

**Administrative Proceedings Act
Act Number 19,549**

Text according to the following provisions:

- Act Number 19,549, published on 04.03.72 (Official Gazette 04.27.72)
- Decree Law Number 1,759/72, published on 04.03.72 (Official Gazette 09.24.91)
- Decree Law Number 1,883/91, published on 09.17.91

Chapter I
Administrative proceedings: Scope

Section 1.- Procedural rules applicable to centralized and decentralized National Public Administration authorities, including self-sufficient governmental entities, save for military, defense and security agencies, shall be in accordance with the provisions set forth in this Act, subject to the following requirements:

General requirements: Ex officio commencement and preliminary criminal proceedings.

- a) Ex officio commencement and preliminary criminal proceedings, however, interested parties may take part in the proceedings;

Dispatch, cost-efficiency, simplicity, and effectiveness during proceedings.

- b) Dispatch, cost-efficiency, simplicity, and effectiveness during proceedings. The Executive is hereby empowered to pass disciplinary rules to secure respect and procedural order. These rules shall include the power to apply a maximum penalty of up to ten thousand Pesos (\$10,000) –unless otherwise expressly stated in the legislation– through resolutions which, when final, shall be enforceable.

The Executive shall readjust this maximum amount, on a yearly basis, in accordance to the consumer price index set forth by the National Institute of Statistics and Census of the Ministry of Economy;

Lack of formalities.

- c) Non-compliance by interested parties of non-essential formal requirements that may be complied with later on shall be excused;

Business days and times.

- d) Any and all acts, proceedings and actions shall be carried out on administrative working days and times. In case of they being commenced ex officio or at the request of a party, holidays may be authorized by the authorities that must order or carry out them;

Terms.

- e) As regards terms:

1) They shall be mandatory for interested parties and for the Administration;

2) They shall be computed in administrative working days, unless otherwise provided for in the legislation or authorization granted ex officio or at the request of a party;

3) They shall be counted as of the day following the date of notice. In the case of acts that must be published, the provisions of section 2 of the Civil Code shall apply;

4) A ten (10)-day term shall apply, unless a specific term has been established, to take actions, serve notices and subpoenas, to comply with terms and demands, to answer notices, court orders, and reports;

5) The Administrative Authority may, before expiration of a term, ex officio or at the request of a party, provide for the extension of such term for a reasonable time, and provided this does not involve harm to third parties' rights. Rejection of an extension request shall be notified at least two (2) days in advance to the expiration of the term whose extension has been requested;

Motions set up after due time.

6) Upon expiration of the terms set forth to set up administrative motions, the parties shall lose the right to set up such motions. This notwithstanding, the petition may be considered as an accusation of unlawfulness by the agency that should have ruled on the motion, unless such agency decides to the contrary in order to preserve legal security or it understands that there has been a voluntary abandonment of the right for not setting up the motion in due time;

Suspension of terms for setting up motions.

7) Without prejudice to the provisions of section 12, the setting up of administrative motions shall suspend applicable terms, even though such terms may have been set in error, bear insubstantial formal defects or were computed before a non-competent authority due to excusable error;

Forfeiture of rights not exercised in due time.

8) The Administrative Agency may consider that the right not exercised during the applicable term has been forfeited, without prejudice to the continuance of the proceedings according to the state thereof, and without stages having any retroactive effects, provided that it is not the case of the event provided for in the following paragraph;

Lapsing of proceedings.

9) Sixty (60) days after proceedings have been inactive for a reason attributable to the administered party's fault, the competent authority shall serve notice thereupon warning that following thirty (30) additional days of inactivity, the proceedings shall be considered lapsed ex officio, and kept on file. Proceedings related to social security and proceedings that the Administrative Agency considers that must be continued due to special circumstances or because the public interest is at stake shall be excepted from this provision. Upon lapsing of the proceedings, the interested party may exercise its rights by starting a new action, where it may use the evidence already produced. Proceedings carried out with the intervention of the competent authority shall suspend legal and regulatory terms, including those related to the statutes of limitations, which shall resume as of the date of the expiration order;

Due process of law.

f) Interested parties shall be entitled to due process of law, which comprises the following rights:

Right to be heard.

1) Right to explain the reasons for their demands and defenses before the occurrence of acts referring to their personal rights or legitimate interests; right to set up motions and to be represented by an attorney. Whenever an express rule allows the parties to be represented before the administrative authority by laymen, it shall be mandatory to have an attorney-at-law in cases where legal matters are at stake.

Right to offer and produce evidence.

2) Right to offer and, if relevant, produce evidence, within the term set forth in each case by the administrative authority, according to the complexity of the matter and to the nature of the evidence. The administrative authority shall require and issue reports and opinions necessary to explain the facts and the objective legal truth; subject to the control by interested parties and their attorneys, who may make their closing statements and submit answers upon termination of discovery proceedings;

Right to a decision for cause.

3) The decision shall expressly consider main grounds and proposed matters, provided they are conducive to the solution of the case."-

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

Special proceedings excluded.

Section 2.- Within ONE HUNDRED AND TWENTY days, computed as of the date the procedural rules referred to in section 1 become effective, the EXECUTIVE shall determine which special procedures currently applicable shall continue to be in force. Likewise, the Executive shall be empowered to tailor special systems to new proceedings in a gradual way.

a) replacement of strictly procedural legal and regulatory rules corresponding to surviving special systems, in order to gradually tailor them to new proceedings and administrative motions implemented thereby, provided that this does not affect legal rules to which such special systems refer or apply.

This Act shall be applied, as supplementary rule, to administrative proceedings whose special systems have survived.

b) draft the administrative proceedings that shall govern military, defense and security agencies, upon proposal thereof, adopting basic principles of this Act and its regulation.

Reserved or secret proceedings.

c) determine the circumstances and competent authorities to qualify proceedings, steps, reports or opinions as reserved or secret, even though they may be included in public proceedings.

Chapter II **Competent administrative agencies.**

Section 3.- Administrative agencies shall be competent, as applicable, pursuant to the provisions of the National Constitution, of acts, and regulations passed in their respect. Exercising such competencies is an obligation of the corresponding authority or agency and shall not be extended, unless such extension or replacement is expressly authorized. Unless otherwise expressly provided for, transfer of the case to a superior court shall proceed.

Competence issues.

Section 4.- The EXECUTIVE shall decide upon competence issues arising between Ministries and among authorities, agencies or independent governmental agencies with activities in different Ministries. Ministers shall decide upon competence issues between authorities, agencies or self-sufficient governmental agencies acting within their respective Departments.

Negative and positive conflicts.

Section 5.- When an agency, ex officio or at the request of a party, declares itself as lacking lawful jurisdiction, it shall transfer proceedings to the agency it deems competent. If this agency, in turn, declines the proceedings, it shall transfer such proceedings to the agency authorized to solve such dispute. Where two agencies deem themselves competent, the last agency to receive the proceedings shall submit the dispute, ex officio or at the request of a party, to the authority that must decide thereupon.

The final decision on competence issues shall be made, in both cases, only by the corresponding legal service of process and, should it be absolutely necessary, by the technical opinion that may be required in each case. Terms provided for in this section shall be: TWO days for transfer of proceedings and FIVE days to issue orders or opinions.

Challenge and self-disqualification of officers and employees.

Section 6.- Officers and employees may be challenged for the causes and in the opportunities provided for in sections 17 and 18 of the Code of Civil and Commercial Procedure, and they shall serve notice upon their immediate superior authority within a TWO day-term. Prior intervention of the officer or employee in the file shall not be deemed grounds for challenging him/her. If the self-disqualified officer or employee admits to the grounds and these grounds are applicable, such officer or employee shall appoint a replacement. Otherwise, he/she shall make a decision within a FIVE day-term. Where it is deemed necessary to produce evidence, this term may be extended for five additional days. Self-disqualification of officers and employees shall be governed by section 30 of the above mentioned Code and shall be immediately referred to the superior officer, who shall make a decision without notice within FIVE days. If this officer accepts the self-disqualification he/she shall appoint a replacement; if he/she rejects it, he/she shall send the proceedings back to the inferior officer so that he/she continues to take steps thereupon. Orders issued upon challenge or self-disqualification proceedings and final orders thereupon shall be final.

Chapter III **Essential requirements of the administrative act.**

Section 7. The essential requirements of the administrative act are as follows:

Competence.

a) it must be performed by a competent authority.

Cause.

b) it must be supported by facts and background serving as grounds for cause, and applicable law.

Purpose.

c) the purpose must be certain and physically and legally possible to decide upon all petitions made, but it may involve other petitions not made, after hearing the interested party and provided that this does not affect acquired rights.

Proceedings.

d) before its issue, essential and substantial proceedings provided for shall be complied with, as well as proceedings implied in legal rules and regulations. Without prejudice to the provisions of other special rules, the opinion from permanent legal services shall also be deemed essential if the act could affect personal rights and legitimate interests.

Motivation.

e) the act shall be motivated, precisely stating reasons that induce to issue the act and stating, in addition, requirements set forth in subsection b) of this section.

End.

¹f) the act shall be performed to the ends arising from the rules that grant relevant powers to the issuing agency, and not other hidden ends, public or private, other than those that constitute are the bases for the act, its grounds and purpose shall be pursued. The actions involved in the act shall be proportionate to such end. Contracts entered into by jurisdictions and agencies comprised in the National Public Sector shall be governed by their respective special laws, without prejudice to the direct application of the rules of this Chapter, where applicable.

¹ 1023/01, section 36

Formalities.

Section 8.- The administrative act shall be carried out expressly and in writing; it shall indicate the place and date of issue and it shall contain the signature of the issuing authority. Only by way of exception and provided that circumstances so allow, it shall be carried out in a different way.

Factual means

Section 9.- The Administration shall refrain from:

- a) Adopting material conducts that import administrative factual actions contrary to a constitutional right or guaranty;
- b) Executing an act while an administrative defense, which, under an express statute implies suspension of the executory effects thereof, is pending or although already solved, has not been notified.
(*Superseded by Section 1 of Act Number 21,686 Section Official Gazette 11/25/1977*)

Administrative agency silence or ambiguity.

Section 10.- The administrative agency silence or ambiguity against claims requiring a concrete decision thereof, shall be construed as a rejection. Only under express provision shall silence be construed as a positive response. If special rules do not provide for a certain term in which the decision shall be made, this shall be made within a SIXTY day-term, at a maximum. Upon expiration of the applicable term, the interested party may require immediate dispatch and, should another THIRTY day-term elapse without such decision being made, it shall be deemed that there has been silence from the Administrative agency.

Effectiveness of the Act: Notice and publication.

Section 11.- In order for the particular administrative act to become effective, notice thereof shall be served upon the interested party. In order for a general administrative act to become effective, it shall be published. However, administered parties shall claim compliance with these acts in advance, provided third parties rights are not harmed thereby.

Presumed legitimacy and executory force.

Section 12.- The administrative act is presumed legitimate. Its executory force empowers the Administrative agency to carry out the administrative act by its own means –unless a law or the nature of the act requires court intervention- and prevents motions set up by administered parties to suspend its enforcement and effects, unless otherwise expressly provided for. However, the Administrative agency may, ex officio or at the request of a party and through a decision made for a cause, suspend execution for reasons of public interest, or to prevent serious damage to the interested party, or when nullity is alleged on sufficient grounds.

Retroactive effect of the act.

Section 13.- The administrative act may have retroactive effects –provided that no vested rights are damaged thereby- whenever it is carried out to replace another revoked act or whenever it is in favor of the administered party.

Nullity.

Section 14.- The administrative act shall be null and void upon occurrence of the following events:

- a) When the Administrative agency’s will is excluded due to: an error of the essence; willful misconduct, committed by deeming non-existent or false facts as real; physical or moral violence exercised on the agent; or absolute deception.
- b) When the act is carried out by an agency without jurisdiction as to the matter, as to venue, as to time or as to hierarchy level; save, in the last case, that delegation or replacement is allowed; in the absence of a cause owing to non-existence or falsity of the invoked facts or right; or due to violation to applicable law, to formalities that are of the essence or to the purposes inspiring its enactment.

Voidable acts.

Section 15.- The act shall be rendered void by a court if any irregularity, omission or defect has been introduced which is not sufficient to prevent the existence of any of its essential elements.

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

Lack of validity of contingent or additional clauses.

Section 16.- The lack of validity of a contingent or additional clause included in an administrative act shall not imply nullity thereof, provided that such covenant can be separated from the rest of the act and does not affect its essence.

Revocation of void acts.

Section 17.- Void and null administrative acts are irregular acts and shall be revoked or replaced on grounds of illegitimacy by the administrative agency. However, if the act is final and the parties have consented thereupon and if the act has given rise to personal rights that are being complied with, its survival and survival of pending effects shall only be prevented by a court order declaring it null and void.-

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

Revocation of a regular act.

Section 18.- The regular administrative act, from which personal rights have arisen in favor of administered parties, shall not be revoked, amended or replaced by the administrative authority after notice has been served thereupon. However, such act may be revoked, amended or replaced ex officio by the administrative authority if the interested party knew the defect, provided that revocation, amendment or replacement of the act is in favor thereof without any prejudice to third parties and provided that the right has been expressly and validly granted provisionally. The act shall also be revoked, amended or replaced for reasons of opportunity, merits or convenience, providing compensation for damages sustained by administered parties.

Cure.

Section 19. Voidable administrative acts can be cured by the following:

Ratification.

a) ratification by the superior agency, when the act has been carried out by an authority lacking jurisdiction by reason of hierarchy level and provided that transfer to a superior level, delegation or replacement of the case are applicable.

Confirmation.

b) confirmation by the agency that carried out the act thus curing the defect thereof. Effects of the cure shall have retroactive to the date of the act subject to ratification or confirmation.

Conversion.

Section 20.- If the valid elements of an administrative act that is null and void would allow to carry out another valid act, the act may be converted to such other valid act with the consent of the administered party. Conversion shall have effects as of the time when the new act is carried out.

Lapsing.

Section 21.- The Administrative agency may unilaterally declare an administrative act lapsed if the interested party does not comply with conditions set forth therein, following due notice of default and granting of a reasonable supplementary term to such effect.

Review.

Section 22.- A final act may be reviewed by the administrative agency if:

- a) There are conflicting terms in the provisions, whether or not an explanation thereof has been requested.
- b) After such act being performed, decisive documents are recovered or found whose existence was ignored or that could not be filed as evidence due to force majeure or to a third party act.
- c) The act has been carried out based on false documents that were not known to be so or whose falsity was declared after the act was performed.
- d) Evidence is produced that bribery, breach of public duty, violence or any other fraud or willful misconduct was committed when the act was carried out.

In the case of subsection a), the claim shall be filed within TEN (10) days of notice of the act. In the other cases the review may be claimed within THIRTY (30) days as of recovering or finding documents or as of the date when the force majeure or the third party act has ceased; or as of the time legal evidence being furnished for events set forth in subsections c) and d).

Chapter IV
Administrative acts challenged in court.

Section 23.- An administrative act with individual effects may be challenged in court when:

- a) it is final and all administrative instances have been covered with respect thereto.
- b) even though no decision has been made on the substance, it absolutely precludes proceedings for the filed claim.
- c) there is silence or ambiguity as provided for in section 10.
- d) the Administrative agency violates the provisions of section 9.

Section 24.- An administrative act with general effects may be challenged in court when:

- a) an interested party whose personal rights are or may be certainly or impendingly affected by the act, has filed a claim before the authority that has carried out the act and the decision thereof is adverse to such party or upon occurrence of any of the events of section 10.
- b) the enforcement authority for the general act has enforced such act by means of final acts and all administrative instances have been unsuccessfully complied with.

Terms within which the challenge must be raised (by way of claim or motion)

Section 25.- The claim against the State or against self-sufficient governmental entities shall be filed within a peremptory term of ninety (90) court working days, counted as follows:

- a) In the case of acts with individual effects, as of the date of notice served upon the interested party;
- b) In the case of acts with general effects against which a claim has been filed and rejected by express resolution, as of date of notice served upon the interested party of such rejection;
- c) In the case of general acts that may be challenged through individual acts of application, as of the date of notice served upon the interested party of the express act carried out by the last administrative instance;
- d) In the case of facts or administrative facts, as of the date on which the affected party has learnt about them.-
If, by virtue of an express provision, challenge against the administrative act must be raised by means of a motion, the term to set up such motion shall be thirty (30) days as of service of notice on the final resolution made by the last administrative instance.

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

Section 26.- The complaint may be brought at any time if the act becomes final due to the lapse of terms provided for in section 10, without prejudice to applicable statutes of limitations.

Challenge of acts by the Government or by its self-sufficient entities; terms.

Section 27.- No term shall apply when the Government or its self-sufficient entities act as plaintiff, without prejudice to applicable statutes of limitations.

Summary proceeding to guarantee constitutional rights (*amparo*) upon default of the Administrative agency.

Section 28.- Any person being party to administrative proceedings may request the court to issue an order for immediate dispatch. Such order shall proceed if the administrative authority has not acted during terms set forth and, in absence of such terms, if time has elapsed exceeding a reasonable term without the opinion or formal or legal resolution being issued as required by the interested party. Upon filing of the petition, the court shall decide if it is admissible or not, taking into account the particular circumstances and, if deemed convenient, the court shall require the intervening administrative authority to report, within a term set forth thereby, on the cause for the alleged delay. The court decision shall be final. Once the petition has been answered or the applicable term has expired without any resolution being made thereon, the court shall decide on the delay as applicable. If applicable, the court shall issue an order so that the administrative authority in charge dispatches the act within a term to be established based on the nature and difficulty of the opinion or pending proceedings.

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

Section 29.- Noncompliance with the order for immediate dispatch shall render section 17 of Decree Law Number 1,285/58 applicable.

Administrative claim prior to judicial complaint.

Section 30.- No complaint shall be brought against the Government or its self-sufficient agencies without prior administrative claim filed with the Ministry or the Presidency’s Secretary’s Office or superior authority of the self-sufficient agency, save in the events provided for in sections 23 and 24.

The claim shall contain the same facts and rights invoked in the subsequent judicial complaint and the above mentioned authorities shall decide thereupon.

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

(Superseded by Section 1 of Act Number 25,344 Official Gazette 11/21/2000)

Section 31.- A decision upon the claim shall be rendered within ninety (90) days of its filing. Upon expiration of this term, the interested party shall require immediate dispatch and, should another forty five (45) day-term elapse, such interested party may file the judicial complaint, which shall be brought within the terms and subject to the effects provided for in section 25, without prejudice to any applicable statutes of limitations. The Executive, at the request of the intervening agency, based on the complexity of the matter or for public emergency reasons, may extend terms provided for giving reason therefor, whether they are running or not, up to a maximum of one hundred and twenty (120) and sixty (60) days, respectively.

Appeal against express rejection of the claim shall not be brought before the administrative authority.

The court shall not give course to complaints mentioned in sections 23, 24, and 30 without previously verifying ex officio compliance with the requirements set forth in such sections and terms provided for in section 25 and herein.

(Superseded by Section 1 of Act Number 25,344 Official Gazette 11/21/2000)

Section 32.- The prior administrative claim referred to in the preceding sections shall not be necessary if there is an express rule in such sense and in the following cases:

- a) If the claim is about reimbursement of payments made to the Administration by virtue of an execution or about reimbursement of a lien unduly paid;
- b) If a claim for damages is filed against the State for tort liability.

(Superseded by Section 1 of Act Number 21,686 Official Gazette 11/25/1977)

(Superseded by Section 1 of Act Number 25,344 Official Gazette 11/21/2000)

Section 33.- This act shall be in force ONE HUNDRED AND TWENTY (120) days after its publication in the OFFICIAL GAZETTE.

Section 34.- To be communicated, published, submitted to the National Bureau of the Official Registry and filed. LANUSSE - Coda - Rey - Quijano

Decree Law Number 1,759/72
(dated 04.03.72 (Official Gazette 09.24.91))

Section 1.- The provisions enacted hereby shall constitute the regulation governing the Administrative Proceedings Act.

Section 2.- The enacted regulation shall be effective as of one hundred and twenty days of publication in the Official Gazette and shall apply to administrative proceedings commenced ex officio or at the request of a party, as of that date.

Section 3 – The Ministry of Justice shall immediately summon persons charged with the various legal services of the centralized and decentralized national public administration, including self-sufficient agencies, in order for them, organized as a committee, to propose which of the currently applicable special proceedings shall continue to be in force. Their decisions shall be filed with the Executive, together with the prepared bill, thirty days before expiration of the term provided for in section 2 of the Act.

Section 4.- Each person charged with the above mentioned legal services shall gradually suggest to the Executive, through the State Department or through the agency from which it depends, the measures referred to in section 2, subsection a), of the Act. In turn, persons charged with military, defense and security legal services shall do the same through the Chief Commanders of the respective forces and agencies from which they depend, with respect to the administrative proceedings referred to in subsection b) of the same section of the Act.

Section 5.- To be communicated, published, submitted to the National Bureau of the Official Registry and filed. —

SIGNED

LANUSSE - COLOMBRES LANUSSE - REY - BRUNO QUIJANO - CODA

ADMINISTRATIVE PROCEEDINGS REGULATION

CHAPTER I

Competent Authority

Section 1.- Administrative files shall be considered and solved by the competent authority as set forth in an Act or Decree Law. If no such competent authority is appointed, the agency appointed by the internal rules and regulations of the Ministry or of the board of directors of the decentralized entity shall act, as applicable. In the case of administrative files that, even though they refer to only ONE (1) matter or purpose, call for the intervention of TWO (2) or more entities to make decisions, there shall be only one file, which shall be attended by the entity where it has been filed, unless such entity is not competent, and only one order shall be issued thereupon.

Powers of the Senior Officer

Section 2.- Powers of the senior officer.- Ministers, secretaries of the PRESIDENCY and boards of directors of decentralized entities may direct or inchoate the claim of lower-level officers by means of orders, instructions, circularized letters and internal regulations, in order to secure promptness, cost-efficiency, simplicity and effectiveness of proceedings, to delegate powers, conduct audits and devote to study and decide upon a matter, unless there is a rule that has attributed exclusive competence to the lower-level officer. All this without prejudice to eventually taking part in the proceedings if the relevant motions are set up.

Commencement of Proceedings. Interested Party

Section 3 - Commencement of Proceedings. Interested Party.- The administrative proceedings may commence ex officio or at the request of any individual or corporation, public or private, invoking a personal right or a legitimate interest; such persons shall be deemed interested parties in the administrative proceedings. Other interested parties shall be those whose personal rights or legitimate interests may be affected by the act to be issued or those persons who have attended proceedings at the request of the original interested party, per se, or through a subpoena issued by the intervening authority when it notices their existence during proceedings.

Persons between 14 and 21 years of age shall have full capacity to intervene directly in administrative proceedings as interested party to provide for the defense of their own personal rights or legitimate interests.

Commencement Ex Officio and At the Request of an Interested Party

Section 4 - Commencement ex officio and at the request of an interested party.-

Any and all administrative proceedings shall be commenced ex officio by the competent authority, but this shall not prevent the interested party from commencing such proceedings. Those proceedings where the only interest at stake is the private interest of the administered party shall be excepted from this provision unless, however, the resolution to be issued may affect in some way the public interest.

Rights and Duties of the Competent Authority

Section 5.- Rights and duties of the competent authority.- The competent authority shall conduct the proceedings trying to:

- a) Analyze files in the order of commencement of proceedings and decide upon them as they are ready to resolve. Alteration of the order of proceedings and decision shall only be solved by grounded resolution;
- b) Make provisions, in only one resolution, for all the proceedings that, due to their nature, may be inchoated simultaneously, and concentrate in an only file or hearing any relevant proceedings and orders for evidence;
- c) Establish summary proceedings by means of printed forms or other methods allowing prompt dispatch of proceedings, in case they have to decide upon many similar files. They may also use, when there are similar grounds and reasons for the resolutions, any mechanical means of serial production, provided they do not impair legal guaranties of the interested parties.
- d) Before proceeding with any petition, decide upon defects therein, and order that they be cured ex officio or by the interested party within a reasonable term to fixed thereby, making similar provision upon proceedings necessary to prevent nullities;
- e) Provide for, at any time, personal appearance of interested parties, their legal representatives or attorneys to require explanations deemed necessary and even to reduce discrepancies that may exist about questions of fact or questions of law, drawing minutes thereof. The summons shall contain express provision on the purpose of the appearance.

Disciplinary Powers

Section 6 - Disciplinary Powers.- In order to maintain order and decorum during the proceedings, said agency may:

- a) Cross out any sentence whereby slander is committed or any sentence written in offensive or disrespectful terms;
- b) Exclude from hearings any person that may provoke disturbances thereat;
- c) Require attention or warn any liable persons;
- d) Apply penalties authorized by Section 1, subsection b), final paragraph, of the Administrative Proceedings Act, as well as other penalties, including monetary penalties, provided for by other rules and regulations in force. Final penalties shall be enforced by the respective judicial representatives of the Government, under the procedure set forth in sections 604 and 605 of the Code of Civil and Commercial Procedure;
- e) Remove attorneys for misconduct or for apparently disturbing proceedings, warning the principal to intervene directly or indirectly through another attorney, subject to warning to suspend proceedings or to continue such proceedings without his/her intervention, as applicable. Misdemeanors committed by administrative agents shall be governed by its special laws.

Decree Law Number 1883/91

Administrative proceedings regulations – Consolidated Text - Approval – Repeal of Section 2 of Decree Law Number 9101/72 text consolidated in 1991 – General Secretary Unit – Creation under ministerial jurisdiction.

Section 1- Sections 1, 2, 5, 7, 9, 11, 14,15,18, 19, 20, 23, 24, 25, 32, 33, 34, 36, 38, 40, 41, 42, 43, 44, 48, 52, 56, 60, 71, 72, 73, 75, 76, 79, 87, 88, 90, 91, 92, 93, 94, 98, 99, 102, 103, 104, 105, 106 of regulations approved by Decree Law Number 1759 dated April 3, 1972, as amended, are superseded, according to annex 1.

Section 2- Sections 98 bis, 107, 108, 109, 110, 111 of regulations approved by Decree Law Number 1759, dated April 3, 1972 are hereby repealed.

Section 3- The consolidated text of regulations governing administrative proceedings is hereby approved including amendments introduced hereby, according to annex 1, which shall be entitled: Administrative proceedings regulations. Decree Law Number 1759/72 organized text, which is part hereof.

Section 4- Final administrative acts or similar acts issued by the conducting body of firms or companies, wholly-owned by the State or where the State has a majority interest, shall be appealed by motion to appeal as provided for section 94 of regulations approved by Decree Law Number 1759, dated April 3, 1972. This motion shall not proceed against acts inherent to the relevant firm or company private business.

Section 5- Executive ministries or departments charged with direct application or indirect application through an entity within their jurisdiction of special proceedings provided for in Decree Law Number 9101, dated December 22, 1972 shall send to the Administrative Reform Comptrolling Executive Committee, within sixty business days, a term that shall not be extended, a report on the proceedings pending and effectively enforceable. Likewise, the Committee shall explain in such report the essential legal need to maintain such proceedings, including in such case a bill in the form and content to the provisions of the administrative proceedings act number 19,549 and to the regulations thereupon approved by Decree Law dated April 3, 1972, text organized in 1991.

Section 6- Section 2 of Decree Law Number 9101, dated December 1972 is hereby repealed.

General Secretary’s Office

Section 7- A General Secretary’s Office is hereby created within the framework of each ministerial jurisdiction, directly and exclusively depending from the ministry of each area.

Section 8- Provisionally, General Secretary’s Offices created by virtue of this Decree Law shall comprised of the staff working in the dispatch and filing desk areas of each ministerial jurisdiction and with the staff appointed by the competent authority. Within thirty (30) business days as of enactment of this Decree Law, the respective ministerial jurisdictions shall send to the Administrative Reform Comptrolling Executive Committee, after intervention by the Public Administration Affairs Office of the Executive, projects containing the final structure of each General Department.

Section 9 – The primary responsibility of the General Secretary’s Office shall be to secure receipt and output of administrative documents coming from other ministerial jurisdictions or decentralized entities or addressed thereto; to receive and dispatch documents pertaining to individuals; to carry out dispatch and to keep file of administrative documents, except for notes and other internal documents of each jurisdiction; carry to the ministry office and conduct follow up of administrative proceedings of the relevant jurisdiction; all this enforcing compliance and complying with regulations relating to administrative proceedings. Likewise, the General Secretary’s Office shall be charged with determining, for each administrative proceeding, the department or departments within the jurisdiction primarily responsible for acting thereupon. In the remaining entities of the national administration, the responsibility set forth in this section shall be undertaken by the head of dispatch.

Section 10 – The General Secretary’s Office shall have the following areas:

a) Dispatch, which shall be charged with distributing administrative documents to its jurisdictional departments, controlling circulation of documents and compliance with terms applicable to administrative proceedings files.

b) Filing Desk and Notices, which shall be charged with reception, sending and filing documents, and notices, in compliance with provisions set forth in the relevant regulations.

c) Information to the General Public, which shall be charged with tending to queries about the purpose, competence and operation of the relevant ministry. The Information to the General Public Area shall be charged with providing information about administrative proceedings to any person authorized as party thereto, his/her agent or attorney, and it shall also be charged with issuing the power of attorney referred to in Section 33 of the regulation approved by Decree Law Number 1759, dated April 3, 1972. It shall also receive claims or accusations arising from delays, lack of attention or other faults found in the relevant ministries operations.

Section 11 – The head of the General Secretary’s Office shall be appointed by the ministry of that area, and shall be part of the Ministry Advisory Committee and shall have the highest level in the general hierarchy in force in the national public administration. The head of the General Secretary’s Office shall be removed from its office upon removal of the Ministry who has appointed him/her.

Compliance with terms

Section 12 – In order to secure efficient administrative proceedings, compliance with terms provided for by rules in force and provision of adequate information to the public, the General Secretary’s Office areas shall automate and apply information technology to the record, dispatch and control of administrative files. The system shall comply with the whole development of the proceedings, indicating, at least, the acting agency and the date of intervention.

Section 13 – Upon receiving documents for the commencement or continuation of a proceeding, such documents shall be sent to the competent area within a term of three (3) business days, which shall not be extended.

Section 14 - Subsection 6.3.3. of the regulation approved by Decree Law Number 333, dated February 19, 1985, is hereby amended, which text shall read as follows:

Terms: Preparation of reports, answer to notes and any other documentary proceedings, related to the substantiation of proceedings, provided no other term is set forth, shall be conducted by order of arrival, in the time required to study them, within a maximum term of five (5) business days. This maximum term shall be extended by the head of the General Secretary’s Office or by an officer of higher hierarchy to the officer primary in charge, if so required by the complexity of matters, communicating such extension to the General Secretary’s Office.

Section 15 – Subsection 6.3.4.3. of the regulation approved by Decree Law Number 333, dated February 19, 1985, is hereby amended, which text shall read as follows:

Urgent: Any proceedings that must be conducted within a term of three (3) business days shall be deemed urgent and shall have priority over any other proceedings not qualified as such or as very urgent.

Section 16 – The head of the General Secretary's Office shall be directly charged with compliance with subsections 6.3.3. and 6.3.4. of the regulation approved by Decree Law Number 333, dated February 19, to which end it shall conduct a survey on the internal proceeding of administrative files every five (5) business days. In case of verifying noncompliance with the respective terms the head of the office shall issue a warning against the officer in charge, subject to warning of penalty as provided for in Act Number 22,140.

In case any delay occurs during the proceedings, the superior officer shall devote to prosecution of proceedings without prejudice to the penalty applicable to the person liable for such delay.

Simplification of proceedings

Section 17 – There shall be only one proceeding pending on each file, and any ancillary proceedings is hereby forbidden.

Rules contained in Chapter II of the regulation approved by Decree Law Number 1759, dated April 3, 1972, shall strictly apply. In case of noncompliance with this section, a penalty shall be imposed on the person in charge as provided for in Act Number 22,140.

Section 18 –Owing to the primary responsibility of the intervening officer, transfer of proceedings shall not be allowed while the case is pending. If the opinion of other areas or jurisdictions is required, the primarily responsible intervening officer shall request such opinion directly through a note or written communication, evidencing such note or written communication in the file, as set forth in Section 14 of the regulation approved by Decree Law Number 1759, dated April 3, 1972. The case of file remittance in order that the mandatory opinion is issued by the Ministry permanent legal service or when intervention by the Attorney General of the National Treasury is necessary are hereby excepted from this provision.

If a file exceptionally involves the primary liability of more than one unit within the same jurisdiction, such file shall proceed simultaneously in both areas, which shall receive copies of relevant proceedings. Areas involved shall make their decisions within the same term trying that their decision criteria are compatible with each other.

Delegation of powers

Section 19 – Ministers, secretaries and undersecretaries shall issue, unless otherwise resolved for a cause by the head of the area, within the term of thirty (30) business days, rules tending to delegate onto lower-level officers decisions to be made on internal administrative matters of the respective areas, in accordance with the provisions of the accounting act, Section 39 of administrative proceedings act, and Section 29 of the regulations approved by Decree Law Number 1759, dated April 3, 1972. Specifically:

- a) Authorization and approval of contracts, as set forth by the head of each jurisdiction by resolution thereof, up to the amount of one thousand seven hundred and eight million nine hundred and twenty four thousand (1.708.924.000.-) Australes, under the provisions of chapters II and VI of the accounting act.
- b) Disciplinary sanctions not involving dismissal of employees.
- c) Granting of leaves of absence, justifications and privileges to employees.
- d) Settlement of travel expenses.
- f) Any other question relating to the office management.

Section 20 – Upon implementation of the system above, the administrative general director shall be charged with compliance with such system.

Provisional system

Section 21 – The following provisional procedure shall apply to pending files commenced before the effective date hereof.

If only the final administrative act or resolution of a motion is pending in a file, such administrative act shall be carried out or such motion shall be resolved within thirty (30) business days. Such term shall include the opinion from the jurisdictional permanent legal service. Other cases, shall proceed as follows:

a) Competent agencies where administrative files are pending and are suspended for cause ascribable to the administered party shall, within a maximum term of sixty (60) business days, serve notice upon interested parties in the sense that if within a thirty (30) business day-term they do not express their will to continue with the proceeding, such proceeding shall be deemed lapsed under the terms of Section 1, subsection e), Section 9 of administrative proceedings act.

b) If proceedings are suspended for a term longer than six (6) months for cause ascribable to the administrative agency, the interested party shall be notified, in all events within a term of sixty (60) business days, in the sense that if within a thirty (30) business day-term it does not expressly state its will to continue with the proceedings, lapsing shall apply as provided for in the preceding subsection.

c) Files referring to internal administrative proceedings where no action has been taken during the last six (6) months prior to publication hereof, shall be kept on file upon notice to the agency that commenced the proceedings.

Resolutions passed under subsections a), b), and c) shall be signed by the respective national or general directors.

Files relating to administrative summary proceedings shall be excluded from this provisional system, and terms set forth in the regulation approved by Decree Law Number 1798, dated September 8, 1980 shall strictly apply.

Section 22 – In the case of events provided for in subsections a), b), and c) of the preceding section, the area where the file is pending shall be charged with applying this provisional system, as applicable. In no event shall files be sent to the General Secretary’s Office, save to be kept on file or to be sent only in order to issue the corresponding legal opinion.

Section 23 – If upon application of subsections a), b), and c) of Section 21 a resolution is negligently or inadequately issued, giving rise to judicial proceedings whose resolutions cause a prejudice to the administrative agency, the national or general director in charge shall be liable, with all its properties, for the damage caused, as set forth in Section 90 of the accounting act.

If the officer charged with applying the provisions of this section in due time and form does not do so, a penalty shall be imposed upon him/her by the higher-level agency as set forth in Section 17 hereof.

Within ninety (90) business days as of the effective date of this provisional system, agencies charged with applying such system shall report the General Secretary’s Office of their jurisdiction or the dispatch area about the proceedings and results of applying this system.

General Provisions

Section 24 – The system enacted by this decree law shall apply to proceedings commenced as of the date of publication hereof.

Section 25 – To be notified, etc.-Menem.-Cavallo.-Arslanian.

Administrative Proceedings Regulation

CHAPTER I

Section 1 – Competent authorities. Administrative files proceedings and resolutions shall be conducted and issued by the competent agency appointed by a law or decree; if such agency is not appointed, the agency appointed by the Ministry internal regulations or the decentralized entity board of directors shall be competent, as applicable. In the event of administrative files that, although they refer to only one (1) subject matter or purpose, involve two (2) or more agencies for decisions thereupon, only one file shall be opened, which shall be pending in the agency where it has commenced, unless such agency is not competent thereon, and only one resolution shall be issued.

Section 2 – Powers of the senior officer - Ministers, secretaries of the EXECUTIVE and boards of directors of decentralized entities may direct or inchoate the claims of officers under their authority by means of orders, instructions, circularized letters and internal regulations, in order to secure promptness, cost-efficiency, simplicity and effectiveness of proceedings, to delegate powers, conduct interventions and devote to know and decide upon a matter, unless there is a rule that has attributed exclusive competence to the lower-level officer.

All this, without prejudice to finally taking part in the proceedings if the relevant motions are set up.

Section 3 - Commencement of Proceedings. Interested Party - The administrative proceedings may commence ex officio or at the request of any individual or corporation, public or private, invoking a personal right or a legitimate interest; such persons shall be deemed interested parties in the administrative proceedings. Other interested parties shall be those whose personal rights or legitimate interests may be affected by the act to be issued or those persons who have attended proceedings at the request of the original interested party, per se, or through a subpoena issued by the intervening authority when it detects their existence during proceedings.

Persons between 14 and 21 years of age shall have full capacity to intervene directly in administrative proceedings as interested parties to provide for the defense of their own personal rights or legitimate interests.

Section 4 - Commencement ex officio and at the request of an interested party. Any and all administrative proceedings shall be commenced ex officio by the competent authority, but this shall not prevent the interested party from commencing such proceedings. Those proceedings where the only interest at stake is the private interest of the administered party shall be excepted from this provision unless, however, the resolution to be issued may affect in some way the public interest

Section 5 - Rights and duties of the competent authority - The competent authority shall conduct proceedings trying to:

- a) Analyze files in the order of commencement of proceedings and decide upon them as they are ready to resolve. Alteration of the order of proceedings and decision shall only be solved by grounded resolution;
- b) Make provisions, in only one resolution, for all the proceedings that, due to their nature, may be inchoated simultaneously, and concentrate in an only file or hearing any relevant proceedings and orders for evidence;
- c) Establish summary proceedings by means of printed forms or other methods allowing prompt dispatch of proceedings, in case they have to decide upon many similar files. They may also use, when there are similar grounds and reasons for the resolutions, any mechanical means of serial production, provided they do not impair legal guaranties of the interested parties.
- d) Before proceeding with any petition, decide upon defects therein, and order that they be cured ex officio or by the interested party within a reasonable term to fixed thereby, making similar provision upon proceedings necessary to prevent nullities;
- e) Provide for, at any time, personal appearance of interested parties, their legal representatives or attorneys to require explanations deemed necessary and even to reduce discrepancies that may exist about questions of fact

or questions of law, drawing minutes thereof. The summons shall contain express provision on the purpose of the appearance.

Section 6 - Disciplinary Powers - To maintain order and decorum during proceedings, said agency may:

- a) Cross out any sentence whereby slander is committed or any sentence written in offensive or disrespectful terms;
- b) Exclude from hearings any person that may provoke disturbances thereat;
- c) Require attention or warn any liable persons;
- d) Apply penalties authorized by Section 1, subsection b), final paragraph, of the Administrative Proceedings Act, as well as other penalties, including monetary penalties, provided for by other rules and regulations in force. Final penalties shall be enforced by the respective judicial representatives of the Government, under the procedure set forth in sections 604 and 605 of the Code of Civil and Commercial Procedure;
- e) Remove attorneys for misconduct or for apparently disturbing proceedings, warning the principal to intervene directly or indirectly through another attorney, subject to warning to suspend proceedings or to continue such proceedings without his/her intervention, as applicable. Misdemeanors committed by administrative agents shall be governed by its special laws.

CHAPTER II

Section 7 - Files: Identification. The identification with which a file is opened shall be maintained through subsequent proceedings whichever agencies may intervene therein. All areas shall be bound to provide information about a file based on its initial identification.

The file title shall include the agency primary charged with the proceedings and the term for resolution thereof.

Section 8 - Arrangement. Files shall be arranged in folders containing two hundred (200) pages, at a maximum, save where such maximum number makes it necessary to divide written documents or documents constituting only one text.

Section 9 – Page Numbers. Any and all proceedings shall be correlatively numbered as they are added, even when they comprise more than one (1) file folder. Copies of notes, reports or provisions added together with their original shall not be numbered but evidence of such addition shall be provided for in the file.

Section 10 - Annexes. If files have background documents attached which, due to their volume, cannot be added, annexes shall be created and numbered independently.

Section 11 – Files added to other file folders shall not continue the numbers of the first folder. Only evidence of the added file shall be furnished including the number of pages thereof.

Section 12 – Severance. Severance of documents may be orally requested and shall be allowed against receipt signed by the party taking the document.

Section 13 – When a file or proceedings is opened with the pages severed from another file, such pages shall be preceded with a note mentioning the proceedings from which they derive, the number of pages of the new file and the reasons therefor.

Section 14 – Written communications and assistance among administrative agencies. Should data or reports from third parties or from administrative agencies be necessary to conduct proceedings, such data or reports shall be requested directly or by means of a written communication, evidence of which shall be included in the file. To such effects, administrative agencies, whichever their hierarchy, shall be bound to provide permanent and mutual assistance.

CHAPTER III

Section 15 – Formalities of written documents. Written documents shall be prepared typed in a typewriter or handwritten with ink, using legible characters, in the National language, including explanatory notes for any crossed out word or expression or words added between lines. They shall contain a summary of the petition on their upper margin.

They shall be signed by the interested parties, their legal representatives or attorneys. On the head of any written document, save for those documents used to commence proceedings, they shall contain the corresponding file identification and, if applicable, they shall precisely indicate the power of attorney exercised. Notices or court orders may be answered and motions may be set up by telegraphic means.

However, interested parties or their attorneys may make petitions by simple writing them on the file, signing them, without need to comply with requirements set forth in the preceding paragraphs.

Section 16 - Data. Any written document whereby proceedings are commenced before the national public administration shall contain the following data:

- a) First name and family name, identity document, residence and legal domicile of the interested party;
- b) Cause of action and, if relevant, the rule upon which the interested party bases his/her claim;
- c) The petition, explained under certain and precise terms
- d) Evidence, attaching documents in the possession of the interested party or, if such documents are not available, attaching an itemized list of evidence, expressing the results thereof and including the file, public agency or place where the original documents are available;
- e) Signature of the interested party or his/her legal representative or attorney.

Section 17 - Signing; Signing on behalf of a disabled person. When a written document is signed on behalf of a disabled person because the interested party cannot or does not know how to sign, the administrative authority shall make provision therefor, and it shall include the name of the signatory and the fact that such signatory has been authorized in its presence or that such authorization was ratified before the administrative authority. The intervening parties shall submit their respective identity documents.

If there is no person that can sign on behalf of a disabled interested party, the officer shall proceed to read the document and shall certify that the interested party knows the text of the document and has stamped its fingerprint on the presence thereof.

Section 18 – Ratification of signature and written document contents. In case of doubt about the authenticity of a signature, the administrative authority may call the interested party so that in its presence and previously furnishing evidence of his/her identity, such interested party ratifies the signature or the written document contents.

If such interested party denies that the signature or if the contents of the written document is his/hers, or if he/she refuses to answer or does not appear before the administrative authority, the written document shall be deemed not filed.

Section 19 – Constitution of domicile ad litem. Any person appearing before an administrative authority, per se or in representation of a third party, shall constitute a domicile ad litem within the urban area of the administrative agency where the proceedings are pending. If, under any circumstances, the file is transferred to a jurisdiction different from the initial jurisdiction where the action was brought, the interested party shall constitute a new domicile ad litem. Such domicile shall be clearly and precisely constituted indicating street and number, or floor number, number or letter of the suite or apartment. No domicile ad litem shall be constituted at the legal domicile of public offices, but it may be constituted at the residence of the interested party, provided that it is located within the urban area of the jurisdiction of the administrative authority.

Section 20 – If no domicile ad litem is constituted, or if it is not constituted as provided for in the preceding section, or if the domicile constituted does not exist or the premises or building selected or the number indicated disappear, notice shall be served upon the interested party at his/her residence so that he/she constitutes domicile in due form, subject to the warning of continuing the proceedings without his/her intervention or without the intervention of an attorney or legal representative, or of providing for expiration of the proceedings in accordance with Section 1, subsection e), Section 9 of the administrative proceedings act, as applicable.

Section 21 – The domicile ad litem thus constituted shall have all the applicable effects without need of any court order and it shall be deemed existing while no other domicile ad litem is constituted.

Section 22 - Residence. The residence of the interested party shall be stated in the first presentation by such interested party or through an attorney or legal representative.

Otherwise, or in case a change of residence is stated, provided a domicile ad litem has been constituted, the interested party shall be required to cure the defect, subject to warning of serving upon such residence any and all resolutions made, even the ones that should be sent to the actual residence.

Section 23 – Lack of constitution of domicile ad litem and statement of residence. If no domicile ad litem is constituted or no residence is stated when due, the interested party shall be required to cure the defect under the terms and subject to the provisions of Section 1, subsection e), Section 9 of the administrative proceedings act.

Section 24 – Various petitions. More than one petition may be included in only one written document, provided always that their subject matters are related to each other and that proceedings may be jointly instituted and decided upon. If the administrative authority considers that the relation alleged by the interested party does not exist or that joining such petitions disturbs the proceedings, notice shall be served upon the interested party so that he/she files such petitions separately subject to the separation ex officio, if such petitions may be separated or, if they are not, subject to order of lapsing of the proceedings as set forth in Section 1, subsection e), Section 9 of the administrative proceedings act.

Section 25 – Filing of written documents, date and authority. Any initial written document or any document containing a motion shall be filed with the filing desk or at the reception of the competent authority or shall be sent by mail. Written documents following the initial one may be filed with the filing desk or sent to the office where the proceedings are pending.

The administrative authority shall put in each written document its filing date, by stamping the relevant date seal.

Written documents sent by mail shall be deemed filed on the date when they were filed with the post office, to which effect the envelope shall be added without destroying its date seal, or on the date set forth in the written document as it arises from the date stamped by the authorized post officer to which the written document has been shown contained in the open envelope at the time of dispatch by certified or registered mail.

Upon request of the interested party, the post officer above mentioned shall stamp a seal on a copy of the written document as evidence thereof.

In case of doubt, the date set forth in the written documents shall prevail and, if such date is not set forth, the filing shall be deemed to have been made in due time.

When telegraphic means are used for answering notices or court orders or for setting up motions, they shall be deemed filed on the date of filing with the post office.

Any written document not filed within administrative working hours of the term expiration date shall be validly delivered only at the applicable office, on the day immediately following such date and within the two (2) first hours of such office working hours.

Section 26 – Interlocutory orders on written documents. Procedural interlocutory orders shall be issued within three (3) days of receipt of any written document or telegraphic dispatch.

Section 27 – Attached documents. Documents attached to written documents and those documents requested to be included as evidence shall be filed as originals, or shall be issued as copies issued by the competent authority, or as copies

certified by the administrative authority after comparison with the original document, which shall be returned to the interested party.

Any document, book or voucher may be requested to be reserved by the administrative authority, in which case it shall keep such document, book or voucher furnishing evidence thereof.

Section 28 – Authenticated documents issued by alien jurisdiction. Translation – Documents issued by foreign authorities shall be duly authenticated if so required by the administrative authority. Documents written in a foreign language shall include their corresponding translation made by a certified translator.

Section 29 – Documents signed by professionals. Documents and drawings filed with the administrative authority, except for sketches, shall be signed by professionals certified at the national, provincial or municipal level.

Section 30 – Filing of certificates evidencing commencement of proceedings and filing of written documents – A certificate containing the file code shall be issued upon any proceedings commenced at the filing desk or reception.

Interested parties filing a written document may, additionally, orally request a certified copy thereof. The administrative authority shall do so, setting forth that the interested party has filed with office a written document and that he/she has stated that such document is an original corresponding to the certified copy.

CHAPTER IV

Section 31 – Attorneys and legal representatives. Any person acting on behalf of a third party, even if he/she is entitled to act as such by virtue of legal representation, shall attach documents evidencing his/her authority. However, parents acting on behalf of their children and the spouse acting on behalf of the other spouse shall not be bound to file the corresponding certificates, save that the administrative authority requires such certificates for cause.

Section 32 – Evidence of legal status. Representatives or attorneys shall, upon the very first proceeding commenced on behalf of their principals, furnish evidence of their legal status in the corresponding public instrument or through a copy thereof signed by the attorney or with a power of attorney signed and certified by a police or judicial authority or by a notary public.

In case the document evidencing legal status is attached to another file pending in the same administrative agency the relevant certificate thereof shall suffice.

When a general or special power of attorney is invoked for several acts or a memorandum of civil or commercial association issued through a public instrument or recorded with the Public Registry of Commerce, evidence thereof shall be furnished by attaching a complete copy signed by the attorney in fact or at law. Filing of the original copy may be required ex officio or at the request of the interested party.

In the case of quasi corporations or corporations de facto, all partners shall sign the written document individually, indicating the name of the partner that will continue in charge of pending proceedings.

Section 33 – The power of attorney may also be granted by a certificate filed with the administrative authority, which shall contain the identity document number and domicile of the principal, the attorney appointment statement, and shall also mention the power to receive monies or other special powers conferred thereupon.

If the attorney is empowered to receive monies higher than ten (10) minimum salaries, the power of attorney shall be notarized by a notary public.

Section 34 – Termination of representation. Representation shall terminate, in relation to proceedings:

a) By revocation of the power of attorney. Intervention by the interested party in the proceedings shall not import revocation of the power of attorney, save express statement to the contrary is made.

b) By waiver, upon expiration of the term for summoning the principal or after such principal appearing on file.

c) By death or incapacity of the attorney.

In the cases provided for in all three (3) subsections above, the principal shall be summoned to appear per se or through a new attorney, subject either to continuation of proceedings without his/her intervention or to lapsing of the case, as applicable.

d) By death or incapacity of the principal.

These events shall suspend the proceedings until the heirs or legal representatives of the deceased party appear in person to see the file, save in case of proceedings commenced ex officio. Meanwhile, the attorney may only make mere procedural petitions that do not admit any delay, in order to prevent damages to the claimant’s rights.

Section 35 – Scope of representation. From the time the power of attorney is filed with the administrative authority and such administrative authority accepts the legal status claimed, the representative shall undertake any and all responsibilities set forth by law and his/her acts shall bound the principal as if the principal had carried out such acts per se.

The representative shall be bound to continue proceedings while his/her power of attorney is in force, subject to the limitation set forth in subsection d) of the preceding section, and any summons, subpoenas and notices shall be served thereupon, including those related to final acts, save express order or rule providing for the notice to be served upon the principal or the purpose of which is that the principal appears per se before the administrative authority.

Section 36 – Joint legal status. When several persons appear before the administrative authority making a petition from which no contradictory interests arise, the administrative authority may require joint legal status, within a term of five (5) days, subject to appointment of a common attorney by the petitioners. Joint legal status may also be requested by the parties at any stage of proceedings. Summons, subpoenas and notices shall be served upon the common representative, including the final resolution, save express order or rule providing for the notice to be served upon the principal or the purpose of which is that the principal appears per se before the administrative authority.

Section 37 – Revocation of joint legal status. Once the common representative has been appointed, this appointment may be revoked by unanimous decision made by the interested parties or by the Administrative Agency at the request of an interested party, provided there is a reason therefor.

Section 38 – File inspection. Proceedings. The interested party, his/her attorney in fact or at law, may inspect the file at any time during the entire proceeding, except for proceedings, reports or opinions that, at the request of the competent authority and after consultation with the corresponding legal service, are considered confidential or secret documents by a decision made by the respective Ministry Undersecretary, for cause, or by the head of the relevant decentralized entity.

The request to inspect a file may be oral and it shall be granted, without need of express resolution to such effect, at the office where the file is located, even though such office is not the Filing Desk or Reception. If the petitioner requests that a term be set forth to inspect the file, such term shall be provided for in writing. In such respect, the provisions of Section 1, subsection e), paragraphs 4 and 5 of the administrative proceedings act shall apply.

The date set for file inspection shall comprise, without limitation, all the working hours of the office where the file is located.

At the request of the interested party, and at his/her expense, the administrative authority shall furnish photocopies of the requested parts of the file.

CHAPTER V

Section 39 - Notices. Acts that shall be notified. Notice of the following acts shall be served upon the interested party:

- a) Final individual administrative acts and those acts that, even though they are not final, may be an obstacle to the continuance of proceedings;
- b) Acts deciding upon a motion set up or affecting to any extent personal rights or legitimate interests;

- c) Acts deciding upon summons, subpoenas, court orders;
- d) Acts carried out in relation to evidence and acts providing the addition of proceedings ex officio;
- e) Any other acts as provided for by the administrative authority, taking into account its nature and importance.

Section 40 – Enforcement. Without prejudice to the provisions of Section 47, final paragraph, notices shall be enforced within five (5) days counted as of the day following the date of the act subject to notice and shall indicate the defenses that may be raised against such act and the term within which they shall be raised or, as the case may be, whether the act imports termination of administrative proceedings.

Any omission or mistake incurred when stating defenses shall not prejudice the interested party and shall not import forfeiture of his/her right. However defenses are not expressly provided for, as of the day following the date of notice, a peremptory sixty (60) day-term shall commence to raise the admissible administrative defense. If it is not expressly indicated that the administrative act imports termination of administrative proceedings, the term to file the complaint provided for in Section 25 of the administrative proceedings act shall commence upon termination of the term indicated above.

In the case of special proceedings providing for direct judicial defenses, if the respective notice does not indicate anything in such respect, the sixty (60) judicial business day-term to raise the defense set forth by the special rule shall commence as of the day following the day of notice.

If notices are not valid, the provisions of Section 44, second paragraph, shall apply.

Section 41 – Notices formalities. Notices may be served by any means evidencing date of receipt of the instrument where the notice was received and, if applicable, the contents of the closed envelope, should an envelope be used.

Notices may be given:

- a) By direct access by the interested party, his/her attorney or legal representative to the file, expressly stating and previously evidencing identity of the person receiving the notice. If requested, a complete certified copy of the act shall be furnished;
- b) By voluntary presentation of the interested party, his/her attorney or legal representative, from presentation of which it is apparent that they are fairly notified of the respective act;
- c) By summons or subpoena, served in a manner similar to that provided for in sections 140 and 141 of the Code of Civil and Commercial Procedure;
- d) By telegram with return receipt;
- e) By written communication sent by registered mail with return receipt requested. In this case, the written communication and documents attached thereto shall be shown to the authorized post officer with the envelope open before dispatch, and such officer shall stamp the post office seal thereon and on the copies to be added to the file;
- f) By notice of claim;
- g) By any means indicated by the post office authority, through its authorities, in accordance with regulations issued thereby.

Section 42 – Public notices. Summons, subpoenas and notices to be served upon undetermined persons or upon persons whose domicile is ignored shall be served by means of public notices in the Official Gazette during three (3) consecutive days and these communications shall be deemed served five (5) days after the day following the day of the last publication.

They may also be served by broadcasting in state channels and radio stations during working days.

In the case of broadcasting, the last day of the relevant communication shall be indicated to the effects set forth in the last part of the preceding paragraph.

Section 43 – Contents of notices. All grounds shall be transcribed to the notices as well as the provisions of the act subject to notice, save when public notices or broadcasting is used, where only the provisions shall be transcribed.

In summons, subpoenas and written communications the transcription may be replaced with a complete authenticated copy of the resolution attached thereto, evidencing such attachment on the summon, subpoena or written communication.

Section 44 – Invalid notices. Any notice served in violation to the preceding rules shall not be valid.

However, if it arises from the file that the interested party received the notice, as of the following day a peremptory sixty (60) day term shall run to raise the administrative defense admissible for calculation of the term provided for in Section 25 of the administrative proceedings act to bring the relevant complaint, as the case may be. This term shall not be added to the term set forth in Section 40, third paragraph. This rule shall apply to special proceedings.

Section 45 – Oral notice. When the act is not validly evidenced in writing, oral notices shall be valid.

CHAPTER VI

Section 46 – Evidence. The administrative authority may, ex officio or at the request of a party, order that evidence be produced with respect to the cause of action necessary to make a decision thereupon, and it shall set a term for presentation and amendment thereof, if applicable. All evidence shall be accepted, save evidence which is apparently irrelevant, superficial or merely intended as a dilatory action.

Section 47 – Notice of evidence interlocutory order. Notice of the interlocutory order providing for filing of evidence shall be served upon interested parties indicating which evidence shall be accepted and the date of the hearing/s provided for.

The notice shall be sent at least five (5) days in advance of the date of the hearing.

Section 48 – Reports and opinions. Without prejudice to reports and opinions that must be required according to express rules, other reports and opinions may be requested, as deemed necessary to establish the objective legal truth. Report and opinion proceedings shall be as provided for in Section 14.

The maximum term to issue technical reports and opinions shall be twenty (20) days, and this term may be extended, provided that there are sufficient reasons and at the request of the party that must issue them, for any reasonable time that may be necessary.

Non-technical administrative reports shall be issued within a ten (10) day term.

If third parties answer reports required from them within the term set forth or within the extension agreed upon or if they reject to answer, this evidence shall be discarded.

Terms set forth in the preceding paragraphs shall only be taken into account if discovery proceedings related to the administrative file have commenced.

Section 49 - Witnesses. The agent appointed to such effect shall examine witnesses on the premises the competent authority has designated.

Section 50 – A date and time shall be set forth for a witness hearing and for a supplementary hearing in the event witnesses do not attend the first hearing; notice of both hearings shall be served by the competent authority together, but the person calling the hearing shall be charged with assuring that witnesses will be present thereat. If witnesses do not appear at

any of the hearings, the person calling them shall lose the relevant testimony, but the absence of the interested party shall not prevent the interrogatory of attending witnesses.

Section 51 – If the witness does not reside within the jurisdiction of the competent authority and the interested party does not assume the costs for his/her appearance, such witness may be questioned in a public office located at the place of residence proposed by the agent to whom this task is delegated.

Section 52 – Witnesses shall be freely questioned by the authority on the cause of action, without prejudice to interrogatories of interested parties, which may be filed up to the time of the hearing.

Minutes shall be drawn containing the questions and answers.

Section 53 – Rules mentioned in sections 419, first paragraph, 426, 427, 428, 429, 436, first paragraph, 440, 441, 443, 444, 445, 448, 450, 451, 452, 457, 458 and 491 of the Code of Civil and Commercial Procedure shall be applied by supplementary rule.

Section 54 – Expert witnesses. Administered parties may propose the appointment of expert witnesses at their expense.

The administrative authority shall refrain from appointing witnesses, and it shall limit to gather reports issued by its agents and by technical offices and third parties, save such appointment is necessary to conduct fair proceedings.

Section 55 – The person proposing a witness shall, upon appointment of a witness being required, determine which questionnaire he/she shall answer.

Section 56 – Within five (5) days of notice of appointment, the expert witness shall accept the appointment on the file or the person proposing such expert witness shall include a certificate authenticated by the public officer or competent authority evidencing acceptance thereof. Upon expiration of such term and if no replacement has been offered, the right to offer such evidence shall be forfeited. Such right shall also be forfeited if, once a replacement has been proposed and appointed, such replacement does not accept such appointment or if the person proposing him/her does not include said certificate within the term set forth.

Section 57 – The person proposing the expert witness shall enforce the appointment and shall pay in advance for any reasonable expenses required by the expert witness according to the nature of the expert opinion. If the report is not filed in due time, this shall be construed as abandonment of the relevant piece of evidence.

Rules contained in sections 459, 464, 466, 471, 472, 474, 476 and 477 of the Code of Civil and Commercial Procedure shall be applied by supplementary rule.

Section 58 – Documentary evidence. As regards documentary evidence, the provisions of sections 16 and 27 to 30 hereof shall apply.

Section 59 - Confession. Without prejudice to the provisions of rules relating to corrective or disciplinary measures taken by the administrative authority, neither the interested party nor public agents shall be summoned for confession, but public agents may be offered by the administered party as witnesses, informers or expert witnesses. However, the voluntary confession shall have the scope arising from sections 423, 424 and 425 of the Code of Civil and Commercial Procedure.

Section 60 – Closing statements. Upon termination of proceeding substantiation, a written communication shall be issued ex officio and a ten (10) day term shall be granted to the interested party so that, if he/she deems it convenient, file a written document describing the proceedings and, as applicable, make allegations on the evidence produced. The interested party, his/her attorney in fact or at law may take the file under his/her responsibility.

The competent authority may provide for production of new evidence:

- a) Ex officio, to clarify or add evidence;

b) At the request of the interested party, if such party learns about a new cause of action or if a new cause of action arises. Such measure shall be notified to the interested party and, with the results from evidence furnished, another written communication shall be issued for a five (5) day term to the same effects above stated.

The right shall be deemed forfeited if written documents are not filed, in both cases, or if the file is not returned in due time, or if the file is taken from the place where it is kept.

Section 61 - Resolution. Immediately and without need of further proceedings, if applicable in accordance with Section 7, subsection d), last paragraph, of the administrative proceedings act, the administrative authority shall issue the administrative act upon the proceedings conducted.

Section 62 – Consideration of evidence. Section 386 of the Code of Civil and Commercial Procedure shall apply to consideration of evidence furnished during the proceedings.

Section 63 – Termination of proceedings. Administrative proceedings shall terminate by express or implied resolution, upon expiration of terms or due to abandonment of proceedings or rights.

Section 64 – Resolution and expiration. Express resolution shall be made in accordance with the provisions contained in Section 1, subsection f), paragraphs 3, 7 and 8 of the administrative proceeding act, and in Section 82 hereof.

Section 65 – Implied resolution and expiration of proceedings shall arise under the circumstances mentioned in sections 10 and 19 (subsection e, Section 9), respectively, of the administrative proceeding act.

Section 66 – Voluntary abandonment. Any voluntary abandonment shall be duly evidenced by the interested party or by his/her legal representative or attorney.

Section 67 – Voluntary abandonment of proceedings shall import termination of proceedings in the stage they are, but it shall allow the same cause of action to be filed later, without prejudice to applicable provisions regarding expiration or the statute of limitations. If the voluntary abandonment refers to proceedings upon a defense, the challenged act shall be deemed valid.

Section 68 – Voluntary abandonment of a right upon which a cause of action is based shall prevent the commencement of another action for the same purpose and cause.

Section 69 – If there are several interested parties, the voluntary abandonment of the proceedings or the right by only one of them shall not affect the other parties, with regard to whom the respective proceedings shall continue regularly.

Section 70 – If the cause of action could affect in any way the administrative or general interest, the voluntary abandonment of the proceedings or of the right shall not imply termination of proceedings. Such termination shall be stated on a resolution, and proceedings shall continue until the relevant decision is made. This decision may benefit also the parties who have abandoned the proceedings or the right.

CHAPTER VII

Section 71 – Complaint for defects in proceedings and noncompliance with terms not related to motions.

A complaint may be brought against the officer immediately higher in hierarchy against defects in proceedings and noncompliance with legal or regulatory terms incurred during the proceedings, provided that such terms do not refer to terms set forth for resolution of motions.

A resolution upon the complaint shall be made within five (5) days, without any procedure other than the report explaining relevant circumstances, which will be required if necessary. In no event shall proceedings be suspended and the resolution shall not be appealed.

Section 72 – Noncompliance with procedures and terms set forth by the administrative proceedings act and by these regulations without a cause shall render agents directly charged with proceedings or enforcement, as well as officers higher

in hierarchy charged with direction, control and compliance with such proceedings liable for such noncompliance. In this case and when the complaint mentioned in the preceding paragraph is considered or if it is not resolved in due time, the respective officer higher in hierarchy may commence proceedings tending to apply the relevant penalty to the person liable.

Section 73 – Motions set up against individual acts and against general acts. Individual as well as general administrative acts which the authority has enforced or commenced to enforce, may be challenged by means of administrative motions in the events and to the extent provided for in this chapter, without prejudice to the provisions of Section 24, subsection a) of the administrative proceedings act. The act resolving such motion shall not be appealed.

Motions may be based on reasons related to legitimacy, opportunity or convenience of the challenged act or on public interest.

Section 74 - Persons. Administrative motions may be set up by any person who alleges a personal right or a legitimate interest.

Administrative agencies subordinated for hierarchical reasons shall not appeal acts by the higher authority. Administrative agents may appeal acts to defend an individual right. Self-sufficient governmental agencies shall not appeal administrative acts issued by other agencies of the same nature or of the central administration, without prejudice to their right to procure a resolution from the ministry within which area they are acting or from the Executive, as the case may be.

Section 75 – Competent authority. Administrative motions set up against individual acts shall be resolved by agencies indicated in regulations applicable to each agency in particular. In the case of acts issued in compliance with other general acts, the agency that issued the general rule shall be competent, without prejudice to the right to set up the motion against the enforcement authority, which shall notify about such motion within five (5) days.

Section 76 – Suspension of an appeal period. If, in order to set up an administrative motion, the interested party needs to inspect the proceedings, the term for appeal shall be suspended during the time granted to such effect, based on the provisions of Section 1, subsection e), paragraphs 4 and 5 of the administrative proceedings act. Mere filing of a request to inspect proceedings shall suspend any applicable terms, without prejudice to the suspension provoked by the granting of the right of inspection.

Terms provided for in Section 25 of the administrative proceedings act shall be suspended as set forth in the preceding paragraph.

Section 77 - Formalities. Administrative motions shall be set up in compliance with formalities and data provided for in section 15 and following sections, to the extent they are relevant. Additionally, the conduct or act that the appellant may deem legitimate for its rights and interests shall be specifically stated. Explanation of motions set up in due time may be extended, at any time before resolution thereof. In case of any formal deficiency, the appellant shall be warned to cure it within the peremptory term set forth, subject to rejection of the motion.

Section 78 – Discovery proceedings. The intervening agency, ex officio or at the request of a party, may provide that evidence be produced when it deems that elements included in the proceedings are not enough to decide upon the motion.

Section 79 – After evidence is produced, the interested party shall have five (5) days for inspection thereof, for the same purposes and subject to the same formalities as provided for in Section 60. If no closing statements are made, the right shall be deemed forfeited.

In other cases, provisions of sections 46 a 62 shall apply provided they are consistent therewith.

Section 80 – Final preliminary measures, reports and opinions. Preliminary measures of administrative decisions, including reports and opinions, even they are mandatory and even though they have a binding effect on the administrative authority, shall not be appealed.

Section 81 –Dispatch and resolution of motions. Motions shall be resolved whichever the name given by the interested party thereof, whenever the challenge upon the administrative act is certain.

Section 82 – When deciding upon a motion, the competent authority shall limit itself to reject it, or to ratify or confirm the particular act challenged, if applicable under Section 19 of the administrative proceedings act; or it shall accept it, by revoking, amending or replacing the act, without prejudice to third party rights.

Section 83 – Repeal of general acts. General administrative acts may be repealed, in whole or in part, and they may be replaced with other, ex officio or at the request of an interested party, and even by means of a motion in the events it is applicable. All this without prejudice to the rights acquired under the preceding rules and upon compensation for damages effectively sustained by the administered parties.

Section 84 – Motion for reversal. A motion for reversal may be set up against any final administrative act or against any administrative act that prevents the entire proceedings upon the claim of the administered party and against interlocutory proceedings or procedural motions damaging a personal right or a legitimate interest. This motion shall be set up within ten (10) days of notice of the act before the same agency that issued such act, which shall be competent to decide according to the provisions of Section 82.

Section 85 – If the act has been issued by way of delegation, the motion for reversal shall be resolved by the delegated agency without prejudice to the right of the delegating authority to transfer the case to a higher authority.

Section 86 – The competent authority shall resolve the motion for reversal within a thirty (30) day term, counted as of the date on which the motion was set up or, as the case may be, from the date on which the closing statements were filed, or from expiration of the term to file such closing statements, provided that evidence has been received.

Section 87 – If the motion for reversal is not resolved within the term set forth, the interested party may consider such motion tacitly rejected without need to require immediate dispatch.

Section 88 – The motion for reversal set up against final acts or similar acts shall imply the subsequent motion before a higher administrative authority. Whenever the motion for reversal is tacitly or expressly rejected, proceedings shall be removed within a five (5) day term, ex officio or at the request of a party, depending on the fact that there is or there is not an express rejection resolution. Within five (5) days as of receipt of such proceedings by the higher-level agency, the interested party may improve or amend the grounds for the motion.

Section 89 - Motion before a higher administrative authority. The motion before a higher administrative authority shall proceed against any final administrative act or against any act preventing proceedings upon the administered party’s claim or cause of action. A previous motion for reversal shall not be necessary. If such a motion has been previously set up, it shall not be essential to explain again the grounds for the motion before a higher administrative authority, without prejudice to the provisions of the last paragraph of the preceding section.

Section 90 – The motion before a higher administrative authority shall be set up before the authority that issued the challenged act within fifteen (15) days of notice thereof and it shall be sent to the higher authority within five (5) days and, ex officio, to the Executive Ministry or Department corresponding to the jurisdiction of the authority that issued the act.

Executive ministries and secretaries shall make a final decision on the motion; when the challenged act has been issued by an Executive ministry or secretary’s office, the motion shall be resolved by the Executive, in both cases after the administrative instance.

Section 91 – The term to resolve the motion before a higher administrative authority shall be thirty (30) days, to be counted as of receipt of proceedings by the competent authority or, as the case may be, as of the date of filing of closing statements, or as of expiration of the term to file such statement, if evidence was received. It shall not be necessary to request immediate dispatch in order for a motion be dismissed for lack of decision.

Section 92 – Whichever authority is competent to decide upon the motion before a higher administrative authority, such motion shall be completely managed at the Executive Ministry or Department to which jurisdiction the agency that issued the act reports. Such ministry or department shall receive any evidence deemed relevant and they shall be bound to receive the opinion from the permanent legal service.

If the motion has been set up against a resolution from the Executive Minister or Secretary, intervention of the Attorney General of the Treasury shall be required when a uniform administrative jurisprudence must be established, when the nature of the economic interest at stake requires attention, or when the Executive deems it convenient to resolve the motion.

Section 93 – Save express provision to the contrary is made, motions set up within the framework of independent governmental agencies shall be governed by general rules set forth in these regulations governing such agencies.

Section 94 – Motion to appeal. The interested party may set up, at his/her option, the administrative motion to appeal or may commence the relevant judicial proceedings against final administrative acts or against administrative acts preventing to institute proceedings upon an appellant’s claim or cause of action, arising from a higher entity of an independent governmental entity, including state universities.

Section 95 – If the interested party elects to file judicial proceedings, he/she shall not institute administrative proceedings. But the motion to appeal shall not prevent the interested party from abandoning it at any stage in order to institute judicial proceedings, and it shall not prevent judicial proceedings from being commenced after a decision on the administrative motion has been made.

Section 96 – The Executive minister or secretary, in whose jurisdiction the independent governmental entity acts, shall be competent to issue the final resolution on the motion to appeal.

Section 97 – The motion to appeal may be raised based on the grounds provided for in Section 73, last paragraph. If the independent governmental agency has been created by the Congress exercising its constitutional powers, the motion to appeal shall only proceed for reasons related to the legitimacy of the act, save that the law authorizes control thereof. If the motion is accepted, the resolution shall be limited to revoke the challenged act. However such resolution may amend or replace such motion in an exceptional measure, provided reasons of public interest so warrant.

Section 98 – Provisions contained in sections 90, first paragraph, sections 91 and 92 shall be applied by supplementary rule.

Section 99 – Jurisdictional acts; limited control by the higher authority. In the case of acts issued when exercising a jurisdictional activity, against which motions or judicial proceedings can be inchoated before the courts or before special administrative agencies with jurisdictional powers, the duty of the higher authority to control the lawfulness of such acts shall be limited to manifestly arbitrary cases, or to cases where there is a serious error or gross violation of law. However, such authority shall refrain from intervening and from making a resolution thereupon, whenever the administered party has consented to the act or has promoted, for deduction, such motions or proceedings, the intervention of the courts or of special administrative entities, save that public interest reasons justify the immediate reinstatement of the lawful nature thereof.

In the event administrative motions of this kind are set up, it shall be understood that filing thereof suspends the terms set forth in Section 25 of the administrative proceedings act.

Section 100 – Final decisions or laws from the Executive, or from the Executive ministers or secretaries issued as administrative motions implying the end of such motions, shall only be reconsidered as provided for in Section 84 hereof and of the revision provided for in Section 22 of the administrative proceedings act. Filing of such motions shall suspend the terms set forth in Section 25 of the administrative proceeding act.

Section 101 – Rectification of material errors. At any time, material errors or errors of fact and mathematical errors may be rectified, provided that the amendment does not alter the essence of the act or decision.

Section 102 – Motion for clarification. Within five (5) days, counted as of the date of notice of the final act, a motion for clarification may be set up if there is any contradiction in the provisions thereof, or between the grounds and the provisions thereof or to correct any omission of any petition or question raised. The motion for clarification shall be resolved within a five (5) day term.

CHAPTER VIII

Section 103 – General administrative acts shall be effective as of their publication in the Official Gazette and from the date set forth therein. If no date is set forth, they shall be effective as of eight (8) days following publication in the Official Gazette, counted as of the day following their publication.

Section 104 – Except as provided for in the preceding section, regulations referring to administrative agencies and orders, instructions and circularized internal letters shall be effective without publication thereof.

CHAPTER IX

Section 105 – Reconstructed files. Upon verifying that a file has been lost or is missing, reconstruction thereof shall be ordered within two (2) days, including copies of written documents furnished by the interested party, and of reports and opinions issued, evidencing proceedings on record. If a resolution had been made, an authenticated copy thereof shall be added, and proceedings shall continue according to their status.

CHAPTER X

Section 106 – Supplementary procedural rules. The Code of Civil and Commercial Procedure shall be applied as supplementary rule to decide upon questions not expressly provided for and to the extent it is consistent with the system set forth by the administrative proceedings act and by these regulations.