
PRETRIAL PROCEEDINGS

Rule 23. General Provisions Governing Discovery

Rule 23.1. Scope of discovery

Unless otherwise limited by the court in accordance with these rules, the scope of discovery is as follows:

(a) *In general.* The parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of any party, including the existence, description, nature, custody, condition, and location of any books, electronically stored information, documents or other tangible things, and the identity and location of persons having knowledge of any relevant facts. It is not ground for objection that the information sought will be inadmissible at the trial, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(b) *Documents, tangible things and other evidence obtained in preparation for trial.* Subject to the provisions of subdivision (c) of this rule, a party may obtain discovery of documents and tangible things prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative, including the other party's attorney, consultant, surety, insurer, or agent. Mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation shall be protected against disclosure. A party may require from the other party a list of the persons whom the other party expects to call as witnesses at trial, as well as a brief summary of each witness's proposed statement. Likewise, any party may require any other party to produce a copy of all of the witnesses' statements within said party's possession. Also, parties and witnesses alike may obtain a copy of any statements previously made by them. For purposes of this rule, a previous statement includes any written statement signed or approved by the person making it, or any type of recording of a statement or a transcript thereof.

(c) *Experts.* Discovery of expert evidence may be obtained as follows:

(1) A party may, through interrogatories, require any other party to provide the names and addresses of all experts whom the other party has consulted, and of those whom the other party expects to call as expert witnesses at trial. With respect to the latter, the party may also be required to state the subject matter about which the expert is expected to testify, and to state the substance of the expert's opinions as well as a brief summary of the theories, facts or arguments supporting each opinion. Upon motion, the court may order further discovery of expert evidence by any other means, subject to such conditions or restrictions as it deems reasonable.

(2) A party may discover facts known or opinions held by an expert who has been retained by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means or as provided in Rule 32.2.

(3) The court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery. If the party seeking discovery of expert evidence should prove to the court's satisfaction that it lacks the means to pay said fees, the court may order discovery in such terms and conditions as it may deem just and reasonable.

(4) The court is empowered to summon expert witnesses other than those of the parties, subject to such conditions as it may in its discretion deem appropriate, including witnesses' compensation by one or both parties.

(d) *Obligation to preserve evidence subject to discovery.* A person advised of a potential lawsuit has an obligation to preserve evidence. The person also has such obligation if there is a legal or ethical duty to preserve evidence, if the person voluntarily assumed such obligation, or if the obligation arises from the particular circumstances of the case. Likewise, a party has the obligation to preserve discoverable evidence even when it has not been requested. The obligation to preserve electronically stored information is subject to the provisions of Rule 34.3.

(e) *Continuing obligation to update, correct, or amend disclosures and responses and to make it known.* A party responding to a discovery request is under a continuing obligation to update, correct, or amend the response and make known to the opposing party any additional information thereafter acquired and which may be related to the discovery if ordered by the court or in the following circumstances:

(1) If the party learns that the material disclosed is incorrect or incomplete and if the additional or corrective information has not otherwise been made known to the other party.

(2) If the party learns that the documents disclosed in a response to an interrogatory, request for production of documents or request for admission is incomplete or incorrect and if the additional or corrective information has not otherwise been made known.

A party's breach of the obligation to preserve evidence shall be subject to such orders or monetary sanctions as the court in its discretion may deem appropriate, including a finding of contempt, as provided by Rule 34.3. Upon a party's breach of the obligation to update, correct, or amend disclosures and responses, material and information not updated may be excluded from being introduced into evidence at trial if it is shown that before the trial the party knew or should have known of the additional or corrective information and did not update, correct, or amend it. However, the party seeking such discovery

may use that information as evidence should said party wish to do so. If the discovery of evidence arises during the trial, the appropriate relief shall be granted.

Rule 23.2. Limitations and protective orders

(a) On its own initiative or on motion of a party, the court may limit the extent of the discovery methods if it determines: (i) that the discovery sought is unreasonably cumulative or duplicative; (ii) that the evidence is obtainable from some other source that is more convenient, less burdensome and less expensive for the party from whom discovery is sought; (iii) that the party seeking discovery has had ample opportunity to obtain the evidence sought; or (iv) that the expense of the proposed discovery outweighs its likely benefit to the case.

(b) Upon motion by a party or by the person from whom discovery is sought, accompanied by a certification that the movant has in good faith attempted to resolve the discovery dispute as prescribed by Rule 34.1, and for good cause shown, the court may make any order which justice requires to protect said party or person from annoyance, embarrassment, oppression, or undue burden or expense. The order of the court may include one or more of the following measures:

(1) That the discovery not be had.

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time and place.

(3) That the discovery may be had by a method of discovery other than that selected by the party seeking discovery.

(4) That certain matters not be inquired into, or that the scope of the discovery be limited to certain matters, or that these matters be deemed irrelevant and not leading to the discovery of admissible evidence.

(5) That discovery be conducted in the presence of those persons authorized by the court.

(6) That a deposition, after being sealed, be opened only by order of the court.

(7) That a trade secret or other confidential information not be revealed or be revealed only under certain conditions.

(8) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

If the motion for a protective order is denied in whole or in part, the court, on such terms and conditions as are just, may order that the moving party provide or permit discovery. The provisions of Rule 34 shall apply to the award of fees and expenses incurred in relation to the motion.

Rule 23.3. Claim of privilege

(a) *Information withheld.* When a party withholds information required by claiming that it is privileged or subject to protection as trial

preparation material, the party shall make and support the claim expressly and describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged, will enable other parties to assess the applicability of the privilege or protection and state their position on the same.

(b) *Information inadvertently produced.* If information inadvertently produced in discovery is subject to a claim of privilege or protection, the party making the claim shall notify the party that received the information of the claim and the basis for it. After being notified, the receiving party must promptly return, sequester, or destroy the specified information and any copies thereof, and may not use or disclose the information until the claim is resolved. The receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party had disclosed the information before being notified, it must take reasonable steps to retrieve it. The producing party must preserve the information until the claim is resolved.

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 by a party, for the convenience of parties and witnesses and in the interest of justice, orders otherwise.

Rule 24. Depositions Before Action or Pending Appeal

Rule 24.1. Before action

(a) *Petition.* A person who desires to perpetuate his or her own testimony or that of another person regarding any matter that may be cognizable in a court may file in the court a verified petition to such ends. The petition shall be entitled in the name of the petitioner and shall show:

(1) that the petitioner expects to be a party to an action cognizable in a court but is presently unable to bring it or cause it to be brought;

(2) the subject matter of the expected action and the petitioner's interest therein;

(3) the facts that the petitioner desires to establish by the proposed testimony and the reasons for desiring to perpetuate it;

(4) the names or a description of the persons the petitioner expects will be adverse parties and their addresses so far as known; and

(5) the names and addresses of the persons to be examined and the substance of the testimony that the petitioner expects to elicit from each.

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

(b) *Notice.* After the petition is filed, the petitioner shall serve written notice upon each person named in the petition as an expected adverse party.

The notice shall be served in the manner provided by Rule 4.4 for service of summons, and a period of at least fifteen (15) days shall be allowed for the parties so served to raise any objection to the petition. If such service cannot with due diligence be made upon any of the persons named in the petition, the court may make such order as is just for service by publication or otherwise, and shall take such measures as are appropriate to safeguard the interests of persons not served. If any of those persons is a child or is incompetent, the provisions of Rule 15.2 shall apply.

(c) *Order and examination.* If the court is satisfied that the perpetuation of the testimony may prevent a failure or delay of justice, it shall issue an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination or written interrogatories. The depositions may then be taken in accordance with these rules, and the court may issue orders of the character provided for by Rules 31 and 32. For the purpose of applying these rules to depositions for perpetuating testimony, each reference therein to the court in which the action is pending shall be deemed to refer to the court in which the petition for such deposition was filed.

(d) *Use of deposition.* If a deposition to perpetuate a testimony is taken under these rules or if, although not so taken, it would be admissible in evidence in the courts of the jurisdiction in which it is taken, it may be used in any action involving the same subject matter subsequently brought in accordance with the provisions of Rule 29.1.

Rule 24.2. During appeal

If an appeal has been taken from a judgment of a court, or before the taking of an appeal if the time therefor has not expired, the court that rendered the judgment may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in that court. In such case, the party who desires to perpetuate the testimony may file a motion in the court for leave to take the depositions, upon the same notice and service thereof on the adverse party as if the action were pending in that court. The motion shall show: (1) the names and addresses of the persons to be examined and the substance of the testimony which the party expects to elicit from each; and (2) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is necessary to avoid a failure or delay of justice, it may issue an order allowing the depositions to be taken and may issue orders of the character provided for by Rules 31 and 32, and thereupon these depositions may be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in pending actions.

Rule 25. Persons Before Whom Depositions May Be Taken

Rule 25.1. Within Puerto Rico

Within the jurisdiction of the Commonwealth of Puerto Rico, depositions shall be taken before an officer authorized to administer oaths by the laws of Puerto Rico or before a person appointed by the court in which the action is pending. A person so appointed has power to administer oaths, take testimony, and preside over the taking of depositions. The person administering the oath need not stay for the taking of a deposition once the deponent has been sworn.

When a party has been recognized as an indigent litigant, the court may order that the deposition be taken under such circumstances as it deems appropriate.

Rule 25.2. Outside Puerto Rico

Outside the jurisdiction of the Commonwealth of Puerto Rico, depositions will be taken on notice:

(1) before a person authorized to administer oaths in Puerto Rico or in the place where the examination is held;

(2) before a person or officer commissioned by the court for this purpose; or

(3) pursuant to a letter rogatory.

A commission or letter rogatory shall be issued only when necessary or convenient on application and on terms and directions that are just and appropriate. Officers may be designated in notices or commissions either by name or by descriptive title, and letters rogatory may be addressed "To the Appropriate Authority in (here the name of the place)." Evidence obtained in response to a letter rogatory need not be excluded merely because it is not a verbatim transcript, because the testimony was not taken under oath, or because of any similar departure from the requirements for depositions taken within Puerto Rico.

Rule 25.3. Disqualification for interest

No deposition shall be taken before a person who is a relative within the fourth degree of consanguinity or the second degree of affinity, or employee or attorney of any of the parties, except as provided in Rule 26, or who is a relative within the aforementioned degrees of consanguinity or affinity, or an employee of such attorney, or who is financially interested in the action.

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) that depositions may be taken before any person, at any time or place, upon any notice, and in any manner, and when so taken may be used like other depositions;

(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.

Rule 27. Depositions upon Oral Examination

Rule 27.1. When depositions may be taken

(a) 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 thirty (30) days after service of the summons upon the defendant. If the defendant seeks discovery within the thirty (30) day 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) Leave of court is not required for the taking of a deposition by any person within the thirty (30) day period after service of summons upon the defendant if the notice states that the person to be examined is about to go out of Puerto Rico and will be unavailable for oral examination later. The plaintiff's attorney shall sign the notice and his/her signature constitutes a certification by him/her that, to the best of his/her knowledge, information, and belief, the facts set forth therein are true. The signature will also be subject to the provisions of Rule 9.

Rule 27.2. Notice of examination; time, place, and method

A party desiring to take the deposition of any person upon oral examination shall give notice in writing, at least twenty (20) days in advance, to every other party to the action. The notice shall state the date, time and place for taking the deposition, the method to be used for taking the deposition, and the name and address of each person to be examined, if known. If the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs must be provided. The notice to a party deponent may be accompanied by a request made in compliance with Rule 31 for the production of documents and tangible things. If the deponent is not one of the parties and is served with a subpoena duces tecum at the taking of the deposition, the designation of these documents or tangible things shall be included in the notice to the parties. The place of

examination and the subpoena for the taking of the deposition are subject to the provisions of Rule 40.4.

Rule 27.3. Method of recording[3]

The deposition may be taken or recorded by shorthand, stenographic means, or any other audiovisual or digital recording method that guarantees the preservation and integrity of the procedure and allows for the reproduction of the recording.

Rule 27.4 Deposition by oral examination, telephone, videoconference, or any other remote electronic means

The parties may stipulate in writing or the court, upon motion, may order that a deposition by oral examination be taken by telephone, videoconference, or any other remote electronic means. A party desiring to take the deposition shall give written notice to the deponent and to every other party at least twenty (20) days in advance. The notice shall state the date, time and place of the deposition, and the method to be used for taking the deposition. The attendance of witnesses may be compelled by subpoena as provided in Rule 40.

The notice of taking of deposition may be accompanied by a request for the production of documents and tangible things, which must be delivered to the party desiring to take the deposition within a reasonable term prior to the date of the deposition. Once the documents or objects requested from the deponent are made available, the moving party shall furnish a copy of the documents to the person who will record the deposition and to the other parties notified.

If the moving party decides to attend a deposition by telephone, videoconference, or other remote electronic means, that party shall take the appropriate steps to enable any party to do the same. If the moving party decides to appear in person at the place where the deposition is to be taken, any other party may appear by telephone, videoconference, or by any other remote electronic means, provided that the necessary arrangements are made with the officer who will record the deposition and with the party desiring to take such deposition. A deposition taken by such means is taken where the deponent is to answer questions in the presence of a person authorized by law to administer the deponent's oath and receive testimony.

Rule 27.5. Regulation by the court

The court, on motion of any party upon whom notice is served and for good cause shown, may enlarge or shorten the time for taking the deposition. The court may likewise determine the time, place, and order for taking the

[3] Rule 20.7 was amended by Law No. 174 of 2018, which was not available in English at the time these Rules were compiled. This rule reflects the language prior to this amendment. Please consult the Spanish version.

depositions, as well as all other matters covered by Rules 27.2 and 27.3, at the convenience of the parties and witnesses and in the interest of justice.

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 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. This provision shall also be applicable to the Government of Puerto Rico, its instrumentalities, public corporations, and municipalities.

Rule 27.7. Form of examination; record of examination; oath; objections and conduct

(a) *Form, record, and oath.* A witness may be questioned on direct examination and cross-examination. The person designated under Rule 25 shall put the witness on oath and shall personally, or by someone acting under the officer's direction, record the testimony of the witness. If the person before whom the deposition is being taken is not present as set forth in Rule 25.1, the person taking down or recording the deposition shall leave record of it. The testimony shall be taken by any method authorized by Rule 27.3. Regardless of the method used to reproduce the testimony, all depositions shall be transcribed, unless all parties stipulate otherwise. The moving party will defray the stenographer's fee, the transcript and the deponent's copy, and shall furnish additional copies of the transcript at the expense of the requesting parties, unless otherwise ordered by the court.

(b) *Objections and conduct*

(1) *Objections in general.* No objections shall be made at a deposition, except those which are related to privileged matters or would be waived if not interposed. All other objections shall be noted upon the record of the deposition, and the answer shall be given subject to the objection, thus preserving the party's right to apply for appropriate relief.

(2) *Objections in the taking of a deposition to perpetuate a testimony.* Regardless of the provisions of subdivision (a) above, when a deposition is taken to perpetuate the testimony of a party or witness, objections shall be raised as may be necessary so that the party who intends to perpetuate said testimony may rephrase the question and resolve the objections should that party deem it appropriate.

(3) *Speaking objections restricted.* Every objection raised during a deposition shall be stated clearly, simply and succinctly, and framed so as not to

suggest an answer to the deponent. During the course of the examination, no person shall make statements or comments that interfere with the deponent's questioning.

(4) *Refusal to answer.* A deponent shall answer all questions at a deposition, except (i) to preserve a privilege, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and, if answered, would cause significant prejudice to any person. Therefore, an attorney shall not direct a deponent not to answer except to preserve a privilege or to enforce a court-ordered limitation. Any refusal to answer or direction not to answer a question shall be accompanied by a clear and succinct statement made for the record of the basis therefor. If a deponent refuses to answer a question, the parties may initiate a telephone conference with the judge presiding over the case in order to obtain a ruling on the matter in controversy. In such case, the parties will act as prescribed at that time by the court, which will make a record of the conference and notify it to the parties. If the judge is unavailable, the deposition will proceed as to any other matter not related to the objection.

(5) *Conduct of attorneys.* An attorney shall not interrupt the deposition for the purpose of communicating with the deponent, unless all the parties so stipulate, in which case the stipulation must be clearly stated for the record. Once the deposition begins, no attorney or party may order its recording suspended, except by stipulation of all the parties.

In lieu of participating in the oral examination, a party may serve written questions in a sealed envelope on the officer before whom the deposition is to be taken, who will propound them to the witness for an answer.

Rule 27.8. Review, reading, amendment, and signing of deposition

When the testimony is transcribed, the stenographer shall deliver the deposition to the party who took it within forty-five (45) days after the deposition was completed. The transcript shall be submitted to the witness within ten (10) days after such delivery for examination and shall be read to the witness, unless such examination and reading are waived by the witness and by the parties, which fact shall be entered upon the record. The witness shall have thirty (30) days following service of the transcript to submit any changes in form or substance.

Where it is stipulated that the deposition will not be transcribed, and where the testimony is taped or taken by video or other recording method, the witness shall examine it within thirty (30) days of its delivery, unless such examination is waived by the witness and by the parties, which fact shall be entered upon the record. Any changes in form or substance that the witness desires to make shall be submitted within the term set forth above in a document accompanying the copy of the tape, video or recording method used to take the deposition.

The changes will be entered upon transcript of the deposition or in the document prepared by the officer before whom the deposition was taken, or in such person's absence, by the person who took or recorded the deposition, with a statement of the reasons given by the witness for making the changes. The transcript of the deposition or the document shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. If the witness does not sign the transcript of the deposition or the document, the reasons therefor shall be entered upon the record, and the deposition may then be used for all legal purposes, unless on a motion to suppress the deposition under Rule 29.3 the court holds that the reasons given for refusal to sign require rejection of the deposition in whole or in part.

Rule 27.9. Certification and notice of deposition

(a) The officer before whom the deposition was taken or, in that person's absence, the person who took or recorded the deposition, shall certify that the witness was duly sworn and that the transcript or reproduction of the deposition is a true and exact record of the testimony given by the witness. Once the deposition has been transcribed, the officer must securely seal the original deposition in an envelope indorsed with the title of the action and marked "Deposition of (here insert name of witness)," and shall deliver it within the term provided in Rule 27.8 to the party taking the deposition, who shall notify all other parties that the deposition has been delivered to the deponent. The party taking the deposition is further obliged to keep the original and produce it at the trial.

(b) Documents and tangible things produced for inspection during an examination of a witness shall, upon the request of a party, be marked for identification and annexed to the transcript, tape, video, or other recording method used. Said documents and tangible things may be inspected and copied by any party. The person producing the documents or tangible things may substitute copies to be marked for identification if the person affords all parties an opportunity to verify that these are true and exact copies of the originals. Likewise, if the person who produced the documents and tangible things requests their return, each party will be given an opportunity to inspect or copy them, and the originals will be returned to the person who produced them after being duly marked by the parties, and the materials may then be used in the same manner as if annexed to the deposition.

(c) Upon payment of appropriate charges therefor, the officer before whom the deposition was taken or, in that person's absence, the person who took or recorded the deposition, shall furnish a copy of the deposition to any party to the action or to the deponent.

(d) Where it was stipulated that the deposition would not be transcribed, the moving party is obliged to keep and produce at the trial the content of the testimony in the form in which it was originally taken.

Rule 28. Depositions upon Written Questions

Rule 28.1. Notice and service of questions

A party desiring to take the deposition of any person by written questions shall serve them upon every other party with a notice stating the name and address of the person who is to answer them, the name or descriptive title and address of the person who will administer the oath of the deposition, and the name and address of the person who is to take or record the deposition. Within ten (10) days after service of notice, a party so served may serve cross questions upon the party who proposed the taking of the deposition. Within five (5) days after being served with cross questions, a party may serve redirect questions upon a party who has served such cross questions. Within three (3) days after being served with redirect questions, a party may serve recross questions upon the party who proposed the taking of the deposition.

Rule 28.2. Taking of responses; preparation of record; duties

A copy of the notice and a copy of all questions served shall be delivered by the party taking the deposition to the person before whom the deposition is to be taken, as prescribed by Rule 27.7. Said person or, in his or her absence, the person who is to take or record the deposition shall proceed promptly, pursuant to Rules 27.7, 27.8 and 27.9, to take the testimony of the witness in response to the questions and to prepare, certify, and dispose of the deposition, attaching thereto a copy of the notice and questions received by him or her.

When the deposition is served on the party who took it, that person shall give notice thereof to all other parties and shall also keep the original deposition and produce it at the trial.

Rule 28.3. Orders for the protection of parties and deponents

After the service of notice and written questions, and prior to the taking of the testimony of the deponent, the court in which the action is pending, on motion promptly made by a party or a deponent and upon notice and good cause shown, may make any order specified in Rule 23.2 which is appropriate and just, or it may make an order that the deposition shall not be taken before the person designated in the notice or that it shall not be taken except upon oral examination.

Rule 29. Use of Depositions in Court Proceedings

Rule 29.1. Use of depositions

At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the Rules of Evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking

of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:

(a) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony given by the deponent as a witness.

(b) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director or managing agent, or a person designated under Rule 27.6 to testify on behalf of a public or private corporation, partnership, association, or governmental agency that is a party to the action may be used by an adverse party for any purpose.

(c) The deposition of a witness, whether a party or not, may be used by any party for any purpose if the court finds:

(1) that the witness is dead;

(2) that it has been shown that it would be burdensome to require appearance at trial of a witness who is not in Puerto Rico, unless it is shown that the absence of the witness was procured by the party offering the deposition;

(3) that the witness is unable to attend or testify because of age, illness, or physical disability;

(4) that the party offering the deposition has been unable to produce the attendance of the witness by subpoena; or

(5) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(d) If only part of a deposition is offered in evidence by a party, an adverse party may require the offeror to introduce any other relevant and admissible part that ought in fairness to be considered with the part introduced, and any party may introduce any other parts of the deposition.

Substitution of parties does not affect the right to use depositions previously taken; and when an action in the General Court of Justice or in any court of the United States or of any of its states, territories or possessions has been dismissed, and another action involving the same subject matter is afterwards brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

Rule 29.2. Objections to admissibility

Subject to the provisions of these rules, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

Rule 29.3. Effect of errors and irregularities in depositions

(a) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) *As to disqualification of officer before whom deposition is to be taken.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) *As to taking of deposition.*

(1) Objections to the competency of a witness or to the admissibility of a testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(3) Objections to the form of written questions submitted under Rule 28 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other written questions and within five (5) days after service of the last written questions authorized.

(d) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or copied, or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, or filed are waived unless a motion to suppress the deposition or some part thereof is made within thirty (30) days after such defect is, or with due diligence might have been, ascertained.

Rule 30. Interrogatories to Parties

Rule 30.1. Procedures for 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 be served upon the plaintiff without leave of court after commencement of the action. They may also be served upon any other party to the action, insofar as the thirty (30) day term following the date of service has elapsed.

If the defendant begins to conduct any kind of discovery within the aforementioned term such limitation shall not apply. Each interrogatory shall

be answered separately and fully in writing under oath, unless it is objected to.

If the interrogatory is objected to, the reasons for objection shall be stated by motion in lieu of an answer, and a copy of the interrogatory objected to shall be furnished.

If only part of the interrogatory is objected to, the party objecting to it shall include the question verbatim with a statement of the reasons for objection, in which event the objecting party and shall serve, together with the objections, the answers to the remainder of the interrogatory upon the party who submitted it.

The answers shall be signed and sworn by the person making them. The party upon whom the interrogatories have been served shall serve a copy of the answers or objections, if any, or both, upon the party who served the interrogatories within thirty (30) days after service of the interrogatories. The court may, upon notice and good cause shown, allow a shorter or longer time.

The party submitting the interrogatories may object to the answers thereto, subject to the provisions of Rule 34.1, by motion addressed to the court that shall include a verbatim transcript of the question and of the answer involved and the grounds for objection.

The party submitting the interrogatories may move for an order under Rule 34 with respect to any objection to or other failure to answer an interrogatory.

Rule 30.2. Scope; use at trial

Interrogatories may relate to any matter that can be inquired into under Rule 23, and the answers may be used to the extent permitted by the Rules of Evidence. An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or to conclusions of law, but the court, upon good cause shown, may order that such an interrogatory need not be answered or that it be answered at a time and under such conditions as it may deem reasonable.

Rule 30.3. Option to produce books, documents, records, or electronically stored information

Where the answer to an interrogatory may be derived from the books, documents, records, or electronically stored information of the party upon whom the interrogatory has been served, and the burden of deriving the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records, books, documents, or electronically stored information from which the answer may be derived and to afford to the party serving the interrogatory reasonable opportunity to examine, inspect or audit them and to make copies, compilations, summaries, or hard copies.

Rule 31. Discovery of Documents and Things for Inspection, Copying or Photographing

Rule 31.1. Scope

In addition to the right to seek the production of any document or thing for inspection in connection with an examination under Rule 27, or interrogatories under Rule 30, a party may, pursuant to Rule 23.2, serve on any other party a request:

(1) to produce and permit the inspection, copying or photographing, by or on behalf the party making the request, of any designated documents, papers, electronically stored information translated, if necessary, into reasonably usable form for the requestor, books, accounts, letters, photographs, objects or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by Rule 23.1 and that are in the possession, custody or control of the party upon whom the request is served; or

(2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon, within the scope of Rule 23.1.

The request shall specify the date, time, place, and manner of making the inspection and taking the photographs and copies, and may prescribe such terms and conditions as are just.

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 after the thirty (30) day term following the date of service has elapsed. If the defendant begins to conduct any kind of discovery within the aforementioned term, such limitation shall not apply. 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.

The party upon whom the request is served shall serve a response upon the requesting party within fifteen (15) days. The response shall state, with respect to each item designated in the request, that inspection will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. The party requesting the inspection may move for an order under Rule 34.2 with respect to any objection to or other failure to respond adequately to the request or to any part thereof, or to any failure to permit inspection as requested.

The party who produces documents for inspection shall produce them as they are kept in the usual course of business, and may only organize and label them to correspond with the categories in the demand.

If the request requires the production of electronically stored information, the responding party shall produce such information in the manner in which it is usually kept or in a reasonably usable form. A party who has electronically stored information in more than one form need only produce such information in one form.

Rule 32. Physical and Mental Examination of Persons

Rule 32.1. Order for examination

In an action in which the mental or physical condition (including the blood group or the genetic structure) of a party or of a person in the custody or under the legal control of a party, whether as guardian or a parent with patria potestas, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by an examiner authorized by law to perform such examination, or to produce for examination the person in the party's custody or legal control. Where a party raises allegations as to the party's own physical or mental condition, the party's right to privacy over the medical or psychological records pertaining to the controversy shall be deemed waived. The order may be made on motion and upon notice to the party to be examined and to all other parties and shall specify the date, time, place, manner, conditions, and scope of the examination and the person or persons by whom it will be made.

Rule 32.2. Report of examiner

(a) The party causing the physical and mental examination to be made shall deliver to the person examined, within forty-five (45) days from the date of examination, a copy of the detailed written report of the examiner setting out the examiner's findings. After delivery, the party causing the examination to be made shall be entitled to receive from the party who was examined a like report of any examination, previously or thereafter made, of the same physical or mental condition. If the party examined refuses to deliver said report, the court, on motion duly served, may make an order requiring delivery of the report on such terms as are just. If the professional authorized by law to perform the examination fails or refuses to make a report, the court may exclude the examiner's testimony if offered at trial.

(b) By obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege the party may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine the party in respect of the same mental or physical condition.

Rule 33. Requests 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 thirty (30) day term following the date of service of the summons has elapsed. If the defendant begins to[] conduct any kind of discovery within the aforementioned term, such limitation shall not apply.

Each matter of which an admission is requested shall be separately set forth. All matters of which an admission is requested shall be deemed admitted unless, within twenty (20) days after service of the request, or within such term as the court upon motion and notice may allow, the party to whom the request is directed serves upon the party requesting the admission an answer made under oath by the party, or written objection addressed to the matter. Unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of twenty (20) days after service of the copy of the complaint and summons upon that defendant. Notice shall be given to the defendant in the request that if an answer is not served within the time specified the matter shall be deemed admitted. If objection is made to the request for admission, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and deny only the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny, unless the party states that said party has made reasonable inquiry and that the information known or readily obtainable is insufficient to enable the party to admit or deny. A party may not object to the request solely on grounds that the matter of which an admission has been requested presents a genuine issue for trial; subject to the provisions of Rule 34.4, the party may deny the matter or set forth reasons why the party cannot admit or deny it.

The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter be admitted or that an amended answer be

served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial. The provisions of Rule 34.2(c) apply to the award of expenses incurred in relation to the motion.

(b) *Effect of admission.* Any admission made under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the admission. Subject to the provision of Rule 37 governing amendment of a pretrial order, the court may permit withdrawal or amendment of the admission when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice that party in maintaining the claim or defense. Any admission made by a party under these rules is for the purpose of the pending action only and is not an admission for any other purpose nor may it be used against the party in any other proceeding.

Rule 34. Discovery Disputes; Failure to Make Discovery and Sanctions

Rule 34.1. Discovery disputes

Where there is a dispute involving discovery, the court may only consider motions that are accompanied by a certification setting forth with particularity that the moving party has made a reasonable, seasonable and good-faith effort to reach an agreement with opposing counsel on the matters set forth in the motion and that this effort has proved fruitless.

Rule 34.2. Motion for order compelling discovery

After the moving party has seasonably made reasonable and good-faith efforts to reach an agreement with the opposing party and the latter refuses to make disclosure requested, the party moving for disclosure under this rule may move for a court order compelling discovery as follows:

(a) *Motion.* If a deponent refuses to answer a question propounded or submitted under Rules 27 and 28, or a corporation or organization fails to make a designation under Rule 27.6, or a party fails to answer an interrogatory submitted under Rule 30, or if a party, in response to an order issued under Rule 31, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request. When taking a deposition on oral examination, the proponent of a question may complete or adjourn the examination before applying for an order.

(b) *Evasive or incomplete response.* For purposes of this subdivision, an evasive or incomplete answer will be treated as a failure to respond.

(c) *Award of expenses.* If the motion is granted, the court shall, after affording an opportunity to be heard, require the party or deponent who failed

to comply with the order, the party or attorney advising that conduct, or both, to pay the moving party the expenses incurred in obtaining the order, including attorney's fees, unless the court finds that the opposition to the motion was substantially justified or that, under the circumstances, an award of expenses would be unjust.

If the motion is denied, the court shall, after affording an opportunity to be heard, require the moving party or attorney advising such conduct, or both, to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney's fees, unless the court finds that the making of the motion was substantially justified or that, under the circumstances, an award of expenses would be unjust.

When the circumstances so require, the court may apportion the expenses incurred among the parties or the persons involved, or both.

Rule 34.3. Failure to comply with order

(a) *Contempt.* If a deponent refuses to be sworn or to answer a question after being directed to do so by the court, the failure may be considered a contempt of court.

(b) *Other sanctions.* If a party, or an officer or managing agent of a party, or a person designated under Rule 27.6 or 28 to testify on behalf of a party fails to obey an order to provide or permit discovery, including an order made under Rules 32 and 34.2, the court may make such orders in regard to the failure as are just, and among others the following:

(1) An order that the matters included in the aforementioned orders or any other facts designated by the court shall be taken to be established for purposes of the action in accordance with the claim of the party obtaining the order.

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence.

(3) An order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

(4) In lieu of any of the foregoing orders or in addition thereto, an order treating as a contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

(5) Where a party has failed to comply with an order under Rule 32 requiring that party to produce for examination another person under that party's custody or legal control, such orders as are listed in paragraphs (1), (2), and (3) of this subdivision, unless the party failing to comply shows that said party is unable to produce such person for examination.

(6) An order, under such conditions as the court may deem just, imposing monetary sanctions on any party, witness, or attorney as a result of his or her conduct.

(c) In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or the attorney advising that party, or both, to pay the expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

(d) If the party moving for discovery concerning pleadings or defenses substantially shows with clear and convincing evidence that the disobedient party refuses to make disclosure requested because that party has destroyed it or has breached the duty to preserve evidence pending litigation or which may be reasonably used in future litigation, the disobedient party shall be subject to the sanctions provided in these rules. The court shall not impose sanctions under these rules on a party for failing to provide electronically stored information if said party can prove that such information was lost as a result of the routine, good-faith operation of an electronic information system, unless before making said operation the party had been required to preserve the evidence, in which case, the party shall bear the burden of proving that the electronically stored information could not be produced for the aforementioned reasons.

Rule 34.4. Expenses for failure to admit

If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 33, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the requesting party may apply to the court for an order requiring the other party to pay the reasonable expenses incurred in making that proof, including attorney's fees. The court shall make the order unless it finds that:

(1) the request was held objectionable pursuant to Rule 33(a);

(2) the admissions sought was of no substantial importance;

(3) the party failing to admit had reasonable ground to believe that the party might prevail on the matter; or

(4) there was other good reason for the failure to admit.

Rule 34.5. Failure of party to attend at own deposition, serve answers to interrogatories, or respond to request for inspection; failure to attend deposition or serve subpoena

If a party, or an officer, director or managing agent of a party, or a person designated under Rule 27.6 or 28 to testify on behalf of a party fails:

(1) to appear before the officer who is to take the deposition, after being served with a proper notice,

(2) to serve answers or objections to interrogatories submitted under Rule 30, after proper service of the interrogatories, or

(3) to serve a written response to a request for inspection, after proper service of the request, the court, on motion of a party, may make such orders in regard to the failure as are just, and among others it may take any action authorized under paragraphs (1), (2), and (3) of subdivision (b) of Rule 34.3. In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to act or the attorney advising that party, or both, to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this rule may not be excused on the ground that the discovery sought is objectionable, unless the party failing to act has obtained a protective order as provided by Rule 23.2.

If the party giving the notice of the taking of a deposition fails to attend and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to the other party the reasonable expenses incurred in so attending, including reasonable attorney's fees.

If the party giving the notice of the taking of a deposition fails to serve the witness with a subpoena and the witness because of such failure does not attend, and if another party attends in person or by attorney expecting the deposition of that witness to be taken, the court may order the party giving the notice to pay such other party the reasonable expenses incurred in so attending, including reasonable attorney's fees.

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.

Rule 35. Offer of Judgment and Payment

Rule 35.1. Offer of judgment

At any time more than twenty (20) days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against the defending party for the money or property or to the effect specified in the offer, with costs then accrued. The offer must meet the following requirements:

(1) Be made in writing and served by certified mail upon the party to whom it is made.

(2) Name the party making the offer and the party to whom the offer is being made.

(3) State the amount, if any, offered for damages.

(4) Specify the total amount or property and conditions offered.

(5) State the amount for costs then accrued.

If within ten (10) days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof, and thereupon the clerk of the court shall enter judgment. An offer not accepted shall be deemed withdrawn and evidence thereof is not admissible except in a proceeding to determine costs, expenses, and attorney's fees, or in a proceeding to compel compliance with the judgment entered as a result of an offer of judgment.

If the judgment finally obtained by the offeree is similar to or less favorable than the offer, the offeree must pay the costs, expenses, and attorney's fees incurred after the making of the offer.

The fact that an offer is made but not accepted does not preclude a subsequent offer. When the liability of one party to another has been determined by judgment, but the amount of damages or the extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than twenty (20) days prior to the commencement of the hearing.

Rule 35.2. Offer of payment

When in an action for the recovery of money only the defendant alleges in the answer that before the commencement of the action the defendant tendered to the plaintiff the full amount to which the plaintiff is entitled and thereupon deposits in court the amount so tendered, and the allegation is found true, the plaintiff may not recover costs but shall pay costs to the defendant, as well as the expenses and attorney's fees.

Rule 35.3. Deposit in court

In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of any other thing capable of delivery, a party, upon notice to every other party and by leave of court, may deposit with the court all or any part of such sum or thing, to be kept by the clerk, subject to withdrawal, in whole or in part, at any time upon order of the court.

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) Such consent shall appear from a verified statement, signed by the defendant, to the following effect:

(1) It must authorize the entry of judgment for a specified sum.

(2) If it be for money due or to become due, it must concisely state the facts out of which it arose and show that the sum confessed therefor is justly due, or to become due.

(3) If it be for the purpose of securing the plaintiff against a contingent liability, it must concisely state the facts constituting the liability and show that the sum confessed therefor does not exceed the amount of liability.

Rule 36. Summary Judgment

Rule 36.1. For claimant

At any time after the expiration of twenty (20) days from the service of process upon the defendant, or after service of a motion for summary judgment by the adverse party, but not later than thirty (30) days after the close of all discovery, a party seeking relief may move for summary judgment in the party's favor upon all or any part of the claim based on supporting affidavits or on evidence showing that there is no genuine dispute as to any material fact.

Rule 36.2. For defending party

A party against whom a claim is asserted may, after service of process, but not later than thirty (30) days after the close of all discovery, move for summary judgment in the party's favor upon all or any part of the claim based on supporting affidavits or on evidence showing that there is no genuine dispute as to any material fact.

Rule 36.3. Motion and proceedings

(a) The motion for summary judgment shall be served upon the adverse party and shall contain the following:

(1) a brief statement of the parties' pleadings;

(2) the triable issues or controversies;

(3) the cause of action or claim for which or party against whom summary judgment is sought;

(4) a concise statement of all material and essential facts upon which there is no genuine dispute, set forth in separately numbered paragraphs, with references to the paragraphs or pages in the affidavits or other admissible evidence establishing these facts, or any other admissible document in the court record;

(5) the reasons for which judgment should be entered, setting forth the applicable law;

(6) the relief to be granted.

(b) A response to the motion for summary judgment must be filed within twenty (20) days of service of the motion and shall contain the following:

(1) the information listed in paragraphs (1), (2), and (3) of subdivision (a) above;

(2) a concise, well-organized statement of material and essential facts that are actually and in good faith controverted, supported by reference to the paragraphs numbered by the moving party, and with a citation to the paragraphs or pages in the affidavits or other admissible evidence establishing these facts, as well as in any other document admissible in evidence in the court record;

(3) a numbered list of the facts as to which there is no dispute, with a citation to the paragraphs or pages in the affidavits or other admissible evidence establishing these facts, as well as in any other document admissible in evidence in the court record;

(4) the reasons for which judgment should not be entered, setting forth the applicable law.

(c) When a motion for summary judgment is filed and supported as provided in this Rule 36, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's response must present facts as detailed and specific as those set forth by the moving party. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party.

(d) All facts set forth in the motion for summary judgment or in the response thereto shall be deemed admitted if reference is made to the paragraphs or pages of the affidavits or other admissible evidence in which these facts were established, unless properly controverted in the manner provided in this rule.

The court is under no obligation to consider facts that have not been specifically numbered and are not supported by citation to the paragraphs or pages in the affidavits or other admissible evidence establishing such facts. Neither is the court under any obligation to consider any part of an affidavit or other admissible evidence not referenced in a statement of facts.

(e) The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, or other evidence show that there is no genuine dispute as to any material fact and that the moving party is entitled to summary judgment as a matter of law.

The court may render an interlocutory summary judgment on any issue between the parties that can be separated from the remaining issues. Such judgment may be rendered for or against any party to the action.

If the adverse party fails to file a response to the motion for summary judgment within the term provided in this rule, the motion for summary judgment shall be deemed submitted for consideration by the court.

Rule 36.4. Case not fully adjudicated on motion

If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked, or if the motion is denied and a trial is necessary, the court must pass on the motion to ascertain what essential or material facts exist without substantial controversy and what material facts are actually and in good faith controverted, as well as the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings as are just, including an evidentiary hearing limited to the issues in controversy. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

Based on the findings made under this rule, the court shall grant the relief that may lie, if any.

Rule 36.5. Form of affidavits; further testimony

Supporting and opposing affidavits shall be made on personal knowledge of the affiant, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions or further affidavits.

Rule 36.6. When affidavits are unavailable

Should it appear from the affidavits of a party opposing the motion that the party cannot, for reasons stated therein, present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to give the nonmoving party reasonable time to obtain affidavits, take depositions or obtain discovery from the other party, or may issue any such other order as is just.

Rule 36.7. Affidavits made in bad faith

Should it appear to the satisfaction of the court that any of the affidavits has been presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees. Any offending party or attorney may be adjudged guilty of contempt and subject to any other additional sanction provided in these rules.

Rule 37. Case Management

Rule 37.1 Attorney case management conference

In all adversarial proceedings, except those under Rules 45 and 60, proceedings in family relations matters, or other cases governed by special

legislation, the parties' counsel shall meet in conference no later than forty (40) days after defendant's last appearance or service of process to the last codefendant or third-party defendant, or after the expiration of the time for filing an answer. The plaintiff's counsel shall make arrangements with defendant's counsel to set the date of the conference for the following purposes:

(a) Exchange legible copies of all documents, audiovisual materials, or electronically stored information in their custody, possession or control, which may be used by any party to support asserted claims or defenses.

(b) In cases involving the division and liquidation of assets, exchange an inventory, description and appraisal, as estimated by the parties, as well as copies of all documents required by law or regulation for the prosecution of the case.

(c) Exchange the name, address, and telephone number of all persons likely to have discoverable information, and a summary of said information.

(d) Examine the need or convenience of designating a commissioner, receiver, partitioner, liquidator, appraiser, trustee, arbitrator, guardian, expert, special master, ad hoc administrator, or any other person, for which purpose they shall include the name of one candidate chosen by agreement, or of two candidates with whom they had previously spoken and who are available and would accept such commission.

(e) Exchange the name, address, telephone number, and curriculum vitae of any expert consulted or to be used use at trial, including occurrence experts and provide a summary of their opinions and a brief statement of supporting theories, facts or arguments on which they are based, and the time for presenting expert reports.

(f) Prepare a proposed discovery plan, including the dates for compliance and for the deposition, if any, of the parties, witnesses, and experts. They shall include the methods of discovery to be employed, if any, and the term within which discovery will be completed.

(g) Examine the case in light of the applicable regulations governing alternative dispute resolution methods.

(h) Report any related actions pending, to be brought, or to be joined.

(i) Make stipulations to expedite the proceedings.

(j) Settlements.

As a result of the conference, the parties' counsel shall jointly prepare a document entitled *Case Management Report* reciting the agreements reached to be filed with the office of the clerk within ten (10) days of the conference. The *Case Management Report* may be prepared by telephone, fax, email, teleconference, or by any other means. Based on this report, the court shall schedule the initial conference, the pretrial conference, or the trial.

The parties shall update, supplement, correct, or amend the evidence or information to be exchanged under this rule. Sanctions may be applied under Rule 23.1(e) for failure to comply with this duty.

The terms established by this rule are of strict compliance, subject to the provisions of Rule 37.7.

Rule 37.2. Scheduling conference[4]

In all adversary proceedings, except those under Rule 60 or other cases governed by special legislation, the court shall order a scheduling conference no later than sixty (60) days after receiving the *Case Management Report* for the purpose of considering, among other matters:

(a) Issues involving jurisdiction or venue.

(b) Questions concerning the joinder of parties or claims.

(c) Amendments to the pleadings.

(d) Stipulations concerning factual admissions and documents, so as to avoid additional discovery and unnecessary evidence.

(e) Material factual contentions and the applicable rules of law.

(f) An examination of the case in light of the applicable rules governing alternative dispute resolution methods.

(g) The limits, scope, and time for completion of discovery.

(h) The issuance of protective orders.

(i) The time for filing dispositive motions.

(j) The time for filing amendments to the pleadings under Rule 6.2(c).

(k) The separation of issues for independent adjudication.

(*l*) Related actions pending, to be brought, or to be joined.

(m) The exchange of inventory, description and appraisal of assets by the parties, and copies of all documents required by law or regulation for the proper handling of the case.

(n) The possibility of certifying the case as a complex litigation.

(o) The advisability of preliminarily referring contentious issues to a commissioner, receiver, partitioner, liquidator, appraiser, trustee, arbitrator, guardian, expert, ad hoc administrator, or any other person.

(p) Stipulations to expedite the proceedings.

(q) Settlements.

(r) The date for the trial.

(s) Such other measures as may facilitate the prompt disposition of the action.

These provisions do not preclude the court, by virtue of the *Case Management Report*, from holding the pretrial conference or the trial on the date set for the initial scheduling conference, or from ordering additional conferences to oversee discovery.

[4] Rule 37.2 was amended by Law No. 240 of 2018, which was not available in English at the time these Rules were compiled. This rule reflects the language prior to this amendment. Please consult the Spanish version.

Rule 37.3. Scheduling order

(a) Where an initial scheduling conference was held, the court shall enter a scheduling order detailing the terms and agreements.

(b) Where an initial scheduling conference was not ordered, the court shall issue a scheduling order adopting the terms and agreements set forth in the *Case Management Report*.

(c) The time limits and dates fixed in the scheduling order are of strict compliance, subject to the sanction set forth in Rule 37.7.

Rule 37.4. Meeting of attorneys for pretrial conference

In cases set for a pretrial conference, the parties' counsel shall meet informally at least fifteen (15) days prior to the date of the conference to prepare, in accordance with the *Case Management Report*, the agreements in the scheduling order and subsequent incidents for the purposes of preparing an *Attorneys' Preliminary Report* containing the following information:

(a) The names, addresses, telephone and fax numbers, and email addresses of all attorneys who will represent the parties at the trial.

(b) A brief factual statement of the parties' claims or defenses, as the case may be, including an itemized statement of any damages claimed;

(c) Stipulations concerning facts, documents, and matters over which there is no dispute so as to avoid the presentation of unnecessary evidence.

(d) A brief statement of the parties' contentions with respect to controverted facts, documents, and matters, together with supporting authority.

(e) A brief statement of the application of law to the specific facts of the case, a summary of the issues of law that the parties anticipate will be raised or that have already been raised, indicating those over which there is a disagreement and the parties' opinions about them, as well as the specific applicable caselaw.

(f) An itemized list of duly identified documentary evidence, including depositions or other evidence to be offered whose admissibility is not contested.

(g) A list of the documentary evidence to be presented by each party and whose admissibility is contested, including a concise statement of the grounds for the objection.

(h) A list containing the names and addresses of all trial witnesses, including occurrence experts, for each party (except impeachment or rebuttal witnesses), including a brief statement of each witness's testimony.

(i) A list of all the expert witnesses at trial for each party, including a brief statement of each witness's testimony.

(j) A statement by each party about claims or defenses that are deemed abandoned or waived.

(k) A list of all pending and reasonably anticipated motions, subject to the discretion of the court, for consideration at this stage of the proceedings.

(*l*) Amendments to the pleadings and the grounds for not having submitted them earlier.

(m) An estimate of the number of days and hours required for each party's presentation of its case at trial.

(n) The possibility of settlement.

(o) Such other measures as may facilitate the prompt disposition of the action.

The parties' counsel may discuss the matters required for the *Report* by telephone, teleconference, fax, email, or by any other suitable means.

The parties' counsel shall submit to the office of the clerk of the court the *Report* required by this rule ten (10) days prior to the date set for the pretrial conference.

Absent good cause, the Court may exclude from evidence at trial documents, witnesses or issues not listed or identified as required in this rule, and any objection or defense not specified in the *Report* shall be deemed waived.

Rule 37.5. Pretrial conference

The pretrial conference shall be held at least thirty (30) days prior to the date set for the trial. The court may direct the parties and their respective counsel to appear before it to discuss the matters specified in the *Attorneys' Preliminary Report*, in addition to the following matters:

(a) The settlement of the case.

(b) The disposition of all pending disputes as stated in the *Report*, including the admissibility of evidence.

(c) The formulation of a plan for trial.

The court shall make an order reciting the agreements reached and the action taken at the conference, the amendments allowed to the pleadings, and the stipulations reached by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or stipulations of counsel. Such order, when entered, shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

Rule 37.6. Settlement conference

At any time it may deem necessary, the court may direct that a separate settlement conference be held with the parties and their counsel.

Rule 37.7. Sanctions[5]

If a party or party's attorney fails to comply with in this rule or fails to obey any case management order without good cause shown, the court shall

[5] Rule 37.7 was amended by Law No. 54 of 2021, which was not available in English at the time these Rules were compiled. This rule reflects the language prior to this amendment. Please consult the Spanish version.

impose on the party or on the party's attorney such monetary sanctions or penalties as are just.

CHAPTER VI
TRIALS

Rule 38. Consolidation; Separate Trials

Rule 38.1. Consolidation

When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters at issue in the actions; it may order all the actions consolidated; and to this effect it may make such orders as may tend to avoid unnecessary costs or delay.

Rule 38.2. Separate trials

The court, in furtherance of convenience or to avoid prejudice or unnecessary expenses, or to facilitate the prompt disposition of the case, may order a separate trial of any claim, cross-claim, counterclaim, or third-party claim, or of any separate issue, and may render judgment pursuant to the provisions of Rule 42.3.

Rule 39. Voluntary Dismissals and Dismissals of Actions

Rule 39.1. Voluntary dismissal

(a) *By plaintiff; by stipulation.* Subject to the provisions of Rule 20.5, an action may be dismissed by the plaintiff without order of the court:

(1) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or

(2) by filing a stipulation of dismissal signed by all parties who have appeared in the action.

Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in the General Court of Justice or in any court of the United States or of any state, an action based on or including the same claim.

(b) *By order of court.* Except as provided in subdivision (a) of this rule, an action shall not be dismissed at the plaintiff's instance except upon order of the court and upon such terms and conditions as the court deems proper. Unless otherwise specified in the order, a dismissal under this paragraph is without prejudice.

Rule 39.2. Involuntary dismissal

(a) Where a plaintiff fails to comply with these rules or with any order of the court, the court, on its own initiative or on motion of the defendant, may

dismiss an action or any claim against the plaintiff or strike pleadings, as the case may be.

The severe sanction of dismissing the claim or striking the pleadings may be taken after a first noncompliance only after the court has first advised the party's counsel on the situation and has given counsel an opportunity to respond. If the party's counsel fails to respond, the court shall impose sanctions on the party's counsel, and the party shall be directly notified of the situation. After the party has been duly notified or advised of the situation and of its consequences if not corrected, the court may dismiss the action or strike the pleadings. The court shall give the party reasonable time to correct the situation, which in no case shall be less than thirty (30) days, unless the circumstances of the case warrant a shorter term.

(b) Whenever a civil action shall have been pending in any court for six months without any required proceeding having been taken therein, the court shall order dismissal thereof, unless failure to prosecute is reasonably accounted for. For purposes of this rule, motions to stay, for transfer of hearing, or for extensions of time shall not be considered a proceeding taken.

In every case, the court shall issue an order to be served on the parties and counsel requiring the parties to state in writing, within ten (10) days after such service by the clerk, the reasons why the action should not be dismissed.

(c) After the plaintiff has completed the presentation of evidence, the defendant, without waiving his or her right to present evidence in the event the motion is not granted, may move for dismissal on the ground that under the facts proved so far and under the law, the plaintiff is not entitled to relief. The court may then determine the facts and render judgment against the plaintiff or may decline to render judgment until the close of all the evidence. Unless the court in its order for dismissal otherwise specifies, a dismissal under this Rule 39.2 and any dismissal other than a dismissal for lack of jurisdiction or for failure to join an indispensable party operates as an adjudication upon the merits.

Rule 39.3. Voluntary dismissal and dismissal of counterclaim, cross-claim, or third-party claim

The provisions of this rule shall apply to the voluntary dismissal and the dismissal of any counterclaim, cross-claim, or third-party claim. A voluntary dismissal by the claimant alone pursuant to Rule 39.1(a) shall be made before a responsive pleading is served or, if there is none, before the introduction of evidence at the trial.

Rule 39.4. Costs or attorney's fees of previously dismissed actions

If a plaintiff who has once dismissed an action commences an action based upon or including the same claim against the same defendant, the court may make such order for the payment of costs or attorney's fees of the action

previously dismissed as it may deem proper and may stay the proceedings in the new action until the plaintiff has complied with the order.

Rule 40. Subpoena

Rule 40.1. Form

Every subpoena shall state the name of the court from which it is issued, the part of the court in which it is pending, the title of the action, and its civil case number. It shall command the person or entity to whom it is directed to attend and give testimony at the hearing, trial or deposition, or to produce or permit the inspection or copying of designated books, documents, electronically stored information, or tangible things in the possession, custody or control of that person or entity, or to permit inspection of premises or property in the possession, custody or control of that person or entity on the date and at the time and place therein specified.

A command to produce evidence or to permit inspection may be joined with a command to appear at trial or hearing or at deposition, or may be issued separately. A subpoena shall specify the form or forms in which the production of electronically stored information is to be made.

Rule 40.2. Issuance

A subpoena may be issued by the clerk of the court, on motion of party, or by an attorney admitted to practice before the court who represents said party, for the following:

(a) To command appearance at the trial or hearing at the part of the court where the trial or hearing is to be held;

(b) To command attendance at a deposition only in the place where the deponent resides, is employed, or personally engages in business;

(c) To command production and permit inspection or copying of books, documents, electronically stored information, or tangible things in the judicial region corresponding to the part of the court in which the case is pending, subject to the provisions of Rule 31; and

(d) To command the inspection of premises or property in the possession, custody or control of the person to which the subpoena is directed on the date and at the time and place specified therein, subject to the provisions of Rule 31.

Rule 40.3. Service

A subpoena may be served by a marshal, or by any other person who is at least 18 years of age, can read and write, and who is not a party or a party's attorney or a relative within the fourth degree of consanguinity or second of affinity, and has no interest in the action. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or pursuant to the provisions of Rule 4.4 regarding personal service of summons.

When the person's attendance is commanded, the subpoena shall be accompanied by a check or money order tendering to that person the fees for attendance and the mileage allowed by law. When the subpoena is issued on behalf of the Commonwealth of Puerto Rico, its agencies, municipalities or instrumentalities, or of an officer thereof, fees and mileage need not be tendered.

The subpoena shall be served at least twenty (20) days prior to the date of compliance, except if the subpoena commands appearance at a trial or hearing, in which case it may be served outside said term.

Proof of service shall be made by filing with the clerk of the court a copy of the subpoena with an affidavit, if service is made by an individual, or a certificate of service if service is made by a marshal, stating the date, form and manner of service, and the name of the person or entity upon whom service was made.

Rule 40.4. Protection of persons subject to subpoenas

(a) A party or an attorney responsible for the issuance of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall impose sanctions upon the party or attorney in breach of this duty, which may include lost earnings and attorney's fees.

(b) A person commanded to produce and permit inspection and copying of books, documents, electronically stored information or tangible things, or inspection of premises need not appear at the place of inspection, unless also commanded to appear for deposition, hearing or trial.

(c) A person to whom the subpoena is directed may, within fifteen (15) days after service of the subpoena, serve upon the attorney designated in the subpoena written objection to inspection or copying of all or part of the information or the place where it is located, or to the production of electronically stored information in the form or forms requested, or to the inspection of premises or property. If objection is made, the party serving the subpoena shall not be entitled to the inspection or production, but may oppose the objection and, upon notice to the person commanded to produce, move the court for an order to compel the inspection or production. The court shall issue the appropriate order and, should inspection or production be compelled, it shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, production or copying commanded.

(d) A person whose attendance at a deposition is commanded may file an objection to the subpoena within fifteen (15) days after service thereof. If attendance is commanded for a hearing or trial, the objection may be filed at any time.

Rule 40.5. Duties in responding to subpoena

(a) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(b) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that may enable the demanding party to contest the claim. This shall not excuse the production of documents that are not subject to a claim of protection.

Rule 40.6. Subpoena for deposition of witness outside of the jurisdiction

Witnesses outside of the jurisdiction shall be compelled to appear for the taking of a deposition by way of a commission or letters rogatory directed to the competent judicial authority of the place where the witness is located. The testimony of such witnesses shall be taken by deposition under Rule 25.2, and the transcript of said testimony may be used in lieu of the testimony.

Rule 40.7. Subpoena unnecessary

A person present in court or before a judicial officer may be required to testify in the same manner as if the person were in attendance upon a subpoena.

Rule 40.8. Concealed witness

If a witness is concealed so as to prevent the service of a subpoena, the court may, upon proof by affidavit of the concealment of the witness and of the materiality of the witness's testimony, make an order that the marshal serve the subpoena, and the marshal shall serve it accordingly, and, for that purpose, may break into any building or property where the witness is concealed.

Rule 40.9. Subpoena upon persons confined in prison

The court, upon verified motion as to the materiality of the desired testimony, may order the issuance of a subpoena commanding attendance of a person confined in prison for the purpose of testifying at a trial, hearing or deposition.

Rule 40.10. Contempt

Failure without adequate excuse to obey a duly served subpoena may be deemed contempt of the court.

Rule 41. Masters

Rule 41.1. Appointment and compensation

The court in which an action or proceeding is pending may appoint a special master therein. "Master," as used in these rules, includes a referee, an auditor, and an examiner. The compensation to be allowed to a master shall be fixed by the court and charged upon such of the parties as the court may order, or paid out of any fund or property involved in the action which is in the custody and control of the court, as the court may direct. The master shall not retain the report as security for compensation, but when the party ordered to pay the compensation allowed by the court does not pay it after notice and within the time prescribed by the court, the master is entitled to a writ of execution against such a party. If a party refuses to comply with the order to pay the master's compensation without good cause shown, the court may impose sanctions in accordance with Rule 34.3.

Rule 41.2. Reference

The Supreme Court and the Court of Appeals may refer a matter to a master in any case or proceeding in original jurisdiction.

A reference to a master in the Court of First Instance shall be the exception and not the rule. No case may be referred to a master, save in actions involving the need to perform an accounting or resolve a difficult computation of damages, or those involving highly technical matters or requiring expertise. No master shall be appointed if a party shows that the appointment would cause unnecessary expense or unreasonable delay in the proceedings.

Rule 41.3. Powers

The order of reference to a master shall state with particularity the master's powers and may direct the master to report only upon particular issues, or to do or perform particular acts, or to receive and report evidence only, and may fix a reasonable time for the filing or the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before the master and to do all acts and take all measures necessary or proper for the efficient performance of the duties under the order. The master may require the production of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents and writings applicable thereto. The master may rule upon the admissibility of evidence, unless otherwise directed by the order of reference, and has the authority to put witnesses on oath, and may examine them and may call the parties to the action and examine them upon oath. When a party so requests, the master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations provided in the Rules of Evidence.

Rule 41.4. Proceedings

(a) *Meetings.* When a reference is made, the clerk shall forthwith furnish the master with a copy of the order of reference. Upon receipt thereof unless the order of reference otherwise provides, the master shall forthwith notify the parties or their attorneys of the time and place set for the first meeting, to be held within twenty (20) days after the date of the order of reference. It is the duty of the master to proceed with all reasonable diligence. Any party, on notice to the parties and master, may apply to the court for an order requiring the master to expedite the proceedings and to make the report. If a party fails to appear at the time and place appointed, the master may proceed ex parte or, in the master's discretion, adjourn the proceedings to a future day, giving notice to the absent party of the adjournment.

(b) *Witnesses.* The parties may procure the attendance of witnesses before the master by the issuance and service of subpoenas as provided in Rule 40. If without adequate excuse a witness fails to appear or give evidence, the witness may be punished as for a contempt and be subjected to the consequences, penalties, and remedies provided in Rules 34 and 40.

(c) *Statement of accounts.* When matters of accounting are in issue before the master, the master may prescribe the form in which the accounts shall be submitted and in any proper case may require or receive in evidence a statement by a public accountant or a certified public accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the master may require a different form of statement to be furnished, or the accounts or specified items thereof to be proved by oral examination or upon written interrogatories or in such other manner as the master directs.

Rule 41.5. Report

(a) *Contents and filing.* The master shall prepare a report upon all matters submitted to the master by the order of reference and, if required to make findings of fact and conclusions of law, the master shall set them forth in the report, which shall be filed with the clerk of the court on the date specified in the order of reference pursuant to Rule 41.3. Unless otherwise directed, the master shall file with the report a statement of the proceedings, a summary of the evidence, and the original exhibits.

(b) *Draft report.* Before filing the report, the master may submit a draft thereof to counsel for all parties for the purpose of receiving their suggestions. Once the report is filed, the clerk shall forthwith serve notice thereof on all the parties.

(c) *Approval.* In all cases, the court shall accept the master's findings of fact unless clearly erroneous. Within twenty (20) days after being served with notice of the filing of the report or within the term fixed by the court, any party may serve written objections thereto upon the other parties. Applications to the court for action upon the report and upon the objections thereto shall be

made by motion and upon notice as prescribed in Rule 67. After hearing the parties, the court may adopt, modify or reject the report, in whole or in part, or may receive further evidence or may resubmit it to the master with instructions.

(d) *Stipulations as to findings.* The effect of a master's report is the same whether or not the parties have consented to the reference; but, when the parties stipulate that a master's findings of fact shall be final, only questions of law arising upon the report shall thereafter be considered.

CHAPTER VII
JUDGMENTS AND RESOLUTIONS

Rule 42. Judgment and Resolution

Rule 42.1. Judgment and resolution; what they include

"Judgment" as used in these rules includes any decision of the Court of First Instance that finally resolves the matter in litigation and from which an appeal lies. "Resolution" includes any ruling that puts an end to an incident within the judicial process.

"Judgment," when rendered by an appellate court, refers to the final decision of that court concerning the appeal before it or concerning the discretionary remedy for which the appellate court has issued the writ sought. The final decision of an appellate court when it denies, at its discretion, the writ sought shall be called a "resolution." The final decision of an appellate court when it sets aside an appeal for any reason or dismisses it for abandonment shall be called a "judgment."

Rule 42.2. Recital of findings and conclusions of law

In all actions the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment. In granting or refusing interlocutory injunctions, the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds for its action. Findings of fact based on oral evidence shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to pass upon the credibility of the witnesses. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court.

Findings of fact and conclusions of law need not be specified:

(a) on decisions on motions under Rule 10 or 36.1 and 36.2, or any other motion except as provided in Rule 39.2;

(b) in default cases;

(c) by stipulation of the parties; or

(d) when the court so decides in view of the nature or the cause of action or of the relief granted by the judgment.

Where a motion for summary judgment is denied in whole or in part, the court's findings shall be as prescribed in Rule 36.4.

Rule 42.3. Judgment upon multiple claims or involving multiple parties

When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delaying judgment on such claims until final adjudication of the case and upon an express direction for the entry of judgment.

When said determination and express direction is made, the partial judgment will become final for all purposes of the claims and the rights and duties adjudicated therein, and once the copy of the notice thereof is entered in the record, the terms set forth by Rules 43.1, 47, 48 and 52.2 shall start running.

Rule 42.4. Granting of relief

Every judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded that relief in the party's pleadings. However, a judgment by default shall not be different in kind or exceed in amount prayed for in the demand for judgment.

Rule 43. Amendments or Initial or Additional Findings

Rule 43.1. Amendments or initial or additional findings

It shall not be necessary to request that findings of fact be set forth for purposes of an appeal; but upon motion of a party filed no later than fifteen (15) days after a copy of the notice of the judgment is filed in the record of the case, the court may make the corresponding initial findings of fact and conclusions of law, if these were not made because they were not necessary under Rule 42.2, or may amend its findings or make additional findings, and may amend the judgment accordingly. If a party should wish to file a motion for amendments, for initial or additional findings, for reconsideration or for a new trial, these motions shall be joined and the court will rule on them accordingly. In any case, the sufficiency of the evidence supporting the findings may be later questioned even whether or not the party raising the question objected to the findings in the lower court, moved to amend them, or moved for judgment.

The motion for amendments or for initial or additional findings of fact shall be served on the other parties to the action within the term of fifteen (15) days prescribed in this rule for the filing of the motion. The term for service is of strict compliance.

Rule 43.2. Interruption of term to seek post-judgment relief

A motion for amendments or for initial or additional findings of fact shall specifically and particularly set forth the facts the moving party deems proven and shall be grounded on substantial matters related to relevant findings of fact or material conclusions of law.

When any of the parties moves the court to amend its findings or to make initial or additional findings, the term for filing an appeal shall be interrupted for all parties. The term shall start to run again as soon as a copy of the resolution granting or denying the motion to amend or rendering an amended judgment, as the case may be, is served and entered in the record.

Rule 44. Costs; Attorney's Fees; Legal Interest

Rule 44.1. Costs and attorney's fees

(a) *To whom allowed*. Costs shall be allowed to the party prevailing in the action or favored by the judgment on appeal or review, unless otherwise provided by statute or by these rules. The costs which may be allowed by the court are those expenses necessarily incurred in prosecuting an action or proceeding which, as prescribed by the statute or in the discretion of the court, one of the parties should reimburse to the other.

(b) *How allowed*. Within ten (10) days after a copy of the notice of judgment is filed in the record of the case, a party claiming costs shall file with the court and serve upon the adverse party, a list or memorandum of all necessary expenses and disbursements incurred in the prosecution of the action or proceeding. The memorandum of costs shall be filed under oath by the party or certified by counsel, and shall state that to the best knowledge and belief of the claimant or the claimant's attorney, the itemized expenses are correct and all the disbursements were necessary for the prosecution of the action or proceeding. If there is no objection, the court shall approve the memorandum of costs and may eliminate any item deemed inappropriate after giving the applicant an opportunity to justify the same. Any party who disagrees with the costs thus claimed may object to them, in whole or in part, within ten (10) days from the date on which the memorandum of costs is served on that party. The court, after considering the parties' positions, shall resolve the objection. The decision of the Court of First Instance may be reviewed by the Court of Appeals on certiorari. If an appeal was taken against the judgment, the review of the court's determination on the costs shall be consolidated with the appeal.

(c) *On appeal*. The party for whom judgment is rendered on appeal shall file in the part of the Court of First Instance that initially decided the case, and serve upon the adverse party within the jurisdictional term of ten (10) days after the remand and as prescribed by subdivision (b) above, a list or memorandum of all necessary expenses and disbursements incurred in the prosecution of the appeal in the Court of Appeals and in the Supreme

Court, as the case may be. The memorandum of costs shall be filed by the party under oath or certified by counsel, and any objection thereto shall be made and decided as prescribed by Rule 44.1(b). The resolution issued by the Court of First Instance may be reviewed as prescribed in subdivision (b). The resolution issued by the Court of Appeals may be reviewed on certiorari by the Supreme Court.

When the judgment of the Court of First Instance is reversed, the prevailing party shall file a memorandum of costs in keeping with the procedure and the term established in this subdivision, and shall include the expenses and disbursements incurred in the Court of Appeals and in the Supreme Court.

(d) *Attorney's fees*. Where a party or party's counsel has acted obstinately or frivolously, the court, in its judgment, shall impose on such person the payment of a sum in attorney's fees which the court may deem to correspond to such conduct. Where the Commonwealth of Puerto Rico, its municipalities, agencies or instrumentalities acted obstinately or frivolously, the court shall impose in its judgment the payment of a sum in attorney's fees only to the extent permitted by law.

Rule 44.2. Interlocutory costs and sanctions

The court may impose interlocutory costs on the parties and monetary sanctions in all cases or at any stage on a party or a party's counsel for delay, lack of prosecution, abandonment, obstruction, or lack of diligence in prejudice of the sound administration of justice. Payments to such ends shall be made by electronic means or by any other means or mechanism that the Chief Justice of the Supreme Court may adopt in coordination with the Secretary of the Treasury. The sums collected as a result of the monetary sanctions imposed on the parties or counsel shall be deposited into the Special Fund of the Judicial Branch created under Law No. 235 of August 12, 1998, as amended, to be used in the manner and for the purposes set forth therein.

Monetary sanctions imposed by the court on the Commonwealth of Puerto Rico or on its agencies, corporations or instrumentalities will be allowed in favor of the adverse party in the litigation.

Rule 44.3. Legal interest

(a) Interest, at the rate fixed by regulation by the Finance Board of the Office of the Commissioner of Financial Institutions in effect when judgment is rendered shall be included in all judgments ordering the payment of money, to be computed on the amount of the judgment from the date it was rendered through the date it is paid, including costs and attorney's fees. The interest rate shall be stated in the judgment.

The Board shall periodically fix and review the interest rate on judgments, taking into consideration market fluctuations, with the objective of discouraging the filing of frivolous claims, avoiding unreasonable delay in

compliance with existing obligations, and encouraging the payment of judgments as soon as possible.

(b) Except when the defendant is the Commonwealth of Puerto Rico, its municipalities, agencies, instrumentalities, or officers acting in their official capacity, the court will also impose on obstinate parties the payment of interest at the rate fixed by the Board, as prescribed by subdivision (a) of this rule, in effect when judgment is rendered, from the time the cause of action arose in every action for collection of money and from the time the claim was filed in actions for damages through the date judgment is rendered, to be computed on the amount of the judgment. The interest rate shall be stated in the judgment.

Rule 45. Default

Rule 45.1. Entry

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

The court, on its own initiative or upon motion of party, may enter default against any party pursuant to Rule 34.3(b)(3).

This entry shall have the effect of admitting the averments set forth in the affirmative pleadings, subject to the provisions of Rule 45.2(b).

Failure to enter default shall not affect the validity of a judgment by default.

Rule 45.2. Judgment

Judgment by default may be entered as follows:

(a) *By the Clerk*. When the plaintiff's claim against a defendant is for a sum certain or for a sum that can by computation be made certain, the clerk, upon request of the plaintiff and upon affidavit of the amount due, shall enter judgment for that amount and costs against the defendant, if the defendant has been defaulted and is not a child or an incompetent person.

(b) *By the Court*. In all other cases, the party entitled to a judgment by default shall apply to the court therefor; but no judgment by default shall be entered against a child or an incompetent person unless represented in the action by the father, mother, guardian, guardian ad litem, or other such representative who has appeared therein. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account, to determine the amount of damages, to establish the truth of any averment by evidence, or to conduct an investigation on any other matter, the court shall hold such hearings or order such references to a master as it deems necessary and proper. When the party against whom a judgment by default is sought has appeared in the action, said party shall be served with notice of any hearing by default to be held.

Rule 45.3. Power to set aside default

For good cause shown, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 49.2.

Rule 45.4. Who may apply for entry

The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third-party plaintiff, or a party who has pleaded a cross-claim or counterclaim. In all cases a judgment by default is subject to the limitations of Rule 42.4.

Rule 45.5. Judgment against the Commonwealth of Puerto Rico, its municipalities, agencies, instrumentalities, or officers

No judgment by default shall be entered in any case for collection of money filed against the Commonwealth of Puerto Rico, its municipalities, agencies, instrumentalities or corporations, or against an officer acting in his or her official capacity, unless the claimant establishes a claim or right to relief by evidence satisfactory to the court.

Rule 46. Notice and entry of judgments

It shall be the duty of the clerk to forthwith and pursuant to the rules fixed by the Supreme Court, serve notice of the judgments rendered by the court, filing in the record a copy of the judgment and of the notice thereof, and registering the judgment. The annotation of a judgment in the Registry of Actions, Proceedings and Interlocutory Decisions shall constitute the entry of the judgment. The judgment shall not become effective until a copy of the notice sent to all parties is filed in the record, and the term to appeal shall run from the date such notice is filed.

CHAPTER VIII
PROCEEDINGS SUBSEQUENT TO JUDGMENT

Rule 47. Reconsideration

A party adversely affected by an order or resolution of the Court of First Instance may file a motion for reconsideration thereof within the strict-compliance term of fifteen (15) days after the date of notice of such order or resolution.

A party adversely affected by a judgment of the Court of First Instance may file a motion for reconsideration thereof within the jurisdictional term of fifteen (15) days after the date on which a copy of the notice of judgment was filed in the record.

The motion for reconsideration must set forth specifically and particularly the facts and the law that the moving party deems should be

reconsidered and must be grounded on substantial matters related to relevant findings of fact or material conclusions of law.

A motion for reconsideration that does not meet the specificity requirements of this rule shall be denied, and the term to appeal will not have been interrupted.

Once the motion for reconsideration has been filed, the terms for taking appeal shall be interrupted for all parties. The terms shall start to run again as of the date on which a copy of the notice of the resolution on the motion for reconsideration is filed in the record.

The motion for reconsideration shall be served on the other parties to the action within the term of fifteen (15) days provided herein so that it coterminous with the time for filing with the court. The term to serve notice is of strict compliance.

Rule 48. New Trial

Rule 48.1. Grounds

A new trial may be granted on any of the following grounds:

(a) When there is newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the trial.

(b) When it is not possible to prepare a narrative statement of evidence or to obtain a transcript of the proceedings.

(c) When required by substantial justice. The court may grant a new trial to all or any of the parties and on all or part of the issues.

Rule 48.2. Time for motion

A motion for a new trial shall be filed within fifteen (15) days after a copy of the notice of judgment is entered in the record, except that:

(a) When the motion is based on newly discovered evidence, it may be filed before the time for taking appeal or seeking review has expired, upon notice to the other party, a hearing, and a showing that due diligence has been exercised; and

(b) When the motion is based on Rule 48.1(b), it may be filed within thirty (30) days after learning that it is impossible to prepare a narrative statement of the evidence.

This last fact shall be established within thirty (30) days after notice of judgment.

Rule 48.3. Time for serving affidavits

When a motion for new trial is based upon affidavits, they shall be filed with the motion. The opposing party shall have fifteen (15) days after service to file opposing affidavits, which period may be extended for an additional term not exceeding fifteen (15) days for good cause shown. The court may permit reply affidavits.

Rule 48.4. On initiative of court

Within fifteen (15) days after entry of judgment the court, on its own initiative, may order a new trial for any reason that would justify granting one on a party's motion, and the court shall specify the grounds in its order.

Rule 49. Relief from Judgment or Order

Rule 49.1. Clerical mistakes

Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party, and after such notice, if any, as the court orders. During the pendency of an appeal or a petition for certiorari, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter may be so corrected only with leave of the appellate court.

Rule 49.2. Mistakes, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud, etc.

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a judgment, order, or proceeding for the following reasons:

(a) mistake, inadvertence, surprise, or excusable neglect;

(b) newly discovered material evidence by which due diligence could not have been discovered in time to move for a new trial under Rule 48;

(c) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(d) the judgment is void;

(e) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or

(f) any other reason justifying relief from the operation of the judgment.

The provisions of this rule do not apply to judgments in divorce actions, unless the motion is based on reasons (c) or (d). The motion shall be made within a reasonable time, but in no case shall it be made more than six (6) months after the judgment, order, or proceeding was entered or taken. A motion under this Rule 49.2 does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief to a party not actually notified; and

(3) set aside a judgment for fraud upon the court.

While an appeal or certiorari is pending final resolution in a voluntary jurisdiction proceeding, the respondent court may not grant relief under this rule, unless with leave of the appellate court. Once the appellate court enters judgment, no relief inconsistent with the mandate may be granted under this rule unless previously permitted by the appellate court. In both cases, the motion for relief shall always be made before the respondent court within the term stated above, and if the respondent court determines that it would be willing to grant relief, a request for such leave shall then be made to the appellate court.

Rule 50. Harmless Errors

No error in either the admission or the exclusion of evidence, and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties is ground for granting a new trial or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

Rule 50.1.[6]

Rule 51. Execution

Rule 51.1. Time for enforcement

The party in whose favor judgment is entered may enforce it by way of the procedure established in this Rule 51 at any time within five (5) years after judgment becomes final. Upon expiration of the term, the judgment may be executed upon application of a party to the court and notice to all parties. If after entry of the judgment the execution thereof is stayed by order or judgment of the court or by operation of law, the time during which it is so stayed shall be excluded from the computation of the five (5) years within which the writ of execution may issue.

Rule 51.2. Process to enforce a judgment for payment of money

Process to enforce a judgment or order for the payment of money and to collect costs awarded by the court shall be a writ of execution. The writ of execution shall specify the terms of the judgment and the amount due. A writ of execution shall be directed to the marshal and delivered to the interested party. In all execution cases, including those in which a judicial sale is ordered, the marshal shall deliver the writ duly served to the clerk with any surplus in the marshal's possession within fifteen (15) days after the date of such execution. A writ of execution may issue upon one or more judgments or orders in the same

[6] Rule 50.1 was added by Law No. 174 of 2018 and was not available in English at the time these Rules were compiled. Please consult the Spanish version.

action. The writ of execution shall issue under the hand of the clerk and the seal of the court.

When service of the writ of execution does not fully satisfy the judgment or has proved fruitless, another writ need not issue. The marshal shall forthwith provide proof of each service on the back of the true and exact copy of the writ. When the totality of the judgment is satisfied by only one service, or when the last service satisfies the judgment, the marshal shall make proof of service on the original writ of execution.

Rule 51.3. Proceedings in cases of judgments for specific acts; foreclosure of mortgages and other liens

(a) If a judgment directs a party to execute a conveyance of land or to deliver deeds or other documents, or to perform any other specific act and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court, and the act when so done has like effect as if done by the party.

Whenever necessary, on application of the party entitled to performance and upon order of the court, the clerk shall issue a writ of attachment against the property of the disobedient party to compel obedience to the judgment.

The court may, in proper cases, adjudge the party in contempt. Likewise, the court, in lieu of directing a conveyance of property, may enter a judgment divesting the title of any party and vesting it in others, and such judgment has the effect of a conveyance executed in due form of law.

When any order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to a writ of execution upon application to the clerk.

Whenever the court orders a judicial sale of personal or real property, said order shall have the force and effect of a writ directing the delivery of possession, and it shall be so stated in the judgment or order so that the marshal or any other officer may place the purchaser in possession of the property sold within a period of twenty (20) days after the sale or public auction, without prejudice to the rights of third persons who took no part in the proceeding.

(b) Judgments entered in actions for the foreclosure of mortgages and other liens shall order that plaintiff recover the debt, interests and costs through the sale of the encumbered property. To that end, an order shall issue to the marshal, to be delivered to the interested party, directing the property to be sold in satisfaction of the judgment in the manner prescribed by law for the sale of property subject to execution. If the mortgaged property cannot be found, or if the proceeds from such sale are insufficient to satisfy the judgment in full, the marshal shall collect the rest of the amount, or the remaining unpaid balance, out of any other property of the defendant as in the case of an ordinary execution.

Rule 51.4. Supplementary proceedings

In aid of the judgment or execution, the judgment creditor or successor in interest may examine any person, including the judgment debtor, as provided in these rules for taking depositions. If the deposition is taken by written questions, the subpoena for deposition may state that the judgment debtor or deponent need not appear personally thereunder, provided that before the time fixed for taking the deposition, the judgment debtor or deponent delivers to the judgment creditor or to the judgment creditor's attorney the answers given under oath to the written questions served upon the judgment debtor or deponent. The court may make any order it may deem just and necessary for the execution of a judgment and to safeguard the rights of the creditor, the debtor, and third party to the proceeding.

Rule 51.5. Manner of execution

If the writ of execution is against the property of the judgment debtor, it shall direct the marshal or the person designated by the court to satisfy the judgment, with interest and costs, out of the property of such debtor. When there is property of the judgment debtor whose value is greater than the amount of the judgment including costs, the marshal or the person designated by the court shall attach only such part of the property as the judgment debtor may indicate, provided it is amply sufficient to satisfy the judgment and costs and interests accrued.

A writ of execution obtained under the summary proceeding prescribed in Rule 60 may not be executed on Saturdays, Sundays, holidays, or after working hours, unless a pressing need is shown.

Rule 51.6. Process in behalf of and against persons not parties

When an order is made in favor of a person who is not a party to the action, that person may enforce obedience to the order by the same process as if a party. When obedience to an order may be lawfully enforced against a person who is not a party, that person is liable to the same process for enforcing obedience to the order as if a party.

Rule 51.7. Judicial sales

(a) *Notice of sale*. Before the sale of property on execution, notice thereof shall be given for two (2) weeks by posting written notice in three (3) public places of the municipality where the sale is to take place, such as the city hall, the court, and the internal revenue collection office.

Such notice shall also be published twice in a newspaper of general circulation in the Commonwealth of Puerto Rico during two (2) consecutive weeks, with an interval of at least seven days between publications. A copy of the notice shall be sent to the judgment debtor and the judgment debtor's attorney by certified mail, return receipt requested, within five (5) days after the first publication, the judgment debtor has appeared in the action. If the

judgment debtor has not appeared in the action, notice shall be sent by certified mail, return receipt requested, to the last known address.

Whenever it is alleged that the party moving for execution of judgment has not the requirements in this rule, the court, on motion of a party, shall hold a hearing to resolve the issue. The notice of sale shall adequately describe the property to be sold and succinctly mention the judgment to be satisfied by the sale, stating the place, date and time of said sale. If the property is perishable, the court, on motion of a party, may reduce the time for posting the notice of sale to less than two (2) weeks. All judicial sales that fail to comply with the notice of sale requirement shall be void, without prejudice to the liability of the party who made the sale without complying with such notice.

(b) *Conduct of sale*. The sale of property under execution may be made after fourteen (14) days of the first publication. All sales shall be made at auction to the highest bidder, between nine o'clock in the morning and five o'clock in the afternoon. After sufficient property has been sold to satisfy the execution, no more property may be sold. Neither the officer conducting the execution nor the officer's deputy or other officer or employee of any part of the court shall become a purchaser nor participate directly or indirectly in any purchase at such sale. When the sale is of personal property capable of manual delivery, it must be sold within view of those attending the same and in such parcels as are likely to bring the highest price. When the sale is of real property consisting of several known lots or parcels, they must be sold separately; or, when a portion of such property is claimed by a third person and that person requires it to be sold separately, such portion shall be sold as required. The judgment debtor may direct the order in which property, real or personal, shall be sold, when such property consists of several known lots or parcels which can be sold to advantage separately, and the marshal must follow such directions.

(c) *Refusal of purchaser to pay*. If a purchaser refuses to pay the amount bid for property struck off to him or her at a sale under execution, the officer may again sell the property to the highest bidder at any time, and if any loss is occasioned thereby, the affected party may claim the amount of such loss from the refusing purchaser before any court of competent jurisdiction. Likewise, the officer, in his or her discretion, may thereafter reject any subsequent bid of such refusing purchaser. The officer shall be liable only for the amount bid by the second or subsequent purchaser.

(d) *Delivery of property and certificate of sale*. After a sale of the property, the officer in charge of conducting it shall draft a certificate accounting for the sales procedure and the award to the highest bidder, who shall pay the purchase price in cash or by certified check to said officer. In extraordinary cases, the court may order any other form of payment, which will be stated in the order. In the case of personal property, the officer shall deliver the property to the purchaser and, at the purchaser's request, shall deliver to said purchaser a duly certified copy of the certificate of sale. Such

certificate shall be deemed official evidence of the purchaser's title to the property, conveying to the purchaser all rights which the debtor had in such property. When real property is sold, the officer in charge of the sale shall execute a public deed in favor of the purchaser before the notary chosen by the purchaser, and the latter shall pay for such deed. Execution of this deed shall constitute a transfer of ownership of the real property to the purchaser.

Rule 51.8. Rights of purchaser upon failure of title; revival of judgment

If the purchaser of property sold on execution or successor in interest fails to recover the possession thereof as a result of irregularities in the proceedings concerning the sale that could make such sale void, or because the property sold was exempt from execution, the purchaser may ask the court to grant the relief most favorable among those provided by this rule. The court, on motion of such interested party and after due notice to all interested parties and a hearing, shall:

(a) Order and issue a writ against the judgment creditor or creditors for the sum received by each upon execution, plus the current legal interest computed from the time payment was received through the date of recovery.

(b) Revive the original judgment that gave rise to the auction in the name of the prevailing bidder or bidders up to the amount paid by the purchaser at the judicial sale, with interest thereon from the time of payment at the same rate that the original judgment bore. The judgment so revived shall have the same force and effect as the original judgment would have as of the date of the revival. If only part of the judgment is executed, the prevailing bidder's right to recovery from the original judgment creditor shall take precedence and have priority.

Rule 51.9. Proceedings to compel contribution among judgment debtors

When an execution is conducted against several persons who are jointly liable, and more than a due proportion of the judgment is satisfied by one of them, that person is entitled to the benefit of the judgment to enforce contribution or repayment if, within thirty (30) days after payment, the person files with the clerk of the court in which the judgment was rendered evidence of such payment and claim to contribution or repayment. Upon a filing of those documents, the clerk shall make an entry thereof in the margin of the record of the judgment and, on motion of the interested party, shall issue a writ of execution against the other joint debtors.

Rule 51.10. Expenses of execution of judgment

A party may recover all the necessary expenses reasonably incurred in the execution of a judgment. The application to such ends shall be filed by the party under oath or certified by counsel within ten (10) days following the date

on which the totality of the judgment became effective. The application shall state that, in the opinion of the party or of counsel, the expenses itemized therein are correct and all the disbursements were necessary for the execution of the judgment. Any party who does not agree with the expenses claimed may object to them, in whole or in part, within ten (10) days after the date of service of the application for recovery of expenses of execution of judgment. The court, after considering the parties' positions, will resolve the objection. The determination of the Court of First Instance may be reviewed on certiorari by the Court of Appeals.

If no objection is filed, the court shall approve the application for recovery of expenses and may eliminate any item deemed inappropriate after giving the applicant an opportunity to justify it.

Rule 52. Appeal, Certiorari, Certification, and Other Procedures to Review Judgments and Resolutions

Rule 52.1 Procedure

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

Writs of *certiorari* to review judgments or interlocutory orders pronounced by the Court of First Instance shall only be issued by the Court of Appeals when resorted to by reason of a resolution or order under Rules 56 and 57 or the denial of a motion of a provisory nature. However, and as an exception to the above provision, the Court of Appeals may review interlocutory judgments or orders issued by the Court of First Instance when resorted to for decisions regarding the admissibility of factual witnesses or essential experts, issues regarding evidentiary privileges, entries of [default], in cases involving family relations, in cases vested with public interest, or in any other situation in which waiting for a judgment of the Court of Appeals constitutes a gross miscarriage of justice. When 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.

Any other judgment or interlocutory order issued by the Court of First Instance may be reviewed in the petition for review instituted against the judgment in question, subject to the provisions of Rule 50 on harmless errors.

Rule 52.2 Period and effects of filing an appeal, a writ of certiorari, or a petition for certification

(a) *Appeals*. Appeals to the Court of Appeals or to the Supreme Court to review judgments shall be filed within the jurisdictional term of thirty (30) 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.

(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.

Petitions for writ of certiorari to the Court of Appeals to review resolutions or orders of the Court of First Instance, or to the Supreme Court to review all other judgments or final resolutions of the Court of Appeals issued through discretionary writs, or to review any other interlocutory resolution of the Court of Appeals, shall be filed within thirty (30) days from the date of notice of the resolution or order of which review is sought. This term is of strict compliance and may be extended only when warranted by special circumstances, duly supported in the petition for certiorari.

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.

The terms computed from the date of entry in the record of a copy of the notice of a judgment, resolution or order will begin to run as of the mailing date of such notice if that date is different from the date of entry.

(d) *Certification to the Supreme Court.* A certification, to be issued discretionally, *motu proprio* or upon motion of a party, the Supreme Court may bring forth immediately, to consider and to resolve, any matter pending in the Court of First Instance and the Court of Appeals, if there is a conflict between previous decisions of the Court of Appeals or if there are new questions of law or a question of imperative public importance that include any substantial constitutional matter under the Constitution of the Commonwealth of Puerto Rico or the Constitution of the United States.

Also, the writ of certification shall be formalized when the Supreme Court of the United States of America, a Circuit Court of Appeals of the United States of America, a United States of America District Court, or the highest appellate court of any of the states and territories of the United States of

America has a case under its consideration involving matters of Puerto Rico Law that may determine the result thereof, and for which, in the opinion of the requesting Court, there are no clear precedents in said Court's case law.

(e) *Interruption of time to appeal.* The term to appeal shall be interrupted by the timely filing of a motion pursuant to any of the rules set forth below, and said term will start to run again from the date of entry in the record of a copy of the notice of any of the following orders regarding said motions:

(1) Rule 43.1. In appeals to the Court of Appeals from the Court of First Instance granting, denying, or rendering an amended judgment on a motion under Rule 43.1 to amend or to make initial or additional findings of fact.

(2) Rule 47. In appeals to the Court of Appeals from the Court of First Instance finally resolving a motion for reconsideration under Rule 47.

(3) Rule 48. In appeals to the Court of Appeals from the Court of First Instance denying a motion for new trial under Rule 48.

(4) In appeals to the Supreme Court from the Court of Appeals finally resolving a motion for consideration.

(f) *Interruption of time to file a petition for writ of certiorari in the Supreme Court.* The term for filing a petition for writ of certiorari in the Supreme Court of a judgment or final resolution of the Court of Appeals shall be interrupted by the timely filing of a motion for reconsideration. Said term will start to run again from the date of entry in the record of a copy of the notice of the resolution or judgment of the Court of Appeals finally resolving the motion for reconsideration. If the date of entry in the record of the copy of the notice of judgment or resolution is different from the mailing date of said notice, the term will be computed as of the mailing date.

(g) *Interruption of the time to file a petition for writ of certiorari in the Court of Appeals.* The time for filing a petition for writ of certiorari in the Court of Appeals shall be interrupted and will begin to run anew pursuant to the provisions of Rule 47.

(h) *Who benefits.* When the time to appeal or to file a petition for writ of certiorari is interrupted under these rules, the interruption shall benefit any other party to the action.

Rule 52.3 Stay of proceedings

(a) Once a petition for appeal is filed, all further proceedings in lower courts regarding the judgment appealed from or any part thereof, or the issues contained therein, shall be stayed unless otherwise ordered by the appellate court on its own initiative or on motion of a party. The proceedings in the Court of First Instance may continue with regard to any matter involved therein but not included in the appeal. The proceedings in the Court of First Instance shall not be stayed when the judgment orders the sale of goods susceptible to loss or damage, in which case the Court of First Instance may order such goods to be

sold and the proceeds therefrom deposited until the appellate court renders judgment.

(b) The filing of a petition for writ of certiorari shall not stay the proceedings in the respondent court unless otherwise ordered by the appellate court on its own initiative or on motion of a party. The issuance of a writ of certiorari shall stay the proceedings in the respondent court unless the Court of Appeals provides otherwise.

(c) The filing of a petition for certification shall not stay the proceedings in the Court of Appeals or in the Court of First Instance unless otherwise provided by the Supreme Court on its own initiative or on motion of a party. Temporary restraining orders and injunctions shall be governed by the provisions of Rule 57.7.

(d) The effects of a decision from which appeal is taken or review sought shall not be stayed unless otherwise ordered by the appellate court, on its own initiative or on motion of a party, and which includes any of the following remedies:

(1) An injunction, mandamus, or cease and desist order;
(2) A support payment order;
(3) An order on custody or visitation.

CHAPTER IX
PROVISIONAL REMEDIES, EXTRAORDINARY REMEDIES, AND SPECIAL LEGAL PROCEEDINGS

Rule 53. Special Proceedings and Extraordinary Remedies

All special legal proceedings, extraordinary remedies, and any other special proceeding not included in Rules 54, 55, 56, 57, 58, 59, and 60 shall be conducted in the manner provided for by the corresponding statute. The provisions of these rules shall apply insofar as they are not inconsistent or in conflict with such statutes.

The issuance of a preliminary injunction shall be governed exclusively by the provisions of Rule 57 and by any special law applicable where the principal relief sought is a permanent injunction. Likewise, in the context of an action whose main purpose is not the granting of an injunction, the issuance of a cease and desist order as a provisional and suppletory remedy to secure the judgment shall be governed by the provisions of Rule 56.

Rule 54. Mandamus

The remedy heretofore available by a writ of mandamus, whether peremptory or alternative, may be obtained by filing a verified petition therefor. Whenever such remedy is sought and the right to demand immediate performance of an act is evident and it appears that there is no excuse for not performing it, the court may peremptorily order that such remedy be granted; otherwise, it shall order that an answer be filed, and as soon as is practicable,

shall hold a hearing and receive evidence, if necessary, and shall promptly make a decision. Compliance with the orders entered by the court shall be in the same manner as is required with respect to any other order.

Rule 55. Exequatur

Rule 55.1. Exequatur; definition

Exequatur is a procedure for the recognition and enforcement of a foreign judgment by the courts of the venue in which such enforcement is sought. The procedure may be conducted ex parte or through ordinary proceedings.

Rule 55.2. Petitioner's pleadings

The party seeking exequatur may carry out one of the following actions in the corresponding part of the Court of First Instance:

(a) File a complaint against all the other persons affected by the foreign judgment whose recognition and enforcement is sought.

(b) File an ex parte petition signed under oath by all the persons affected by the foreign judgment whose recognition and enforcement is sought.

In all cases in which the interests of children or incompetent persons could be affected, the parents with patria potestas or the guardian of the child or incapacitated person must be included in the complaint or the ex parte petition.

Rule 55.3. Documents filed with the pleadings

The complaint or ex parte petition must be filed in court with the following documents:

(a) A certified, legible, and complete copy of the judgment whose recognition and enforcement is sought; the copy must meet the requirements established in the Rules of Evidence.

(b) A true and exact translation of the judgment into Spanish if it was not originally drafted in Spanish or in English.

Rule 55.4. Notice

According to the particular circumstances of each case, in addition to serving notice on the persons affected by the judgment whose recognition and enforcement is sought, a copy of the complaint or the ex parte petition must also be served, as prescribed by Rule 4, on the following public officers:

(a) The Family Advocate in all cases in which the interests of children or incapacitated persons could be affected.

(b) The Office of the Prosecutor in all cases in which the petitioner seeks enforcement of the judgments mentioned in Section 45 of the Mortgage and Property Registry Act (30 LPRA § 2208) for their subsequent recordation in the Registry of Property.

(c) The Secretary of Justice of Puerto Rico in all cases that, in the opinion of the court, involve a matter of great public interest, so that the Secretary may appear on behalf of the Commonwealth of Puerto Rico, if he or she so wishes.

Rule 55.5. Procedure

The procedure shall be conducted in the manner established by these rules.

The court, after resolving all relevant procedural issues, must determine whether the foreign judgment meets the following requirements:

(a) If the judgment was rendered in a state of the United States of America or its territories:

(1) that it was rendered by a court with personal and subject-matter jurisdiction;

(2) that the issuing court observed due process of law; and

(3) that it was not obtained through fraud.

(b) If the judgment was rendered in a jurisdiction other than a state of the United States of America or its territories:

(1) that it was rendered by a court with personal and subject-matter jurisdiction;

(2) that it was rendered by a court of competent jurisdiction;

(3) that the issuing court observed the basic principles of due process of law;

(4) that the legal system under which it was rendered is known for its impartiality and lack of prejudice against foreigners;

(5) that it is not contrary to public policy;

(6) that it is not repugnant to the basic principles of justice; and

(7) that it was not obtained through fraud.

Rule 55.6. Enforcement

A duly recognized foreign judgment will be enforced in accordance with the provisions of the procedural standards that currently govern the enforcement of judgments rendered by Puerto Rico courts.

Rule 56. Provisional Remedies

Rule 56.1. General principles

In every action, before or after entering judgment, and on motion of the claimant, the court may issue any provisional order that may be necessary to secure satisfaction of the judgment. The court may grant an attachment, garnishment, prohibition to alienate, claim and delivery of personal property, receivership, an order to do or to desist from doing any specific act, or it may order any other measure it deems appropriate under the circumstances of the case. In every case in which a provisional remedy is sought, the court shall

consider the interests of all the parties and adjudicate as substantial justice may require.

Rule 56.2. Notice

No provisional remedy shall be granted, modified or set aside, nor shall any action be taken thereon without notice upon the adverse party and a hearing, except as provided in Rules 56.4 and 56.5.

When a remedy is sought under this rule before service of process on the nonmoving party, the petitioner must serve the adverse party a copy of the order scheduling the hearing, as well as with a copy of the pleadings, the motion for provisional remedy, and any other document in support thereof.

Rule 56.3. Bond

A provisional remedy may be granted without the filing of a bond in any of the following cases:

(a) If it appears from public or private documents, as defined by law, signed before a person authorized to administer oaths, that the obligation is legally enforceable; or

(b) If a party is indigent and expressly exempted by law from payment of filing fees and, in the opinion of the court, the complaint alleges facts sufficient to establish a cause of action which may evidently, and there are reasonable grounds to believe, after a hearing to that effect, that if such provisional remedy is not granted the resulting judgment would be moot since there would be no property against which it may be enforced; or

(c) If the remedy is sought after judgment is entered.

Whenever the court grants the provisional remedy without the filing of a bond under this rule, it may exclude certain assets from its order.

In all cases where a bond is required under this rule, the court shall require the filing of a bond sufficient to secure all the damages that may arise from the remedy. However, a defendant or respondent may retain possession of personal property attached by a plaintiff or claimant by posting a bond for an amount deemed sufficient by the court to secure the value of said property. A bond given by a defendant for the amount attached shall render the attachment ineffective.

In all bonds covered by these rules, the surety submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as the surety's agent upon whom any notice, summons or paper related to the surety's liability may be served. The surety's liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the surety if the address is known.

Rule 56.4. Attachment or prohibition to alienate

If the requirements of Rule 56.3 have been met, the court shall issue, on motion of a claimant, an order of attachment or of prohibition to alienate.

No order of attachment or of prohibition to alienate may issue without prior notice and a hearing, except on a showing by the claimant of a previous proprietary interest in the attached goods, extraordinary circumstances, or likelihood of success through clear and convincing documentary evidence that the debt is liquid, due and demandable.

Any party affected by any order issued without prior notice and hearing may at any time file a motion to modify or set aside the order, and a hearing on said motion shall be held at the earliest possible date and shall take precedence over all other matters. A two (2)-day notice upon the party obtaining the order, or the shortest notice the court may prescribe, shall be sufficient for purposes of the hearing.

In the case of real property, the attachment and the prohibition to alienate shall be effected by entry in the Registry of Property and notice served on the defendant. In case of personal property, the order shall be carried out by depositing such personal property with the court or with the person designated by it under the claimant's responsibility. On motion of any of the parties, the court may order the public sale of fungible goods whose attachment or prohibition to alienate had been issued, and the proceeds from the sale shall be deposited in the manner prescribed by the court.

The party requesting the appointment of a depositary of the property to be attached shall furnish the address and telephone number, if any, of his or her home and place of employment or business. The appointed depositary shall immediately notify the court, under the caption of the case, any change of address or telephone number, and of the place or conditions of the property attached.

Rule 56.5. Order to do or to desist from doing

No order shall issue under this Rule 56.5 to do or to desist from doing any specific act without serving notice upon the adverse party, unless it clearly appears from specific facts supported by affidavit that the party requesting such order will sustain irreparable injury, damage or loss, or upon a showing of extraordinary circumstances or likelihood of success through clear and convincing documentary evidence. Such ex parte order shall take effect upon service of notice thereof. Any party affected thereby may at any time file a motion to modify or set aside the order, and a hearing on said motion shall be held at the earliest possible date, but not later than five (5) days after the motion was filed, and shall take precedence over all other matters. A two-day notice upon the party obtaining the order, or the shortest notice the court may prescribe, shall be sufficient for the purposes of the hearing.

Rule 56.6. Receivers

(a) No receiver shall be appointed unless it is shown that no other provisional remedy would be effective to secure satisfaction of the judgment. Unless otherwise ordered by the court, a receiver shall proceed in accordance with the rules governing the judicial administration of estates.

(b) No party or party's attorney or person with interest in the action may be appointed receiver therein without the written consent of the affected parties filed with the court.

(c) The court may require the receiver to post a bond to secure the faithful compliance with his or her duties, in which case the receiver may not take office until the bond has been approved.

Rule 56.7. Cancellation of cautionary notice of attachment

The court in which the action is pending shall have the power, after a hearing and the posting of a bond for an amount it may deem reasonable, to order the cancellation of the cautionary notice of attachment based on the likelihood that judgment will be rendered in favor of the plaintiff, on the value of the property or the rights involved, and on other circumstances of the case.

Rule 56.8. Compliance with an order granting a provisional remedy

The court may compel compliance with an order issued under this Rule 56 under its power to impose civil contempt.

Rule 57. Injunction

Rule 57.1. Temporary restraining order; notice; hearing; duration

A temporary restraining order may be granted without notice to the adverse party or that party's attorney only if:

(a) it clearly appears from the facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party's attorney can be notified and heard, and

(b) the applicant or the applicant's attorney certifies to the court in writing the efforts, if any, that have been made to give the notice and the reasons supporting the claim that notice should not be required.

Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed ten (10) days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order

is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character. When the motion comes on for hearing, the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if the party does not do so, the court shall dissolve the temporary restraining order. On two (2) days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move for its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

Rule 57.2. Preliminary injunction

(a) *Notice*. No preliminary injunction shall be issued without prior notice to the adverse party.

The notice shall be given as prescribed in Rule 4.4 by delivering a copy of the order to the adverse party with a copy of the application for injunction. Said delivery shall have the same effect as the delivery and service of summons under Rule 4.4.

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) *Consolidation of hearing with trial on merits*. Before or after the commencement of the hearing on an application for a preliminary injunction, the court may order the trial of the action on the merits to be consolidated with said hearing. Even when this consolidation is not ordered, any evidence admitted at the hearing on the application for a preliminary injunction which would be admissible at the trial on the merits will become part of the record of the case and need not be repeated at the trial. When issuing its decision, the court shall forthwith issue an order specifying the facts it deemed proven at that stage and directing such further proceedings in the action as are just.

Rule 57.3. Grounds for issuing a temporary restraining order or a preliminary injunction

The following factors, among others, shall be considered in determining whether to issue a temporary restraining order or a preliminary injunction:

(a) the nature of the harm that the applicant might suffer;

(b) the irreparable nature of the injury or the absence of an adequate legal remedy;

(c) the likelihood of the applicant's success;

(d) the likelihood that the action will become moot;

(e) the impact of the remedy sought on the public interest; and

(f) the due diligence and good faith exercised by the applicant.

Rule 57.4. Security

No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems just, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the Commonwealth of Puerto Rico, its municipalities, agencies, instrumentalities, or of any of its officers acting in their official capacity.

In all bonds covered by these rules, the surety submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as the surety's agent upon whom any notice, summons or paper related to the surety's liability may be served. The surety's liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the surety if the address is known.

Rule 57.5. Form and scope of temporary restraining order and of preliminary or permanent injunction

Every order granting a temporary restraining order or a preliminary or permanent injunction shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the action, their officers, agents, servants, employees and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

Rule 57.6. Labor-management disputes

This Rule does not modify [Law] No. 50 of August 4, 1947, as amended, 29 LPRA §§ 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.

Rule 57.7. Injunction pending appeal or certiorari

(a) When an appeal is taken from or review sought of an order or judgment granting, dissolving or denying an injunction, the trial court, in its discretion, may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or other matters as may be proper for the security of the rights of the adverse party.

(b) The provisions of this rule do not limit the power of the appellate court of or of a judge or justice thereof to stay proceedings during the pendency of an appeal or to suspend, modify, restore, or grant an injunction during the

pendency of an appeal or certiorari, or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered. However, when an appeal is taken from an order dissolving or denying a temporary restraining order, the appellate court may only issue, while the appeal is pending, an ex parte provisional order that shall not exceed the ten (10) days fixed for such extraordinary remedy, unless the court expressly extends such term under Rule 57.1.

Rule 58. Condemnation of Property

Rule 58.1. Applicability of other rules

The Rules of Civil Procedure shall govern the procedure for the condemnation of real and personal property, except where in conflict with the provisions of this rule or as otherwise provided by special legislation.

In cases in which the amount involved does not exceed the amount set forth in Rule 60, the court may order the simplification of the proceeding, substantially following the procedural mechanisms therein.

Rule 58.2. Joinder of properties

The plaintiff may join in the same action one or more separate pieces of property, whether in the same or different ownership and whether or not sought for the same use.

Rule 58.3. Complaint; notice of condemnation

(a) *Caption*. The complaint shall contain a caption as provided in Rule 8.1, except that the plaintiff shall name as defendants both the property, designated generally by kind, quantity, and location, and at least one of the owners of some part of or interest in the property.

(b) *Contents*. The complaint shall contain a short and plain statement of the authority for the taking, including the statutory provision conferring such authority, the uses for which the property is to be taken, a description of the property sufficient for its identification, the interests to be acquired and the duration of the acquisition, and as to each separate piece of property a designation of the defendants who have been joined as owners thereof or of some interest therein. The complaint shall also ask the court to fix the time for the acquisition or material delivery of the property and to issue an order for recordation of the property to be condemned in the registry of property in favor of the plaintiff, free from liens or encumbrances. Upon the commencement of the action, the plaintiff need join as defendants only the persons having or claiming an interest in the property whose names are then known, but prior to any hearing involving the compensation to be paid for each piece of property, the plaintiff shall add as defendants all persons having or claiming an interest in that property, including the owners, tenants, lessees, usufructuaries, and mortgagees, whose names can be ascertained by a reasonably diligent search

of the registry of property or whose interest may be identified by visiting the property or otherwise considering the character and value of the property to be acquired. All others may be made defendants under the designation "Unknown Owners." If the property lacks possession or ownership title, the person or persons appearing as owners of the property in the tax receipt or in any other document establishing a title thereto shall be added as defendants. Process shall be served as provided in Rule 58.4 upon all defendants, whether named as defendants at the time of the commencement of the action or subsequently added, and a defendant may answer as provided in Rule 58.5. The court meanwhile may order such distribution of a deposit as the facts warrant.

(c) *Notice of condemnation*. The complaint shall enclose the following documents, which shall constitute the notice of condemnation:

(1) Exhibit A, which shall concretely and individually identify the personal and real property to be condemned, the registry information if the property is registered in the Registry of Property, the cadastral number of the property in the Municipal Revenues Collection Center, the persons with an interest in the proceeding, a statement of the amount of money estimated by the plaintiff to be just compensation for the land to be taken, and the public purpose served by the procedure. The personal property located on the property to be taken shall also be identified and appraised, in case the plaintiff is also interested in obtaining title thereto.

(2) A certification issued by the Property Registry within six months prior before the filing date of the complaint. However, if the certification was issued within the six-month period provided above, but on a date that exceeds three months before the filing of the complaint, it shall include a recent title search with the certification issued by the Property Registry. For such purposes, a recent title search means a title search performed within ten (10) days prior to the filing of the complaint. The aforementioned title search shall be performed by a notary public or by a natural or juridical person that holds an insurance policy that provides coverage for title errors.

(3) Site consultation. This requirement shall be waived when the property to be acquired by the municipality is located within the Land Use Plan approved by the Planning Board and the proposed use thereof is consistent with or allowed under the provisions of the Land Use Plan.

(4) A land survey plan.

(5) An appraisal report made by an expert appraiser.

The complaint shall also include a declaration of taking and material delivery of the property, which shall contain and be accompanied by the following documents:

(i) a statement of the authority for the taking and the public use for which the property is to be taken;

(ii) a description of the property sufficient for is identification;

(iii) a statement of the title to the property or interest therein sought to be acquired for public use;

(iv) a draft resolution.

(d) *Filing*. In addition to filing the complaint with the court, the plaintiff shall furnish to the clerk at least one copy thereof for the use of the defendants and additional copies at the request of the clerk or of a defendant. The plaintiff shall also file three (3) copies of the condemnation file and of all the documents therein, which shall be certified and notified to the Municipal Revenues Collection Center and to the Registry of Property.

Rule 58.4. Process

(a) *Delivery*. Upon the filing of the complaint, the plaintiff shall forthwith deliver to the clerk joint or several notices directed to the defendants named or designated in the complaint for the immediate issuance by the clerk. Additional notices directed to defendants subsequently added shall be so delivered.

The delivery of the notice and its service under this rule shall have the same effect as the delivery and service of the summons under Rule 4.

(b) *Form*. Each notice shall state the court, the title of the action, the name of the defendant to whom it is directed, that the action is to condemn property, a description of the defendant's property sufficient for its identification, the interest to be taken, the authority for the taking, the uses for which the property is to be taken, and that the defendant may serve upon the plaintiff's attorney an answer within twenty (20) days after service of the notice or within thirty (30) days if service of the notice was made by publication. The notice shall conclude with the name of the plaintiff's attorney and an address where the attorney may be served. The notice need contain a description of no other property than that to be taken from the defendants to whom it is directed.

(c) *Serving the notice.*

(1) *Personal service.* Personal service of the notice with a copy of the complaint and its attachments shall be made in accordance with Rules 4.3 and 4.4 upon a defendant whose residence is known and who resides within the Commonwealth of Puerto Rico or within the United States or its territories or insular possessions.

(2) *Service by publication*. Upon the filing of an affidavit by the process server setting forth in detail the steps taken to personally serve the defendant within the Commonwealth of Puerto Rico, and stating that the defendant could not be located after diligent inquiry or that the defendant's place of residence is outside Puerto Rico, the court may order that service of the notice be made by publication in a newspaper of general circulation in Puerto Rico once a week for not less than three (3) successive weeks. Ten (10)

days after the last publication, a copy of the notice and the complaint shall be sent by mail, return receipt requested, to a defendant who cannot be personally served as provided in this rule but whose place of residence is then known. Unknown owners may be served by publication in like manner by a notice addressed to "Unknown Owners."

Service by publication is complete on the date of the last publication. The publication shall be proven by a sworn statement from the manager or authorized agent of the newspaper, together with printed copies of the published notice, recording on these copies the name of the newspaper and the date of publication. The acknowledgement of receipt of the defendant shall also be presented, together with a writ from the attorney certifying that the copies of the summons and the complaint with its attachments have been mailed.

(d) *Time to serve*. Process shall be served within ninety (90) days after the filing of the complaint or after the date of issuance of the order of service by publication. Upon the expiration of said term, if service of process has not been made, the court shall impose sanctions on the plaintiff, but it may not dismiss the action.

(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.

The parties so served shall have a right to be heard with respect to the right to a compensation fixed for the appraised value of the property to be taken or to the damage caused during the proceedings.

Failure to serve a person or entity having a right to or interest in the property subject to condemnation does not affect the jurisdiction of the court to convey the title to the plaintiff, but denies effectiveness to the determination of compensation and allows any party not served to relitigate the case. In such cases, the court may impose sanctions on the plaintiff for lack of timely service.

Rule 58.5. Appearance or answer

If a defendant has no objection or defense to the taking of the defendant's property, the defendant may serve a notice of appearance designating the property in which the defendant claims to be interested. Thereafter, the defendant shall receive notice of all proceedings affecting it. If a defendant has any objection or defense to the taking of the property, the defendant shall serve an answer within twenty (20) days after the service of notice upon the defendant or within thirty (30) days if service of the notice was made by publication.

The answer shall identify the property in which the defendant claims to have an interest, state the nature and extent of the interest claimed, and state all the defendant's defenses and objections to the taking of the property. A defendant waives all defenses and objections not so presented, but at the trial of the issue of just compensation, whether the defendant has or has not

previously appeared or answered, the defendant may present evidence as to the amount of the compensation to be paid for the property, and the defendant may share in the distribution of the award.

Rule 58.6. Amendment of pleadings

The plaintiff may amend the complaint without leave of court before the defendant's first appearance. Once the defendant appears, the plaintiff must seek permission from the court to amend the complaint at any time before the trial of the issue of compensation, but no amendment shall be made which will result in a dismissal forbidden by Rule 58.8 or without good cause shown. The plaintiff need not serve a copy of an amendment, but shall serve notice of the filing, as provided in Rule 67, upon any party affected thereby who has appeared and, in the manner provided in Rule 58.4, upon any party affected thereby who has not appeared. The plaintiff shall furnish to the clerk of the court for the use of the defendants at least one copy of each amendment and shall furnish additional copies at the request of the clerk or of a defendant. Within the time allowed by Rule 58.5, a defendant may serve an answer to the amended pleading, in the form and manner and with the same effect as there provided.

Rule 58.7. Substitution of parties

If a defendant dies or becomes incompetent or transfers an interest after the defendant's joinder, the court may order substitution of the proper party upon motion and notice of hearing. If the motion and notice of hearing are to be served upon a person not already a party, service shall be made as provided in Rule 58.4(c).

Rule 58.8. Dismissal of actions

(a) *As of right*. If no hearing has begun to determine the compensation to be paid for a piece of property and the plaintiff has not acquired the title or an interest in or taken possession, the plaintiff may dismiss the action as to that property without an order of the court by filing a notice of dismissal setting forth a brief description of the property as to which the action is dismissed.

(b) *By stipulation*. Before the entry of a judgment vesting the plaintiff with title or any interest in or possession of property, the action may be dismissed in whole or in part, without an order of the court, as to any property by filing a stipulation of dismissal by the plaintiff and the defendant affected thereby. If the parties so stipulate, the court may vacate any judgment that has been entered.

(c) *By order of the court*. At any time before compensation for a piece of property has been determined and paid and after motion and hearing, the court may allow the plaintiff to dismiss the action under the terms and conditions it may deem pertinent as to that property, except that it shall not dismiss the action as to any part of the property of which the plaintiff has taken

possession or in which the plaintiff has taken title or other interest without first awarding just compensation for the possession, title or other interest so taken.

(d) *Effect*. Except as otherwise provided in the notice, stipulation, or order of the court, any dismissal is without prejudice.

Rule 58.9. Deposit and its distribution

The plaintiff shall deposit with the court any money required by law as a condition to the exercise of the power of eminent domain; and, although not so required, may make a deposit when allowed by statute. In such cases, the court and attorneys shall expedite the proceedings, including those for distributing of the money so deposited and for determining and paying just compensation. If the compensation finally awarded to any defendant exceeds the amount distributed to him [or her], the court shall enter judgment against the plaintiff and in favor of the defendant for the deficiency. If the compensation finally awarded to the defendant is less than the amount distributed to that defendant, the court shall enter judgment against the defendant and in favor of the plaintiff for the overpayment.

Every application for withdrawal or distribution of deposited money shall be sworn. In said application, the party shall certify that he [or she] has reviewed the notice of condemnation and that said notice adequately shows all the persons that, to his [or her] knowledge, have a right over said property, including: owners, occupants, lessees, beneficial owners, and mortgage creditors. In the event that the party has knowledge of any transaction or right over the property that does not arise from the notice of condemnation, he [or she] shall thus notify to the Court.

Rule 59. Declaratory Judgments

Rule 59.1. When appropriate

The Court of First Instance shall have the power to declare rights, status, and other legal relations, whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a resolution or declaratory judgment is sought. The declaration may be either affirmative or negative in form and effect; and such declaration shall have the force and effect of a final judgment or resolution. Notwithstanding the provisions of Rule 37, the court may order a speedy hearing of an action for declaratory judgment and may advance it on the calendar.

Rule 59.2. Who may obtain a declaration; power to construe; exercise of powers

(a) Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract, or franchise may have

determined any question of construction or validity arising under said statutes, ordinances, contract, or franchise and obtain a declaration of rights, status or other legal relations thereunder. A contract may be construed either before or after there has been a breach thereof.

(b) Any person interested as or through an executor, administrator, receiver, trustee, guardian, creditor, legatee, heir or successor in interest, the administration of trusts, foundations, or the estate of a decedent, children, incompetent or insolvent persons, may have a declaration of rights or legal relations in respect thereto:

(1) To ascertain any class of creditors, legatees, heirs, successors in interest or others; or

(2) To direct executors, administrators or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

(c) The enumeration made in subdivisions (a) and (b) of this rule does not limit or restrict the exercise of general powers conferred in Rule 59.1 in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or removes an uncertainty.

Rule 59.3. Discretion of court

The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or the controversy giving rise to the proceeding.

Rule 59.4. Additional relief

Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to appear and show cause why further relief should not be granted forthwith.

Rule 59.5. Parties

When declaratory remedy is sought, all persons who have or claim any interest that would be affected by the declaration shall be made parties, and no declaration shall impair the rights of persons not parties to the proceeding. In any proceeding where the validity of a municipal ordinance or franchise is at issue, the corresponding municipality shall be made a party, and the Secretary of Justice shall also be served notice of the proceeding as prescribed in Rule 21.3.

Rule 60. Claims of $15,000 or Less[7]

When filing an action regarding the collection of an amount not exceeding fifteen thousand dollars ($15,000), excluding interest, and the complaint does not state specifically that the case be handled under the ordinary procedure, the plaintiff shall present a Summons/Notice draft to the Clerk, who shall immediately issue and serve it on the parties by mail or any other written communication means.

The Summons/Notice shall state the date set for the hearing on the merits, which shall be held not later than three (3) months after the filing of the complaint, but never before fifteen (15) days after the summons is served on the defendant. In the summons, the defendant shall be advised to appear at the hearing and answer the complaint; if the defendant fails to appear a default judgment shall be entered be entered against him [or her].

The plaintiff may appear at the hearing either *pro se* or by counsel. The Court shall hear all matters involved in the complaint during the hearing and enter judgment immediately. As an exhibit to the complaint the plaintiff may attach an affidavit in support to the factual allegations in the complaint, or a copy of any other document evidencing the allegations set forth in the complaint. If the defendant fails to appear and the Court determines that he [or she] was duly summoned and that he [or she] owes a certain amount of money to the plaintiff, it shall not be necessary for the plaintiff to call a witness, and the court shall proceed to enter a judgment in accordance with Rule 45. If it is shown to the Court that the defendant has any substantial claim, or in the interest of justice, any of the parties shall be entitled to request the continuation of the action through the ordinary procedure prescribed under these rules, or the Court may order so *motu proprio*.

CHAPTER X
GENERAL PROVISIONS

Rule 61. The Court

The court shall be deemed always open, within the schedule established by the Supreme Court, for the purpose of filing any paper, issuing and returning process, and issuing any pertinent order.

Rule 62. Hearings and Records

Rule 62.1. Hearings, orders in chambers, and records

(a) All hearings upon the merits of a case shall be conducted in open court in a courtroom, unless the nature of the proceedings, the law or the court, on motion of a party or on its own initiative, provides otherwise. All other acts

[7] Rule 60 was amended by Law No. 96 of 2016, which was not available in English at the time these Rules were compiled. This rule reflects the language prior to this amendment. Please consult the Spanish version.

or proceedings may be done or conducted by a judge in chambers or at any place without the attendance of the clerk or other officials.

(b) Information on case records deemed confidential by law or by the court, on its own initiative or on motion of a party, as well as copies thereof, may be shown or furnished only to persons with a legitimate interest, or to other persons by way of a court order and for good cause shown. Such information shall only be provided, upon a showing of necessity and with the express authorization of the court, to officers of the General Court of Justice in their official capacity and to persons of accredited professional or scientific standing who provide written proof of their interest in obtaining such information to discharge their official duties, conduct studies or perform some work, always subject to the conditions stipulated by the judge.

(c) The following are persons with a legitimate interest:

(1) The parties to the action and their heirs.

(2) The attorneys for the parties to the action.[8]

(3) Notaries authorizing a public instrument that shows, on its face or by its contents, that the court document is complementary to the public instrument to be executed, as well as the circumstances in which the notary is required to submit a copy of the court document for the purpose of correcting errors or faults notified by the Property Registrar.

(4) Any other person authorized by affidavit made by one of the parties to the action.

The persons mentioned above need not apply to the court for access to court records.

Any other person who wishes to examine the record or obtain a copy of the documents filed therein must apply to the court showing reasons that justify such examination.

The Chief Justice of the Supreme Court of Puerto Rico shall take the necessary administrative measures to comply with the provisions set forth here.

Rule 62.2. Replacement of papers lost

Whenever a pleading or paper that is part of the record of an action or proceeding is lost, the court may admit the filing and use of a copy thereof in lieu of the one lost.

[8] Rule 62.1(c) was amended by Law No. 16 of 2020, which was not available in English at the time these Rules were compiled. This rule reflects the language prior to this amendment. Please consult the Spanish version.

Rule 62.3.[9]

Rule 63. Disqualification or Recusal of Judge

Rule 63.1. When disqualified

A judge, whether on his or her own initiative or on motion of a party, shall disqualify himself or herself from an action or proceeding in any of the following circumstances:

(a) when the judge has bias against or is partial to any of the parties to the action or their attorneys, or has prejudged the case;

(b) when the judge has a personal or financial interest in the outcome of the case;

(c) when the judge is related by consanguinity or affinity within the fourth degree to the prosecutor, family advocate, guardian ad litem, advocate for minors' affairs, or any of the parties or their attorneys in a civil proceeding;

(d) when the judge's friendship with any of the parties, their attorneys, the witnesses, or any other person involved in the action is such that it may defeat the ends of justice;

(e) when the judge has served as attorney or counsel for any of the parties or their attorneys in the matter at issue, or as prosecuting attorney in an investigation or a criminal proceeding in which the events were the same as those of the case under submission;

(f) when the judge previously presided over the trial in the same case in a lower court, or was the judge who issued the warrant for arrest or the summons for the purpose of finding probable cause at the preliminary hearing in a criminal proceeding;

(g) when a natural or artificial person in the case has furnished or arranged for the judge to obtain a loan in which the usual guarantees or conditions were not met;

(h) when the judge has served in governmental employment and in such capacity participated as counsel, advisor, or material witness in the matter in controversy;

(i) when one of the parties' attorneys is or has served during the last three years as an attorney for the judge who is to adjudicate the controversy before the court; or

(j) when there is any other reason that may reasonably cast doubt upon the judge's ability to decide the matter impartially or which tends to undermine public confidence in the administration of justice.

[9] Rule 62.3 was added by Law No. 174 of 2018 and was not available in English at the time these Rules were compiled. Please consult the Spanish version.

Rule 63.2. Motion to recuse and proceeding

(a) All motions to recuse must be verified and shall be presented to the recused judge within twenty (20) days from the date on which the movant learns of the ground for recusal. The motion shall state the specific facts on which it is grounded and must include the documentary evidence and accompanying affidavits in support thereof. When the party moving for recusal does not meet the requirements set forth above, the judge may continue with the proceedings.

(b) Once the motion to recuse has been filed, if the recused judge finds that disqualification lies, he or she shall set forth in a written resolution the applicable reason therefor, as stated in subdivisions (a) to (i) of Rule 63.1, or, in the alternative, the specific grounds for disqualification under subdivision (j), and serve notice on all the parties. The case shall be assigned to another judge.

(c) If the judge finds that disqualification does not lie, he or she shall abstain from acting in his or her capacity as judge in the matter and shall transmit the record of the case to the administrative judge, who shall assign another judge to pass on the motion for recusal. The motion shall be decided within thirty (30) days after submission.

(d) Once a judge has begun to hear a case, attorneys whose participation may give rise to the judge's recusal may take no part therein.

Rule 64. Substitution of Judge

If by reason of death, illness, retirement, or any other reason a judge is unable to proceed in a matter, another judge may proceed in his or her place; but such other judge, after the trial has commenced or concluded, is satisfied that he or she cannot perform those duties without a new trial on all or part of the facts or without rehearing a witness, the successor judge may take such measures as may be necessary to adjudicate the action.

Rule 65. Clerk's Office

Rule 65.1. When open

The clerk's office shall be open during business hours on all days except Saturdays, Sundays, and legal holidays. By special administrative rule or order, it may be open outside the regular schedule and on legal holidays.

Rule 65.2. Actions of the clerks

(a) All motions and applications filed in the clerk's office for issuing writs, for entering defaults or judgments by default, and for other proceedings that do not require allowance or order of the court are grantable of course by the clerk; but the clerk's action may be suspended, altered, or rescinded by the court upon cause shown.

(b) Where these rules or any special law should require that the clerk issue process pursuant to a court order, the issuance of a certified copy of said order shall suffice. The order thus issued shall have the same force as the process.

(c) The clerk shall not refuse to accept any paper for failure to follow the proper form as required by these rules or by any other rules.

Rule 65.3. Notice of orders, decrees, and judgments

(a) Immediately upon the filing in the record of a copy of the notice of entry of an order, resolution or judgment, the clerk shall serve notice thereof on the same date upon all party who may have appeared in the action in the manner provided by Rule 67. Such mailing shall be sufficient notice for all purposes for which notice of the entry of an order, resolution or judgment is required by these rules.

(b) The clerk shall serve all orders, resolutions or judgments that, according to their terms, must be served on the parties who appeared in the action, at the last address set forth in the record by a self-represented party or at the address of the attorney as it appears in the roll of attorneys kept by the Supreme Court for purposes of receiving such notices in compliance with Rule 9.

(c) In the case of parties of record that are in default, the Clerk shall mail the notice of the entry of any order, decree, or judgment to the last known address that appears on record as provided by the party appearing pro se or to the address that arises from the register of the Supreme Court provided by the lawyer to receive summons pursuant to Rule 9. In the case of parties in default that have been served by publication but have never appeared on record or in the case of unknown defendants, the Clerk shall notify the entry of judgment through a notice to be published by the plaintiff. The notice shall state that it shall be published once in a newspaper of general circulation in Puerto Rico within ten (10) days after the notification thereof and shall inform the defendant of the judgment entered and of the time for appeal. A copy of the notice of entry of judgment so published shall be served on the defendant by certified mail return receipt requested to his [or her] last known address within ten (10) days after the notice is published. All terms shall begin to count as of the date the notice was published, which shall be confirmed through an affidavit of the administrator or authorized agent of the newspaper together with a copy of the notice.[10]

(d) The legal notice shall contain the following information:

(1) Title ("Notice of Service by Publication")

(2) Part of the Court of First Instance

[10] Rule 65.3(c) was amended by Law No. 44 of 2023, which was not available in English at the time these Rules were compiled. This rule reflects the language prior to this amendment. Please consult the Spanish version.

(3) Case number
(4) Name of the plaintiff
(5) Name of the defendant to be served
(6) Nature of the claim
(7) Date of issuance
(8) Time within which the person thus served must seek review of or take appeal from the judgment before it becomes final and unappealable.

(e) The clerk shall set forth on the copy of the proof of service that shall be attached to the original record the date and manner of service and the person or persons served.

Where the notice is served personally, there shall be attached to the record the marshal's return or that of the employee of the court serving such notice, or the affidavit of a private person verifying the service.

(f) Any party may acknowledge service of notice of any order, resolution or judgment by signing the original document and entering the date of such acknowledgment.

Rule 65.4. Seal; where affixed

The seal of the court shall be affixed to writs, summonses, subpoenas or bench warrants, and to the copy of any document or paper that forms part of a court record or proceeding and that is certified by the clerk or other officer.

Rule 66. Docket of Actions, Proceedings, and Interlocutory Provisions

The clerks shall keep a "Docket of Actions, Proceedings, and Interlocutory Provisions" in which they shall enter all actions and proceedings and any interlocutory provision, in accordance with the rules as may be prescribed. The entry of a document or judgment shall show the date such entry is made.

Rule 67. Service and Filing of Papers

Rule 67.1. Service; when required

Every order issued by the court and every pleading filed by the parties shall be served upon all the parties. Service shall be made on the same day the order is issued or the pleading is filed.

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.

Rule 67.2. Service; how made

Service on a party represented by an attorney shall be made upon the attorney unless the court orders service on the party. Service upon the attorney

or upon the party shall be made by delivering a copy to the person served or by sending it by mail, fax, or electronic means to the last known address set forth in the record by a self-represented party or to the address of the attorney as it appears in the roll of attorneys kept by the Supreme Court for purposes of receiving notices in compliance with Rule 9; or, if no address is known, notice of such fact shall be served on the court with a copy of the document.

Delivery of a copy within this rule means handing it to the attorney or to the party or leaving it at the person's office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with someone who is at least 18 years of age then residing therein. Service by mail is complete upon mailing, and service by fax or email is complete upon transmission.

Rule 67.3. Certificate of service

When the nature of an order requires that notice be served by a party or by a party's attorney upon another person, proof of service of that order must be filed in court within the time fixed by the court by way of a certification attesting to the fact that all the requirements set forth in the order have been complied with as prescribed in Rule 9.

Rule 67.4. Filing of pleadings and papers

All papers after the complaint shall be filed with the court, but depositions, interrogatories, requests for admission, answers thereto, and offers of judgment shall not be filed until needed in the prosecution or until such filing is ordered by the court on motion of a party or on its own initiative.

Rule 67.5. Filing of papers defined

The filing of pleadings and other papers with the court shall be made by filing them with the clerk of the court. The judge may, nevertheless, permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk.

Once the paper is filed with the office of the clerk, a party also may, through the party's attorney, serve a copy thereof on the judge in cases in which the paper requires or warrants immediate attention. Such additional copy shall be served on the judge by delivering it to any person authorized to receive it in the judge's office, by fax or by electronic means, setting forth that the other party has been previously informed of the service of such additional copy on the judge, in which case, service of the paper on the other party shall be made on the same date and in the same manner it was served on the judge.

Rule 67.6. Filing and service by electronic means

The pleadings, motions, and other documents contemplated in these Rules shall be filed with the courts through electronic means, upon the

implementation of the necessary administrative measures and technology. Likewise, the service of any orders, resolutions, interlocutory remedies, and judgments issued by the court shall be made by electronic means as well as any other document that the Court Clerk shall serve in a civil proceeding.

The electronic delivery to the address or website established by the Chief Justice of the Supreme Court of Puerto Rico for each Office of the Clerk of the General Court of Justice shall constitute the filing of said documents with the court and the Office of the Clerk referred to in these Rules. The electronic filing of a document shall constitute, in turn, the service of notice that should be made between attorneys, and unrepresented parties, as required by these Rules. In these cases, an electronic signature shall constitute the signature required under these Rules, and shall have the same legal validity as a handwritten one.

Service of summons and subpoenas, however, shall not be made by electronic means, but rather shall be carried out in accordance with Rules 4 and 40. Likewise, the terms shall be calculated pursuant to Rule 68.

The Chief Justice of the Supreme Court of Puerto Rico shall take administrative measures as necessary to comply with the provisions herein, including, but not limited to establishing the security parameters necessary to manage confidential or sensitive information, guarantee information integrity, as well as those measures geared to guaranteeing access thereto to low-income persons.

Rule 68. Time

Rule 68.1. Computation

In computing any period of time allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the next day which is not a Saturday, a Sunday, or a legal holiday. Any period may also be stayed or extended for good cause shown when so ordered by the Supreme Court of Puerto Rico by resolution. When the period of time allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. Half-holidays shall be considered as full holidays.

Rule 68.2. Enlargement or reduction of time

When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court, for good cause shown, may at any time in its discretion: (1) with or without motion or notice, order the period enlarged or shortened if request therefor is made before the expiration of the period originally prescribed or as extended

by a previous order, or (2) upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was for good cause; but it may not extend or shorten the time for taking any action under Rules 43.1, 44.1, 47, 48.2, 48.4, 49.2, and 52.2, except to the extent and under the conditions stated therein.

Rule 68.3. Additional time after service by mail

Whenever a party is entitled or required to act within a prescribed period after service upon said party of a notice or other paper, and such service is made by mail, three (3) days shall be added to the prescribed period. This shall not apply to periods counted from the entry in the record of a copy of the notice of judgment.

The time computed after the entry in the record of a copy of the notice of a judgment, resolution or order shall start to run as of the date on which the decision is deposited in the mail if such date is different from the date of entry.

Rule 69. Security

Rule 69.1. Requirements; personal security

In all cases in which a personal security is required, such security shall be accompanied by an affidavit drafted and sworn by a surety stating that he or she is a resident of Puerto Rico and the owner of the real property given as security, and that he or she owns property, exclusive of property exempt from execution, worth double the amount specified in the bond over and above all his or her debts and liabilities. If there are two (2) or more sureties and their respective liability is not sufficient to answer for the total amount of the bond, they shall also state that the whole amount of their total liability is equivalent to that of a sufficient surety. The affidavit shall also set forth the place of abode of the surety and shall contain a description sufficient to identify the property he or she owns and which is given as security, an estimate of the actual value of such property, encumbrances thereon, including their amount, whether or not such encumbrances are recorded in the Registry of Property, any other bond obligation contracted by the surety and which may be standing, and any other impediment in the free use and enjoyment of the property known by the affiant.

A personal or mortgage bond furnished by the sureties suffices to authorize the court to order the Registrar of Property to record it as an encumbrance in the manner prescribed by Rule 56.7.

Rule 69.2. By corporations

Any corporation organized under the laws of the Commonwealth of Puerto Rico or of any state of the United States of America for the purpose of giving bonds or guaranteeing undertakings required by law may become and may be accepted as surety or as sole or sufficient guarantor of such

undertakings. Such security shall be subject to all the liabilities and entitled to all the rights of a natural person's bond, provided such corporation has complied with all legal requirements that govern the organization and operation of corporations engaged in this type of business in Puerto Rico.

Rule 69.3. Deposit for the full amount of the bond

Whenever a bond is required, the court may order and accept, in lieu thereof, a deposit for the full amount of the bond.

Rule 69.4. Mortgage bond

The mortgage bond shall be executed upon real property the value of which, free from liens or encumbrances, exceeds by one-third the amount of the bond required by the court. The value of the property shall be ascertained by a certificate of appraisal of the property's market value.

Rule 69.5. Nonresident bond posting

When the plaintiff resides outside Puerto Rico or is a foreign corporation, a bond shall be required to secure the costs, expenses, and attorney's fees which may be awarded. All proceedings in this action shall be stayed until bond is given, which shall not be less than one thousand (1,000) dollars. The court may require an additional bond upon a showing that the original bond is not sufficient security, and the proceedings in the action shall be stayed until such additional bond is given.

If no bond or additional bond is given after sixty (60) days following service of an order of the court requiring such bond or additional bond, the court shall dismiss the action.

No bond shall be required of a nonresident plaintiff:

(a) where the party is insolvent and expressly exempted by law from payment of filing fees;

(b) where the party is a joint owner in an action that involves property located in Puerto Rico and at least one of the other joint owners is also a plaintiff and a resident of Puerto Rico; or

(c) where the action was filed by a joint owner seeking dissolution, liquidation, partition, and adjudication of property located in Puerto Rico.

Rule 69.6. When no bond required

No bond shall be required:

(a) of the Commonwealth of Puerto Rico or its officers in their official capacity, or of public or municipal corporations;

(b) of either party in an action for divorce, family relations, or community property, unless the court provides otherwise in meritorious case;

(c) in actions for support when so ordered by the court; and

(d) where the party is insolvent and expressly exempted by law from payment of filing fees.

Rule 69.7. Acceptance

Clerks, marshals, and other court officers may not accept a bond in any action or proceeding unless such bond has been approved by the judge of the part of the court in which the action or proceeding is pending, except for the bond posted under Rule 69.3.

Rule 69.8. Who may not be surety

No officer of the court, including attorneys, may be surety in an action or proceeding.

Rule 69.9. Cancellation of bond

If a party who posted the bond prevails in the action, the court, in its final judgment, shall order the cancellation of said bond.

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 [surreply], 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.

Rule 71. Error in Title or Prayer

Any error in the title of the action or in the prayer for relief shall not preclude the court from granting appropriate relief in accordance with the pleadings and the evidence.

Rule 72. Cases Not Provided for by These Rules

Where no specific proceeding has been provided for in these rules, the court may regulate its practice in any manner not inconsistent therewith or with any applicable legal provision.

Rule 73. Repealing and Saving Clause

The Rules of Civil Procedure of 1979, as amended, are hereby repealed.

Sections of the Code of Civil Procedure, 1933 ed., that remained in force by virtue of Rule 72 of the Rules of Civil Procedure of 1979, however, shall not be deemed repealed.

The following provisions shall remain in force provisionally until repealed or otherwise modified by special legislation:

(1) Sections 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 249, and 252 of the Code of Civil Procedure, 1933 ed.

(2) Section 2 of Law No. 39 of April 20, 1942.

(3) Sections 1 and 2 of Law No. 433 of May 14, 1951.

Rule 74. Effective Date

These rules shall take effect on July 1, 2010.