



CONSTITUTION OF THE REPUBLIC OF COSTA RICA

Oficial Translation
Bilingual Edition



Comisión Nacional para el Mejoramiento
de la Administración de Justicia



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Bilingual Edition**



**Constitution of the Republic
of Costa Rica**



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TABLE OF CONTENTS

PROLOGUE AT TO THE 2ND EDITION	11
PREFACE	13
TITLE I THE REPUBLIC	
Sole Chapter	15
TITLE II COSTA RICANS	
Sole Chapter	19
TITLE III FOREIGNERS	
Sole Chapter	21
TITLE IV INDIVIDUAL RIGHTS AND GUARANTEES	
Sole Chapter	22
TITLE V SOCIAL RIGHTS AND GUARANTEES	
Sole Chapter	28
TITLE VI RELIGION	
Sole Chapter	32
TITLE VII EDUCATION AND CULTURE	
Sole Chapter	33
TITLE VIII POLITICAL RIGHTS AND DUTIES	
Chapter I The citizens	37
Chapter II Suffrage	37
Chapter III The Supreme Electoral Tribunal	40
TITLE IX THE LEGISLATIVE BRANCH	
Chapter I Organization of the Legislative Assembly	43
Chapter II Powers of the Legislative Assembly	47
Chapter III Enactment of Laws	51

TITLE X THE EXECUTIVE BRANCH

Chapter I The President and Vice President of the Republic	54
Chapter II Powers and Duties of the Executive Branch	56
Chapter III Cabinet Ministers	59
Chapter IV The Government Council	60
Chapter V Responsibility of the Persons Exercising the Executive Power	61

TITLE XI THE JUDICIAL BRANCH

Sole Chapter	63
--------------------	----

TITLE XII MUNICIPAL GOVERNMENT

Sole Chapter	66
--------------------	----

TITLE XIII PUBLIC FINANCES

Chapter I The Budget of the Republic	69
Chapter II The Office of the Comptroller General of the Republic	71
Chapter III The National Treasury	72

TITLE XIV THE AUTONOMOUS INSTITUTIONS

Sole Chapter	74
--------------------	----

TITLE XV THE CIVIL SERVICE

Sole Chapter	75
--------------------	----

TITLE XVI THE CONSTITUTIONAL OATH

Sole Chapter	76
--------------------	----

TITLE XVII AMENDMENTS TO THE CONSTITUTION

Sole Chapter	77
--------------------	----

TITLE XVIII FINAL PROVISIONS

Sole Chapter	79
--------------------	----

TEMPORARY PROVISION	79
----------------------------------	----

PROLOGUE TO THE 2ND EDITION

During almost two centuries, Latin American systems and legal cultures displaced our fundamental Law, the Constitution, to a second place, turning it into an inapplicable programmatic text and giving secondary laws (Codes and Statutes) an excessively privileged position that broke the order of the sources of law taught to us by Hans Kelsen. This order is decisive and characteristic of legal systems that, as the Costa Rican, belong to the proud Roman-Canon-Germanic family. With the appearance of Tribunals and Constitutional Chambers, the legal value of the Constitution, more than being revitalized, emerges to Law as the main regulating and referential focus of the rest of the system. It is within this “constitutionalizing” movement of the system that publications of doctrine, jurisprudence, laws or comparative law are acquiring special significance. On this occasion and due to the huge demand that made the first edition of the English-Spanish version of the Costa Rican Constitution go out of print, we present to the legal community and to scholars of the judicial and legal phenomenon of the region, a second edition which is a result of the effort to revise and improve the first.

This second edition of the bilingual version of the Constitution represents one more contribution of the National Commission for the Improvement of the Administration of Justice (CONAMAJ) of Costa Rica to fulfill its main mandate: to improve the performance of the Justice system in order to transform it into effective public service agencies at the service of Justice.

We publicly reiterate our sincere gratitude to the Lawyers Norma Saenz, Lena White and Rogelio Navas, who are mainly responsible for the revision of this second edition. We also recognize and wish to express our gratitude to the Embassy of the United States of America in

Costa Rica and to the Ministry of Foreign Relations and Cult of the Republic of Costa Rica, for their generous contribution to the successful completion of this project.

Ana Virginia Calzada
President - CONAMAJ

PREFACE

Knowledge of a country requires knowledge of legal system and values thereof. Such knowledge must begin with the fundamental law, the Constitution.

Such task requires command of the language in the legal instrument is written. Otherwise, there is the risk of not understanding or misunderstanding its contents, something rather serious dealing with such an essential set of precepts.

The National Commission for the Improvement of the Administration of Justice (CONAMAJ) is seriously concerned about the fact that, in the ever-increasing use of English in Costa Rica in both public and private business and foreign relations, no accurate and official English version is available to improve and promote such negotiations.

This need gave rise to our initiative yesterday, a dream come true today. In fact, the work we are offering had not been possible without the invaluable effort made by Lady-Attorney Norma Saenz Carboneli. Who generously took it upon herself to translate the Constitution of Costa Rica from Spanish into English. We will be eternally grateful to her. Also, we wish to appreciate the unselfish help given by Master Olman Rodriguez Loaiza and Lady-Attorney Nancy Hernandez Lopez, two specialists in Constitutional Law, in collaboration with Ms. Saenz. Attorney Jose Francisco Salas-Ruiz, an official of the "In-Force Laws National System" at the Office of the Attorney General provided the constitutional text and subsequently revised the document in Spanish. Thus, these four distinguished professionals deserve our recognition and are worthy of merit and praise.

In closing, our appreciation should also go to the Honorable U.S. Ambassador Mr. Thomas Dodd for his financial contribution to the project.

POLITICAL CONSTITUTION OF THE REPUBLIC OF COSTA RICA

We, the Representatives of the people of Costa Rica, freely elected members to the National Constitutional Assembly, invoking the name of God and reaffirming our faith in democracy, ordain and adopt the following

CONSTITUTION OF THE REPUBLIC OF COSTA RICA

TITLE I

THE REPUBLIC

Sole Chapter

ARTICLE 1.- Costa Rica is a democratic, free and independent Republic.

ARTICLE 2.- Sovereignty resides exclusively in the Nation.

ARTICLE 3.- No one may usurp sovereignty; anyone who does so commits the crime of treason against the Nation.

ARTICLE 4.- No person or group of persons may assume the representation of the people, usurp their rights, or make petitions in their name. Violation of this article shall be sedition.

ARTICLE 5.- The national territory is bounded by the Caribbean Sea, the Pacific Ocean, and the Republics of Nicaragua and Panama.

The boundaries of the Republic are those fixed by the Cañas-Jérez Treaty of April 15, 1858, ratified by the Cleveland Award of March 22, 1888, with respect to Nicaragua, and by the Echandi Montero-Fernández Jaén Treaty of May 1, 1941, with regard to Panama.

The Coco Island, located in the Pacific Ocean, is part of the national territory.

ARTICLE 6.- The State exercises complete and exclusive sovereignty over the air space above its territory, over its territorial waters within a distance of twelve miles measured from the low-tide mark along its shores, over its continental shelf and its insular undersea base, in accordance with principles of International Law.

It also exercises special jurisdiction over the seas adjacent to its territory within a distance of two hundred miles measured from the same mark, in order to protect, preserve and exploit exclusively all the natural resources and wealth existing in the waters, soil and subsoil of those zones, in accordance with those principles. (As amended by Act N° 5699, June 5, 1975).

ARTICLE 7.- Public treaties, international agreements and concordats duly approved by the Legislative Assembly shall have authority over the laws from enactment or from the date that they designate.

Public treaties and international agreements referring to the territorial integrity or the political organization of the country shall require the approval of the Legislative Assembly by a vote of not less than three fourths of its total membership and the approval of two-thirds of the Members of a Constitutional Assembly called for that purpose. (As amended by Act N° 4123, May 31, 1968).

ARTICLE 8.- Foreign states may only acquire within the territory of the Republic, on a reciprocal basis, any real estate necessary as seat of their diplomatic missions, under the provisions of international agreements.

ARTICLE 9.- The Government of the Republic is popular, representative, alternative and responsible. Three distinct and independent branches exercise it: Legislative, Executive, and Judicial.

None of these Branches may delegate the exercise of their own functions.

An Electoral Supreme Tribunal, with the rank and independence of the Government Branches, has the exclusive and independent responsibility of the organization, direction and supervision of suffrage-related acts, as well as any other functions vested in it by this Constitution and the laws. (Added by Act N° 5704, June 5, 1975).

ARTICLE 10.- A specialized Chamber of the Supreme Court of Justice shall declare, by the absolute majority vote of its members, the unconstitutionality of provisions of any nature and acts subject to Public Law. The jurisdictional acts of the Judicial Branch, the declaration of the elections by the Electoral Supreme Tribunal and any others acts established by law cannot be challenged in this jurisdiction.

This Chamber shall further:

- a) Solve any conflicts of jurisdiction between State branches, including the Electoral Supreme Tribunal, as well as any other entities or bodies established by law.
- b) Hear any consultations on constitutional amendment bills, ratification of international agreements or treaties and other bills, as provided by law.

(As amended by Act N° 7128, August 18, 1989. See also the Temporary Provisions concerning this article, included hereinafter in the section of Temporary Provisions).

ARTICLE 11.- Public officials are mere depositaries of authority. They must fulfill the responsibilities imposed by Law and cannot usurp powers which the Law has not vested in them. They must take oath to observe and comply with this Constitution and the laws. The action to establish their criminal liability is public.

The Public Administration in a general sense is subject to a procedure for the evaluation of results and accountability, with the corresponding personal responsibility for the officials in the compliance with their duties. The Law will indicate the means by which this control of results and accountability will operate as a system that includes all public institutions. (This article was reformed by Act No. 8003 of June 8, 2000. Published in the Official Diary No. 126 of June 30, 2000).

ARTICLE 12.- The Army as a permanent institution is abolished. There shall be the necessary police forces for surveillance and the preservation of the public order.

Military forces may only be organized under a continental agreement or for the national defense; in either case, they shall always be subordinate to the civil power: they may not deliberate or make statements or representations individually or collectively.

TITLE II
COSTA RICANS

Sole Chapter

ARTICLE 13.- The following are Costa Ricans by birth:

- 1) A child born within the territory of the Republic to a Costa Rican father or mother;
- 2) A child of a Costa Rican father or mother by birth born abroad, who is registered as such in the Civil Register at the will of the Costa Rican parent while a minor, or at his own will until he attains the age of twenty-five;
- 3) A child born in Costa Rica to foreign parents, who is registered as a Costa Rican by the will of either parent during minority or by his own will until he attains the age of twenty-five years;
- 4) An infant, of unknown parents, found in Costa Rica.

ARTICLE 14.- The following are Costa Ricans by naturalization:

- 1) Those who have acquired this nationality under earlier laws.
- 2) Nationals of other countries of Central America and Spaniards and Latin-Americans by birth, who have resided officially in the country for five years and meet any other requirements prescribed by the law.
- 3) Central Americans, Spaniards and Latin-Americans not by birth, and other foreigners who have been domiciled in Costa Rica for at least seven years and meet any other requirements prescribed by the law.
- 4) A foreign woman who loses her nationality by marriage to a Costa Rican.
- 5) Foreigners who loose their nationalities due to marriage to a Costa Rican o who after being married for two years to a Costa Rican, and having resided in the country for that same period of time, state their desire to acquire Costa Rican citizenship.*

(This article was reformed by Act No. 7879 of May 27, 1999. Published in the Official Diary/Newspaper No. 118 of June 18, 1999).

- 6) Anyone who exhibits honorary nationality granted by the Legislative Assembly. (As amended by Act N° 7065, May 21, 1987).

ARTICLE 15.- Anyone who applies for naturalization must produce evidence of good behavior, show that he has trade or know livelihood, that he speaks, writes and reads Spanish language, take a comprehensive test on the history and the values of the country, promise to reside within national territory regularly and swear to respect the constitutional order of the Republic.

The requirements and proceedings to apply for naturalization shall be established by law. (As amended by Act N° 7065, May 21, 1987).

ARTICLE 16.- The Costa Rican nationality is not lost and cannot be lost or waived. (As amended by Act N° 7514, June 6, 1995. NOTE: See Temporary Provision below concerning persons who wish to recover the Costa Rican nationality).

ARTICLE 17.- Acquisition of nationality transcends to minor children in accordance with the regulations established by law. (As amended by Article 1, Act N° 7514, June 6, 1995).

ARTICLE 18.- Costa Ricans must observe the Constitution and the laws, serve and defend the country and contribute to the public expenses.

TITLE III
FOREIGNERS

Sole Chapter

Article 19.- Foreigners have the same individual and social rights and duties as Costa Ricans, with the exceptions and limitations established by this Constitution and the laws.

They may not interfere with the political affairs of the country, are subject to the jurisdiction of the courts of justice and the authorities of the Republic, and cannot resort to diplomatic channels, except as provided for in international conventions.

TITLE IV

INDIVIDUAL RIGHTS AND GUARANTEES

Sole Chapter

ARTICLE 20.- All persons are free within the Republic; no one under the protection of its Laws can be a slave. (This article was reformed by Act No. 7880 of May 27, 1999. Published in the Official Diary/ Newspaper No. 118 of June 18, 1999).

ARTICLE 21.- Human life is inviolable.

ARTICLE 22.- Every Costa Rican may move about and stay anywhere within the Republic or abroad, provided he is free from any liability, and return whenever it may be convenient to him. Costa Ricans shall not be subject to requirements preventing their entrance into the country.

ARTICLE 23.- The domicile and any other private premises of the inhabitants of the Republic are inviolable. However, they may be searched with a written warrant issued by a competent Judge, either to prevent the commission of crimes or their impunity, or to prevent serious damages to persons or property, subject to the provisions of law.

ARTICLE 24.- The right to intimacy, freedom and secret of communications is guaranteed.

Private documents and written, verbal or other communications of the inhabitants of the Republic are inviolable. However, an act, which enactment and amendment shall require the vote of at least two thirds of the entire membership of the Legislative Assembly, shall determine those cases in which the Courts of Justice may order the seizure, search, or examination of private documents, whenever this is absolutely necessary to clarify matters submitted to their cognizance.

Likewise, the law shall determine the cases in which the Courts of Justice can order the intervention of any communication and indicate the offenses in which the exercise of this exceptional investigatory power

can be authorized, and the period of time during which such an intervention shall be permitted. The law shall also determine the responsibilities and penalties of any officials who illegally apply this exception. Any judicial resolution under this provision shall be duly reasoned and can be immediately enforced. Its application and control shall be the responsibility of judicial authorities and cannot be delegated.

The law shall also determine in what instances competent officials of the Ministry of Finance and the Office of the Comptroller General of the Republic may examine accounting books and related documents for fiscal purposes as well as to control the correct use of public funds.

A special bill, approved by two thirds of the entire membership of the Legislative Assembly, shall determine which other bodies of the Public Administration shall be authorized to examine the documents indicated by said act in the performance of their duties of regulation and control for public ends. It shall likewise provide for the cases where such review is applicable.

Any correspondence seized or information obtained as a result of the illegal intervention of any communication shall have no legal effect. (As amended by Act No. 7607, May 29, 1996).

ARTICLE 25.- The inhabitants of the Republic have the right of association for lawful purposes. No one may be compelled to take part in any association whatsoever.

ARTICLE 26.- Everyone has the right to meet peacefully and unarmed, whether for private business or to discuss political affairs and examine the public conduct of officials.

Meetings on private premises do not need prior authorization. Law shall regulate those held in public places.

ARTICLE 27.- The right to petition any public official or State entity, either individually or collectively, and the right to obtain prompt resolution are guaranteed.

ARTICLE 28.- No one may be disturbed or persecuted for the expression of his opinions or for any act that does not infringe the law.

Private actions which do not harm the morals or public order, or which do not cause any damage to third parties are outside the scope of the law.

However, clergymen or secular individuals cannot make political propaganda in any way invoking religious motives or making use of religious beliefs.

ARTICLE 29.- Every person may communicate his thoughts verbally or in writing and publish them without previous censorship; but he shall be liable for any abuses committed in the exercise of this right, in such cases and in the manner established by law.

ARTICLE 30.- Free access to administrative departments for purposes of information on matters of public interest is guaranteed. State secrets are excluded from this provision.

ARTICLE 31.- The territory of Costa Rica shall be a shelter for all those persecuted for political reasons. If their expulsion is decreed on legal grounds, they can never be sent back to the country where they were persecuted.

Extradition shall be regulated by law or by international treaties and shall never be granted in case of political or related offenses, as they are defined by Costa Rica.

ARTICLE 32.- No Costa Rican may be compelled to abandon the national territory.

ARTICLE 33.- All persons are equal before the law and discrimination that is against human dignity cannot be practiced. (As amended by Act No. 4123, May 31, 1968). (This article was reformed by Act No. 7880 of May 27, 1999. Published in the Official Diary/ Newspaper No. 118 of June 18, 1999).

ARTICLE 34.- No law shall have retroactive effects to the detriment of any person whatsoever or his acquired property rights, or to the detriment of any consolidated legal situations.

ARTICLE 35.- No one may be tried by a commission, a court or a judge specially appointed for the case, but exclusively by the courts established in accordance with this Constitution.

ARTICLE 36.- In criminal matters, no one is obligated to testify against himself or against his spouse, ancestors, descendants or collateral relatives within the third degree inclusive of consanguinity or affinity.

ARTICLE 37.- No one may be detained without substantiated evidence of having committed an offense or without a written order issued by the judge or the authority in charge of maintaining public order, unless the person concerned is a fugitive from justice or is caught in "flagrante delicto"; but in all cases, he shall be placed at the disposal of a competent judge within a peremptory period of twenty-four hours.

ARTICLE 38.- No person may be imprisoned for debt.

ARTICLE 39.- No one shall be subjected to suffer a penalty except for crime, manslaughter or contravention punished by previous law, and in virtue of final judgment entered by a competent authority, after opportunity has been given to the defendant to exercise his defense, and through the necessary proof of guilt.

Judicial compulsion in civil or labor matters or detentions ordered in cases of insolvency, bankruptcy or bankruptcy involuntary proceedings are not violations of this article or of the two preceding articles.

ARTICLE 40.- No one may be subjected to cruel or degrading treatment or to life imprisonment, or to the penalty of confiscation. Any statement obtained by violent means shall be null and void.

ARTICLE 41.- Everyone shall receive reparation for injuries or damages to himself or his property, or moral interests, through recourse to the laws. Justice must be prompt, enforced, not denied, and in strict accordance with the laws.

ARTICLE 42.- The same judge may not serve in various stages of a case for resolutions addressing the same issue. No one may be tried more than once for the same punishable offense.

Reopening of closed criminal cases and judgments that are “res judicata” is prohibited, except upon a motion to reopen the case for review. (Interpreted through a decision of the Constitutional Chamber of the Court No.353-91 issued at 16:30 hours of February 12, 1991).

ARTICLE 43.- Everyone has the right to settle his differences in civil matters by means of arbitrators, even if there is a pending lawsuit.

ARTICLE 44.- A court order is necessary for a person to be held incommunicado for more than forty-eight hours. It may only be extended for ten consecutive days, and in no case shall it prevent judicial inspection.

ARTICLE 45.- Property is inviolable; no one may be deprived of his property except for legally proven public interest with prior compensation in accordance with the law. In case of war or internal disorders, it is not necessary that such compensation be made in advance. However, payment shall be made no later than two years after the situation of emergency has ended.

For reasons of public need, the Legislative Assembly, by a vote of two-thirds of its full membership, may impose limitations of social interest on property.

ARTICLE 46.- Private monopolies, as well as any act, even if originated by virtue of law, which may threaten or restrict freedom of trade, agriculture or industry, are prohibited.

Action by the State directed to prevent any monopolistic practices or tendencies is in the public interest.

The companies organized as de facto monopolies shall be governed by special legislation.

Establishment of new monopolies in favor of the State or the Municipal Governments shall require the approval of two-thirds of the full membership of the Legislative Assembly.

Consumers and users are entitled to the protection of their health, environment, safety and financial interests, to receive adequate and truthful information, to freedom of election and to equal treatment. The State shall support any bodies established for the defense of their rights. The law shall regulate those matters. (As amended by Act No. 7607, May 29, 1996).

ARTICLE 47.- Every author, inventor, producer, or merchant shall temporarily enjoy exclusive ownership of his work, invention, trademark or trade name, in accordance with the law.

ARTICLE 48.- Every person has the right to seek writs of habeas corpus to guarantee his freedom and personal integrity and writs of protection to maintain or reestablish the enjoyment of other rights conferred by this Constitution as well as those of fundamental nature established in international instruments on human rights, enforceable in the Republic. Both writs shall be within the jurisdiction of the Chamber indicated in Article 10. (As amended by Act No. 7128 of August 18, 1989).

ARTICLE 49.- A contentious-administrative jurisdiction is established as a function of the Judicial Branch for purposes of guaranteeing the legality of the administrative function of the State, its institutions and any other entity of public law.

Misuse of power shall be a ground to challenge administrative acts.

The law shall protect, at least, the personal rights and legitimate interests of citizens. (As amended by Act No. 3124, June 25, 1963).

TITLE V

SOCIAL RIGHTS AND GUARANTEES

Sole Chapter

ARTICLE 50.- The State shall procure the greatest welfare of all inhabitants of the country, organizing and promoting production and the most adequate distribution of wealth.

Every person has the right to a healthy and ecologically balanced environment, being therefore entitled to denounce any acts that may infringe said right and claim redress for the damage caused.

The State shall guarantee, defend and preserve that right. The Law shall establish the appropriate responsibilities and penalties. (As amended by Article 1°, Act No. 7412, June 3, 1994).

ARTICLE 51.- The family, as a natural element and foundation of society, is entitled to State protection. Mothers, children, the elderly and the destitute sick are also entitled to such protection.

ARTICLE 52.- Marriage is the essential basis of the family and rests on the spouse's equal rights.

ARTICLE 53.- Parents are under the same obligations toward children born in and out of wedlock.

Everyone is entitled to know who his parents are, in accordance with the law.

ARTICLE 54.- Any personal qualification based on the nature of filiation is prohibited.

ARTICLE 55.- The special protection of mothers and minors shall be entrusted to an autonomous institution called Patronato Nacional de la Infancia (Infant National Institute), with the collaboration of other State institutions.

ARTICLE 56.- Labor is a right of the individual and an obligation to society. The State shall strive to see that everyone has a lawful and useful employment, duly compensated, and prevent the establishment on that account of conditions which may in any way curtail human freedom or dignity or degrade his labor to the status of mere merchandise. The State guarantees the right to free choice of work.

ARTICLE 57.- Every worker is entitled to a minimum wage, to be fixed periodically, for a normal working day, which will provide for his welfare and a decent living. Wages shall always be equal for equal work under identical conditions of efficiency.

A technical organization to be defined by the law shall be in charge of all matters related to the fixing of minimum wages.

ARTICLE 58.- A regular working day for daytime work may not exceed eight hours a day or forty-eight hours a week. The regular working day for night work may not exceed six hours a day or thirty-six hours a week. Overtime work shall be paid at a rate of fifty percent above the stipulated wages or salaries. However, these provisions shall not apply in well-defined exceptional cases, to be determined by law.

ARTICLE 59.- All workers shall be entitled to one day of rest after six consecutive days of work and to annual paid vacations, the duration and time of which shall be regulated by law, but which shall in no case be less than two weeks for every fifty weeks of continuous service, all with due regard to well-defined exceptions established by law.

ARTICLE 60.- Both employers and workers may organize freely, for the exclusive purpose of obtaining and preserving economic, social or professional benefits.

Foreigners are prohibited from exercising direction or authority in unions.

ARTICLE 61.- The right of employers to lockout and of workers to strike is recognized, except in public services, as they are determined by law and in accordance with the legal regulations on the subject, which shall prohibit all acts of coercion or violence.

ARTICLE 62.- Collective bargaining agreements shall have force of law, if entered into by and between employers or employers' unions and legally organized labor unions, in accordance with the law.

ARTICLE 63.- Workers removed without just cause shall be entitled to compensation unless they are covered by unemployment insurance.

ARTICLE 64.- The State shall promote the creation of cooperatives as a means to provide better living conditions for workers.

ARTICLE 65.- The State shall promote the construction of low-cost housing and create a family homestead for workers.

ARTICLE 66.- Every employer shall adopt in his enterprises any measures necessary for the health and safety of workers.

ARTICLE 67.- The State shall see to the technical and cultural training for workers.

ARTICLE 68.- No discrimination shall be made with regard to wages, advantages, or working conditions between Costa Ricans and foreigners, or with respect to any group of workers.

Under equal conditions, Costa Rican workers shall receive preference.

ARTICLE 69.- Rural sharecropper contracts shall be regulated in order to assure a rational exploitation of the land and the equitable distribution of its produce between proprietors and tenants.

ARTICLE 70.- A labor jurisdiction shall be established under the Judicial Branch.

ARTICLE 71.- The laws shall provide special protection to women and minors in their work.

ARTICLE 72.- Until unemployment insurance is established, the State shall maintain a permanent technical system of protection for those involuntarily unemployed and shall strive to restore them to employment.

ARTICLE 73.- Social security is established for the benefit of manual and intellectual workers, regulated by a system of compulsory contributions by the State, employers and workers, to protect them against the risks of illness, disability, maternity, old age, death and other contingencies as determined by law.

The administration and direction of social security shall be entrusted to an autonomous institution named Caja Costarricense de Seguro Social (Costa Rican Social Security Administration).

Social security funds and reserves may not be transferred or used for purposes other than those for which they were created.

Occupational risk insurance shall be exclusively at the expense of employers, being governed by special provisions. (As amended by Act No. 2737, May 12, 1961).

ARTICLE 74.- The rights and benefits to which this Chapter refers may not be waived. Their enumeration does not exclude others that may be derived from the Christian principle of social justice or established by law. They shall be equally applicable to all the concurrent factors in the process of production and regulated by social and labor legislation, striving for a permanent policy of national solidarity.

TITLE VI

RELIGION

Sole Chapter

(NOTE: In the original text of the Political Constitution, Article 75 was part of Title V (Social Guarantees) and Article 76 dealt with the subject of religion. However, Act No. 4764 of May 17, 1971 repealed old Article 75 of Title V. Then Article 1 of Act No. 5703 of June 6, 1975 established a change in numbers for old Article 76 (on Religion), which became the current Article 75. It also created a new Article 76 concerning the official language of the country).

ARTICLE 75.- The Roman Catholic and Apostolic Religion is the religion of the State, which contributes to its maintenance, without preventing the free exercise in the Republic of other forms of worship that are not opposed to universal morality or good customs. (As amended with regard to its number by Article 1, Act No. 5703, June 6, 1975).

TITLE VII

EDUCATION AND CULTURE

Sole Chapter

(NOTE: In the original text of the Political Constitution, Article 76 dealt with the subject of religion. However, Article 1 of Act No. 5703, of June 6, 1975 established a change in numbers for old Article 76 (on Religion), which became the current Article 75. In addition, Article 2 of this Act created this new Article 76 concerning the official language of the country).

ARTICLE 76.- Spanish is the official language of the Nation. However, the State shall assure that national indigenous languages are preserved and cultivated. (As added by Article 2, Act No. 5703, June 6, 1975). (This article was reformed by Act No. 7878 of May 27, 1999. Published in the Official Diary/Newspaper No. 118 of June 18, 1999).

ARTICLE 77.- Public education shall be organized as a comprehensive process correlated in its various phases, from preschool to university education.

ARTICLE 78.- Preschool education and general basic education are compulsory. These levels and the diversified education level are, in the public system, free and supported by the Nation.

Public expenditure in State education, including higher education, shall not be less than six percent (6%) per annum of the gross domestic product, in accordance with the law, without detriment to the provisions of Articles 84 and 85 of this Constitution.

The State shall facilitate the pursuit of higher studies by persons who lack monetary resources. The Ministry of Public Education, through the organization established by law, shall be in charge of awarding scholarships and assistance. (As amended by Act N° 7676, of July 23, 1997)

(NOTE: See related Temporary Provision, which states that, until enactment of the law to which this article refers, the gross domestic product shall be determined in accordance with the procedure established by a decree issued by the Executive Branch).

ARTICLE 79.- Freedom of teaching is guaranteed. However, all private educational centers shall be under the supervision of the State.

ARTICLE 80.- Private initiative in educational matters shall be encouraged by the State, in such form as provided by law.

ARTICLE 81.- The general direction of public education shall be in the hands of a superior board composed as provided by law and presided over by the corresponding Minister.

ARTICLE 82.- The State shall provide food and clothing for indigent pupils, in accordance with the law.

ARTICLE 83.- The State shall organize and support adult education, designed to combat illiteracy and to provide cultural opportunities for those who wish to improve their intellectual, social, and economic position.

ARTICLE 84.- The University of Costa Rica is an institution of higher education that enjoys independence in the performance of its functions and has full legal capacity to acquire rights and contract obligations, as well as to determine its own organization and form of government. Other state institutions of higher education at the university level shall have the same functional independence and legal capacity as the University of Costa Rica.

The State shall endow them with funds of their own and cooperate in financing them. (As amended by Act No. 5697, June 9, 1975).

ARTICLE 85.- The State shall endow the University of Costa Rica, the Technological Institute of Costa Rica, the National University and the State Remote Education University with their own funds, creating their own revenues for them in addition to those that they themselves may create. It shall also maintain, using the current revenues and any others as may be necessary, a special fund for the financing of State

Higher Education. The Central Bank of Costa Rica shall manage this fund, making the proceeds available in twelfths on a monthly basis to the order of said institutions, in accordance with the distribution determined by the body in charge of the coordination of State Higher Education at the university level. The revenues from this special fund cannot be abolished or reduced, if other improvements to replace them are not simultaneously created.

The body in charge of the coordination of State Higher Education at university level shall prepare a national plan for this level of education, taking into account the guidelines established by the National Plan of Development in force.

That plan shall be completed no later than the thirtieth day of June in years divisible by five and cover the next five-year period. It shall include the operating expenditures as well as the investment expenses as may be deemed necessary for a good performance of the institutions specified in this article.

The Executive Branch shall include in the ordinary budget of expenditures of the Republic the relevant appropriations specified in the plan, adjusted in accordance with the variations in the purchasing power of currency.

Any difference that may arise with regard to the approval of the budgeted amount for the national plan of State Higher Education shall be resolved by the Legislative Assembly. (As amended by Act No. 6580, May 18, 1981).

ARTICLE 86.- The State shall provide for the training of professionals in Education, by means of special institutions of the University of Costa Rica and of the other institutions of higher education at the university level. (As amended by Act No. 5697, June 9, 1975).

ARTICLE 87.- Freedom of teaching is a fundamental principle of university education.

ARTICLE 88.- For discussion and enactment of bills of law concerning matters under the jurisdiction of the University of Costa

Rica or other institutions of higher education at the university level, or directly related thereto, the Legislative Assembly shall first hear the University Council or the respective body of directors of each of them. (As amended by Act No. 5697, June 9, 1975).

ARTICLE 89.- The cultural aims of the Republic include: protection of its natural beauty, preservation and development of the historic and artistic wealth of the Nation, and support of private initiative directed to scientific and artistic progress.

TITLE VIII

POLITICAL RIGHTS AND DUTIES

CHAPTER I

The Citizens

ARTICLE 90.- Citizenship is the aggregate of political rights and duties pertaining to Costa Ricans over eighteen years of age. (As amended by Act No. 4763, May 17, 1971).

ARTICLE 91.- Citizenship is suspended only:

- 1) By judicially declared interdiction;
- 2) By a judgment imposing the penalty of suspension of the right to exercise political rights.

ARTICLE 92.- Citizenship is restored in such cases and by such means as the law may provide.

CHAPTER II

The Suffrage

ARTICLE 93.- Suffrage is a primary and compulsory civic function and is exercised before Election Boards through direct and secret vote by the citizens registered in the Civil Registry. (As amended by Act No. 2345, May 20, 1959).

ARTICLE 94.- A naturalized Costa Rican citizen may not vote until twelve months after obtaining the corresponding certificate of naturalization.

ARTICLE 95.- The law shall regulate the exercise of suffrage, in accordance with the following principles:

- 1) Autonomy in the electoral function;
- 2) The State duty to register citizens officially in the Civil Registry and provide them with an identity card to exercise suffrage;
- 3) Effective guarantees of freedom, order, integrity and impartiality on the part of government authorities;
- 4) Guarantees that the voting system does facilitate the exercise of this right to citizens;
- 5) Identification of the voter by means of an identity card with a photograph or any other adequate technical means established by law for this purpose;
- 6) Guarantees for representation of minorities.
- 7) Guarantees of political pluralism;
- 8) Guarantees for designation of authorities and candidates of political parties, in accordance with democratic principles and with no discrimination based on gender. (As amended by Article 1°, Act No.7675, of July 2, 1997)

ARTICLE 96.- The State may not make any deductions from the compensation of public officials to pay for political debts.

The State shall contribute to finance the expenses incurred by political parties, in accordance with the following provisions:

- 1) The contribution shall be zero point nineteen percent (0.19%) of the gross domestic product of two years before the holding of the elections for President, Vice Presidents of the Republic and members of the Legislative Assembly. The law shall determine the cases where a reduction of said percentage may be made.
- 2) This percentage shall be allocated to cover the expenses incurred for the participation of political parties in these electoral processes and to satisfy the political organization and training needs. Each political party shall determine the percentages corresponding to these items.

- 2) The political parties that participate in the electoral processes indicated in this article and reach at least four percent (4%) of the votes validly cast at national level, or the parties registered at provincial level that obtain at least said percentage in the province or do elect at least a member to the Legislative Assembly shall be entitled to the State contribution.
- 3) Upon deposit of the appropriate bonds, the political parties shall be entitled to a partial advance of the State contribution, as determined by law.
- 4) In order to receive the State contribution, the parties are required to substantiate their expenses before the Electoral Supreme Tribunal.

Private contributions to political parties shall be subject to the principle of publicity and shall be regulated by law.

The enactment and amendment of the law that establishes the procedures, control means and other regulations to enforce this article shall require the vote of two thirds of the total membership of the Legislative Assembly. (As amended by Article 1º, Act No. 7675, of July 2, 1997)

ARTICLE 97.- In order to pass bills related to electoral matters, the Legislative Assembly shall consult the Electoral Supreme Tribunal, requiring the vote of two thirds of the total membership to deviate from such opinion.

However, within six months prior to and four months following a popular election, the Legislative Assembly may not pass any bills concerning such matters and about which the Electoral Supreme Tribunal had expressed disagreement.

ARTICLE 98.- All citizens have the right to associate themselves in parties in order to participate in national politics, provided that such parties' platform be committed to respect the constitutional order of the Republic.

Political parties shall express the political pluralism, contribute to the formation and manifestation of popular will and be fundamental instruments for political participation. Their creation and the exercise

of their activities shall be free within respect to the Constitution and the law. Their internal structure and operation shall be democratic. (As amended by Article 1º, Act No.7675, of July 2, 1997)

CHAPTER III

The Electoral Supreme Tribunal

ARTICLE 99.- The organization, direction, and supervision of acts pertaining to suffrage are the exclusive function of the Electoral Supreme Tribunal, which does enjoy independence in the performance of its duties. All other electoral organs are subordinate to the Tribunal.

ARTICLE 100.- The Electoral Supreme Tribunal shall be regularly composed of three members and six alternates, appointed by the Supreme Court of Justice by a vote of no less than two thirds of its members. They shall have the same qualifications and be subject to the same responsibilities established for the Justices that compose the Supreme Court.

From one year prior to and the six months following general elections to elect the President of the Republic or the members of the Legislative Assembly, the Electoral Supreme Tribunal shall increase the number of its members with two of its alternates in order to become a tribunal of five members to serve during that period of time.

Where applicable, the members of the Electoral Supreme Tribunal shall be subject to the working conditions and the minimum working day established by the Organic Act of the Judicial Branch for Justices of the "Cor de Cassation". They shall also receive the same compensation fixed for those Justices. (As amended by Act No. 2345, May 20, 1959 and Act No. 3513, June 24, 1965).

ARTICLE 101.- The members of the Electoral Supreme Tribunal shall hold office for a term of six years. The term in office of one regular member and two alternates shall be renewed every two years, but they may be reelected.

The Justices of the Electoral Supreme Tribunal shall enjoy the same immunities and prerogatives as the members of the Supreme Branches. (As amended by Act No. 3513, June 24, 1965).

ARTICLE 102.- The Electoral Supreme Tribunal has the following functions:

- 1) To convoke popular elections;
- 2) To appoint the members of the Electoral Boards, in accordance with the law;
- 3) To interpret, with exclusive and compulsory effect, all constitutional and legal provisions on electoral matters;
- 4) To hear the appeals against resolutions issued by the Civil Registry and the Electoral Boards;
- 5) To investigate on its own or through delegates and render decisions on any claims made by parties as to political partiality of State officials in the performance of their duties or about the political activities conducted by officials who are prohibited to engage in them. A verdict of guilty rendered by the Tribunal shall be compulsory grounds for removal and shall disqualify the wrongdoer to hold public offices for a term of no less than two years, without prejudice of any criminal liability that may be established. However, if the investigation conducted includes charges against the President of the Republic, Cabinet Ministers, Diplomatic Ministers, the Comptroller General or the Assistant Comptroller of the Republic, or the Justices of the Supreme Court, the Tribunal shall report the findings of its investigation to the Legislative Assembly;
- 6) To adopt, with respect to the public force, pertinent measures to assure that the elections are carried out under conditions of unrestricted freedom and guarantees. In case that military recruitment is ordered, the Tribunal may also adopt suitable measures to assure that the electoral process may not be disturbed, in order that all citizens may freely cast their votes. The Tribunal may enforce these measures on its own or through its designated delegates;
- 7) To conduct the official count of the votes cast in the elections for President and Vice Presidents of the Republic, members of the

Legislative Assembly, members of Municipal Governments and Representatives to Constitutional Assemblies;

- 8) To issue the official declaration of the election of the President and Vice Presidents of the Republic within thirty days following the date of the election, and that of the other officials mentioned in the preceding subsection within the period established by law;
- 9) Any other functions entrusted to it by this Constitution or by the laws.

ARTICLE 103.- There is no appeal against the decisions of the Electoral Supreme Tribunal, except for actions on the grounds of breach of public duty.

ARTICLE 104.- The Civil Registry shall be exclusively under the jurisdiction of the Electoral Supreme Tribunal, and its functions are:

- 1) To keep the Main Register of Marital Status and prepare the lists of voters;
- 2) To decide on applications to acquire or recover Costa Rican citizenship, as well as cases of loss of nationality (*); to enforce Court resolutions suspending citizenship and to issue a resolution on proceedings conducted to recover it. The decisions rendered by the Civil Registry, in accordance with the powers vested upon it by this subsection, may be appealed before the Electoral Supreme Tribunal;

(* *NOTE:* Article 16 of this Constitution, as amended by Act No. 7514, of June 6, 1995, provides that Costa Rican nationality is not lost and cannot be waived)

- 3) To issue identity cards;
- 4) Any other powers vested in it by this Constitution and the laws.

TITLE IX

THE LEGISLATIVE BRANCH

Chapter I

Organization of the Legislative Assembly

ARTICLE 105.- The power to legislate resides in the people, which delegate this power, by means of suffrage, to the Legislative Assembly. Such a power may not be waived or subject to limitations by any agreement or contract, either directly or indirectly, except in the case of treaties, in accordance with the principles of International Law. (As amended by Act No. 7128, August 18, 1989).

ARTICLE 106.- The representatives have this character for the Nation and shall be elected by provinces.

The Assembly is composed of fifty-seven representatives. Every time that a general census of the population is conducted, the Electoral Supreme Tribunal shall allocate to the provinces a number of representatives in proportion to their population. (As amended by subsection 2 of the single article of Act No. 2741, May 12, 1961).

ARTICLE 107.- Representatives shall hold office for four years and may not be reelected to a succeeding term.

ARTICLE 108.- The requirements to become a representative are:

- 1) To be a citizen in the exercise of his rights;
- 2) To be a Costa Rican by birth, or by naturalization with ten years of residence in the country after naturalization;
- 3) To be at least twenty-one years old.

ARTICLE 109.- The following may not be elected representatives or registered as candidates for that office:

- 1) The President of the Republic or anyone acting as such at the time of the election;
- 2) Cabinet Ministers;
- 3) The regular Justices of the Supreme Court of Justice;
- 4) The regular members and alternates of the Electoral Supreme Tribunal, and the Director of the Civil Registry Office;
- 5) The military personnel in active duty;
- 6) Those having jurisdiction or exercising civil or police authority over any province;
- 7) Managers of autonomous institutions;
- 8) Relatives of the person who is then holding office as President of the Republic, to the second degree of consanguinity or affinity inclusive.

These incompatibilities shall affect anyone holding the aforesaid positions within six months prior to the date of the election.

ARTICLE 110.- A representative is not liable for any opinions expressed at the Assembly. During legislative sessions, he cannot be arrested on civil grounds, except by authorization of the Assembly or with the consent of the representative.

From the time he is declared elected as representative or as an alternate representative, until expiration of his legal term in office, he may not be deprived of his freedom on criminal grounds, unless the Assembly has previously suspended him. Such immunity does not apply in case of "*in flagranti delicto*" or when the representative waives it. Nevertheless, a representative who has been arrested for "*in flagranti delicto*" will be released if the Assembly so orders.

ARTICLE 111.- After taking the oath of office, no representative may accept any position or employment with other State Branches or autonomous institutions, under penalty of losing his credentials, except as a Cabinet Minister. In this case, he shall be reinstated in the Assembly when he is no longer in such position.

This prohibition does not apply to those appointed as members of international delegations or holding positions in charitable institutions, or who are professors of the University of Costa Rica or other State institutions of higher education. (As amended by Act No. 5697, June 9, 1975).

ARTICLE 112.- The legislative function is also incompatible with the holding of any other public office of popular election.

Representatives may not enter into any contract with the State or its autonomous institutions, directly or indirectly or through representation, or obtain any concession of public property that may involve a privilege, or serve as directors, administrators or managers of enterprises that enter into contracts with the State for public works, furnishing of supplies, or operation of public services.

Violation of any of the prohibitions contained in this or the preceding article shall result in the loss of the credentials as representative. The same shall occur to the representative who violates any of these provisions while serving as a Cabinet Minister.

ARTICLE 113.- The law shall determine the compensation of representatives as well as any technical and administrative assistance to be given to them. (As amended by Act No. 6960, June 1, 1984).

ARTICLE 114.- The Assembly shall be based at the capital of the Republic and the vote of two thirds of the whole membership shall be required to transfer its seat somewhere else or to suspend its sessions for a specific period of time.

ARTICLE 115.- The Assembly shall elect its Directorate at the beginning of each legislative period. The President and the Vice President must fulfill the same conditions required of the President of the Republic. The President of the Assembly shall take an oath before the Assembly and the representatives before the President.

ARTICLE 116.- The Legislative Assembly shall meet each year on the first day of May, even if it has not been convoked, and its regular-session term shall last six months, divided into two periods: from the

first day of May to the thirty-first day of July and from the first day of September to the thirtieth day of November. One Legislative Period includes all regular and special sessions held between the first day of May and the next thirtieth day of April.

ARTICLE 117.- The Assembly may not hold its sessions unless they are attended by two thirds of the total membership.

If it is impossible to initiate a session on the scheduled day, or if after opening it, it cannot continue due to lack of a quorum, the attending members present shall urge the absent members to attend, under penalty of the sanctions established by the Regulations, and the Assembly shall open or continue its sessions when attended by the required number of members.

Sessions shall be public, unless for very special reasons of general convenience, it is resolved to make them secret by a vote of not less than two-thirds of the attending representatives.

ARTICLE 118.- The Executive Branch may convoke the Legislative Assembly to special sessions. No issues other than those stated in the decree of convocation may be discussed, except for the appointment of officials when incumbent upon the Assembly or any legal amendments that may be essential to act upon issues submitted to its consideration.

ARTICLE 119.- The resolutions of the Assembly shall be adopted by the absolute majority vote of the attending representatives, except in those cases in which this Constitution requires a qualified majority.

ARTICLE 120.- The Executive Branch shall place at the disposal of the Legislative Assembly such police force as the President of the Assembly may request.

CHAPTER II

Powers of the Legislative Assembly

ARTICLE 121.- In addition to other powers vested in it by this Constitution, the Legislative Assembly has exclusive powers to:

- 1) Enact, amend, repeal and give an authentic interpretation to the laws, except as otherwise provided in the chapter referring to the Electoral Supreme Tribunal;
- 2) Designate the premises to be used for its sessions, open and close the sessions and suspend or continue them when so decided by the Assembly;
- 3) Appoint the regular and alternate Justices of the Supreme Court of Justice;
- 4) Approve or disapprove international conventions, public treaties and concordats.

Public treaties and international conventions which confer or transfer certain powers to a community legal order for the purpose of achieving common regional objectives shall require the approval of the Legislative Assembly by a vote of not less than two-thirds of its entire membership.

Lesser-rank protocols derived from public treaties or international conventions approved by the Assembly when these instruments expressly authorize such Protocols shall not require legislative approval. (As amended by Act No. 4123, May 31, 1968).

- 5) Give or withhold its consent to the entrance of foreign troops into the national territory and for the stay of warships at ports or airfields;
- 6) Authorize the Executive Branch to declare a state of national defense and to reach peace agreements;
- 7) Suspend, by a vote of no less than two thirds of its entire membership, in case of clear public need, the individual rights and guarantees conferred by Articles 22, 23, 24, 26, 28, 29, 30 and 37 of this

Constitution. This suspension may include all or certain rights and guarantees, throughout the territory or only in a part of it, and for no more than thirty days. During the suspension and with respect to persons, the Executive Branch may order their detention only in establishments not used for common criminals, or may order their confinement to inhabited places. It must also report to the Legislative Assembly, at its next meeting, any measures taken to safeguard public order or maintain the security of the State. In no case may individual rights and guarantees not listed in this subsection be suspended;

- 8) Take the legal oath and receive the resignation of members of the Supreme Branches, with the exception of Cabinet Ministers; settle any doubts that may arise as to the lack of physical or mental capacity of the person exercising the Presidency of the Republic, and decide whether to call in his legal substitute to take office;
- 9) Admit or refuse accusations filed against the person exercising the Presidency of the Republic, the Vice Presidents, members of the Supreme Branches and Diplomatic Ministers, declaring by a vote of two thirds of the entire Assembly whether or not there are grounds for legal action against them, placing them, if in the affirmative, at the disposal of the Supreme Court of Justice for prosecution;
- 10) Order the suspension of any officials mentioned in the preceding paragraph, if they are to be prosecuted for common crimes;
- 11) Approve the regular and special budgets of the Republic;
- 12) Appoint the Comptroller General and the Assistant Comptroller General of the Republic;
- 13) Impose taxes and national contributions and authorize Municipal taxes;
- 14) Order the sale or the application to public use of property that belongs to the Nation.

The following property may not be permanently removed from State ownership:

- a) Any power that may be obtained from public waters within the national territory;

b) Deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory;

c. Wireless services;

Property mentioned in subsections a), b), and c) above may be exploited only by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited time and on the basis of conditions and stipulations to be established by the Legislative Assembly.

National railroads, docks, and airports —the latter while in use— may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control.

15) Approve or disapprove loans or similar agreements affecting the public credit, entered into by the Executive Branch.

In order to subscribe agreements for loans abroad, or within the country but financed with foreign capital, it is necessary that the corresponding project be approved by the vote of two thirds of the entire membership of the Legislative Assembly. (As amended by Act No. 4123, May 31, 1968).

16) Bestow honorary citizenship for distinguished services rendered to the Republic and decree honors to the memory of persons whose eminent activities may have made them worthy of such a distinction.

17) Determine the law of the unit of currency and enact laws on currency, credit, weights and measures. For the purpose of determining the law of the unit of currency, the Assembly shall first hear the opinion of the technical body in charge of monetary regulation.

18) Promote the progress of sciences and arts and ensure to authors and inventors, for a limited time, ownership of their respective works or inventions

19) Create establishments for the teaching and advancement of sciences and arts, allocating revenues for their support and endeavoring particularly to make elementary education general.

20) Create the Courts of Justice and other entities for the national service.

- 21) By a vote of no less than two thirds of the entire membership, grant general amnesties and pardons for political crimes, except electoral offenses, for which there shall be no mercy;
- 22) Adopt Regulations for its own functioning, which, after being adopted may not be amended, except by a vote of no less than two thirds of the entire membership;
- 23) Appoint Committees formed by its members to investigate any matter entrusted to them by the Assembly and submit the appropriate report.

Such Committees shall have free access to all official agencies to conduct their investigations and collect any data they may deem necessary. They may receive any kind of evidence and summon before them any person for purposes of interrogation;

- 24) Formulate questions to Cabinet Ministers and, in addition, by a vote of two thirds of the attending representatives, censure such officials if, in the opinion of the Assembly, they are guilty of illegal or unconstitutional acts or serious errors that have caused or may cause evident damage to the public interest.

Matters under diplomatic negotiation or concerning pending military operations are excepted in both cases.

ARTICLE 122.- The Assembly is prohibited to give votes of applause for official acts, or to recognize at the expense of the Public Treasury obligations that have not been previously declared as such by the Judicial Branch or accepted by the Executive Branch; or to grant scholarships, pensions, retirement annuities or rewards.

CHAPTER III

Enactment of Laws

ARTICLE 123.- During regular sessions, the initiative for enactment of laws can be taken by any member of the Legislative Assembly, or by the Executive Branch through the Cabinet Ministers.

ARTICLE 124.- In order to become a law, every bill of law shall be the subject matter of two debates, each on a different non-consecutive day, obtain the approval of the Assembly and the sanction of the Executive Branch, and be published in the Official Journal, without prejudice to the requirements established by this Constitution for special cases. Action taken exercising the powers listed in sections 2), 3), 5), 6), 7), 8), 9), 10), 12), 16), 21), 22), 23), and 24) of Article 121 do not have the status of laws, and therefore do not require the foregoing procedure; they shall be voted at a single session and then published in the Official Journal.

The Legislative Assembly can delegate upon permanent Committees the cognizance and passing of bills of law. However, the Assembly may at any time take over the debate or the vote on the bills under delegation.

Delegation does not proceed in the case of bills concerning electoral matters, the creation of national taxes or modification of the existing ones, the exercise of the powers provided for in sections 4), 11), 14), 15) and 17) of Article 121 of the Political Constitution, the calling of a Constitutional Assembly for any purpose, and the partial amendment to the Political Constitution.

The Assembly shall appoint said permanent committees with full legislative powers, in such way that their composition may proportionally reflect the number of representatives of the political parties composing it. Delegation shall be approved by a majority of two thirds of the total membership of the Assembly and take-overs by absolute majority of the attending representatives.

The Rules and Regulations of the Assembly shall regulate the number of these committees and other conditions for delegation and take-over, as well as the procedures to be applied in these cases.

Legislative approval of contracts, agreements and other acts of an administrative nature does not vest them with the character of laws even if done through the regular law-making procedures. (As amended by Article 1, Act No. 7347, July 1, 1993).

ARTICLE 125.- If the Executive Branch does not approve a bill of law passed by the Assembly, it shall veto it and return it with pertinent objections. A veto of the bill of law approving the Regular Budget of the Republic may not be issued.

ARTICLE 126.- Within ten business days following the date on which a bill of law passed by the Legislative Assembly is received, the Executive Branch may object to it as inappropriate or in need of amendments; in the latter case, the Executive Branch shall propose such amendments when returning the bill of law. If said Branch does not object to it within said term, it shall not fail to approve and publish it.

ARTICLE 127.- When a bill is reconsidered by the Assembly with the observations of the Executive Branch, if the Assembly rejects them and the bill of law were repassed by a vote of two thirds of the total membership, it is thereby approved and must be enforced as a law of the Republic. If the proposed amendments were adopted, the bill shall be returned to the Executive Branch, which may not refuse to approve it. If they are rejected, and the two thirds of the voters were not mustered to override it, the same shall be filed and may not be considered until the next legislative period.

ARTICLE 128.- If the veto is based on grounds of unconstitutionality not accepted by the Assembly, it shall submit the bill to the Chamber indicated in Article 10 to settle the differences within the following thirty calendar days from receipt of the record.

The provisions declared unconstitutional shall be rejected and the others shall be submitted to the Assembly for the relevant proceedings. The same shall be done with a bill of law passed by the Legislative Assembly, when the Chamber rules that it does not contain unconstitutional provisions. (As amended by Act No. 7128, August 18, 1989).

ARTICLE 129.- Laws are binding and effective from the date therein designated; failing this requirement, ten days after publication thereof in the Official Journal.

No one may claim ignorance of the law, except when so authorized by the law itself.

Neither general waiver of laws in general nor the special waiver of public interest laws shall have any validity

Acts and agreements against negative acts shall be null and void, unless otherwise provided for by the law itself.

An act may not be abrogated or repealed except by a subsequent act, and no disuse, custom, or opposite practice can be claimed against observance thereof.

TITLE X

THE EXECUTIVE BRANCH

CHAPTER I

The President and the Vice President of the Republic

ARTICLE 130.- The Executive Power is exercised, on behalf of the people, by the President of the Republic and the Cabinet Ministers in their capacity as obliged collaborators.

ARTICLE 131.- The President or Vice President of the Republic must be:

- 1) A Costa Rican by birth and a citizen in the exercise of his rights;
- 2) A layman;
- 3) Over thirty years old.

ARTICLE 132.- The following may not be elected President or Vice President:

- 1) The President who has served as such during any period, or a Vice President or whoever has replaced him, serving during most of the constitutional term. (As amended by Act No. 4349, July 11, 1969. See also the Temporary Provisions).
- 2) A Vice President who has held such status during the twelve months preceding the election, and any person who, acting as such, may have occupied the Presidency for any period during such term;
- 3) Any ancestor or descendant by consanguinity or affinity or sibling of the person exercising the Presidency of the Republic at the time of the election, or of any person who has held such office for any period during the six months preceding that date;
- 4) Anyone who has been a Cabinet Minister during the twelve months prior to the date of the election;

- 5) The regular Justices of the Supreme Court of Justice, the regular and alternate Justices of the Electoral Supreme Tribunal, the Director of the Civil Registry, the Directors or Managers of autonomous institutions, the Comptroller General of the Republic and the Assistant Comptroller.

This disqualification includes persons who have held said positions within twelve months before the date of the election.

ARTICLE 133.- The election for President and Vice Presidents shall be held on the first Sunday of February of the year in which these officials are to be elected.

ARTICLE 134.- The presidential term shall be four years. The actions of public officials and private individuals in violation of the principle of alternation in the Presidential office or of free presidential succession, as set forth in this Constitution, will imply treason against the Republic. The liability derived from such actions shall not be subject to the statute of limitations.

ARTICLE 135.- There shall be two Vice Presidents of the Republic, who shall replace the President during his permanent absence, in the order of their nomination. During his temporary absence, the President may call upon either Vice President to substitute for him.

If neither Vice President can fill the temporary or permanent absence of the President, the position shall be held by the President of the Legislative Assembly.

ARTICLE 136.- The President and the Vice Presidents of the Republic shall take office on the eighth day of May; and at the end of their constitutional term in office, their functions shall cease.

ARTICLE 137.- The President and the Vice Presidents shall take oath before the Legislative Assembly; but if they cannot do it before the Assembly, they shall do so before the Supreme Court of Justice.

ARTICLE 138.- The President and Vice Presidents shall be elected simultaneously and by a majority vote that exceeds forty percent of the total number of validly cast votes.

The candidates for President and Vice Presidents of one party shall appear on a single ballot, to the exclusion of any other official to be elected.

If none of the ballots attains said majority, a second popular election shall be held on the first Sunday of April of the same year between the two ballots with more votes, being elected those appearing on the ballot with the greater number of votes.

If at any election two ballots obtain an equal number of sufficient votes, the oldest candidate shall be held elected President, and Vice Presidents the relevant candidates in the same ballot.

Citizens included in a ballot already registered in accordance with the law may not withdraw their candidacy for President or Vice President, nor may the candidates of the two ballots that received the highest number of votes in the first election refrain from running in the second election.

CHAPTER II

Powers and Duties of the Executive Branch

ARTICLE 139.- The following are the exclusive powers and duties of the person exercising the Presidency of the Republic:

- 1) To freely appoint and remove Cabinet Ministers;
- 2) To represent the Nation in acts of an official nature;
- 3) be Supreme Commander of the Public Forces;
- 4) To present to the Legislative Assembly, at the beginning of each annual period of sessions, a written message concerning the various matters of the Administration and the political situation of the Republic, in which he shall also propose any measures he may deem important to the proper conduct of the Government and the progress and well-being of the nation;

- 5) Whenever he proposes to go out of the country, to previously inform the motives of his trip to the Legislative Assembly.
(As amended this subsection by Act No. 7674, of June 17, 1997)

ARTICLE 140.- The following are joint powers and duties of the President and the appropriate Cabinet Minister:

- 1) To freely appoint and remove members of the law enforcement forces, employees and officials who hold positions of trust, and others as determined in very qualified cases by the Civil Service Statute;
- 2) To appoint and remove, subject to the prior requirements of the Civil Service Law, all other employees of their offices;
- 3) To sanction and enact the laws, regulate and enforce them and see to their strict compliance;
- 4) During the period of adjournment of the Legislative Assembly, to order the suspension of the rights and guarantees to which subsection 7) of Article 121 refers, in the same instances and with the same limitations as established therein, and to report it immediately to the Assembly. A decree of suspension of guarantees is equivalent, ipso facto, to a call of the Assembly, which shall meet within the next forty-eight hours. If the Assembly does not confirm the measure by a two-thirds vote of its entire membership, the guarantees shall be considered duly reestablished.

If the Assembly is unable to meet due to lack of quorum, it shall do so the following day with any number of members. In this event, the decree of the Executive Branch requires the approval by a vote of no less than two thirds of the attending members;

- 5) To exercise the initiative in the enactment of laws and the right of veto;
- 6) To maintain order and tranquillity in the Nation; to take such measures as may be necessary to safeguard public liberties;
- 7) To provide for the collection and expenditure of the national revenues according to law;
- 8) To supervise the proper operation of administrative services and agencies;

- 9) To execute and enforce all resolutions and provisions on matters within their jurisdiction entered and issued by the Courts of Justice and electoral organizations, at their request;
- 10) To enter into and subscribe agreements, public treaties and concordats, and enact and execute them following their approval by the Legislative Assembly or by a Constitutional Assembly, when such an approval is required by this Constitution.

Protocols derived from such public treaties or international agreements that do not require legislative approval shall enter into force as soon as the Executive Branch promulgates them. (As amended by Act No. 4123, May 31, 1968).

- 11) To submit to the Legislative Assembly such reports as it may request in exercise of the powers vested in it;
- 12) To direct the international relations of the Republic;
- 13) To receive Heads of State and diplomatic representatives and admit the Consuls from other nations;
- 14) To convoke the Legislative Assembly to regular and special sessions;
- 15) To send to the Legislative Assembly the proposed National Budget at the time and in accordance with the requirements set forth in this Constitution;
- 16) To dispose of the public force to preserve the order, defense, and security of the country;
- 17) To issue navigation licenses;
- 18) To issue suitable Regulations for the internal operation of their offices as well as other regulations and ordinances as required for the prompt application of the laws;
- 19) To subscribe the administrative contracts not included in Article 121 (14) of this Constitution, but with the requirement of submitting them to the approval of the Legislative Assembly when they provide for exemption from taxes or duties, or when their purpose is the exploitation of public services, or the natural wealth or resources of the State.

(NOTE: There was a sentence at the end of this paragraph in the original text of this Article, which was repealed by Article 2 of Act No. 5702 of June 5, 1975).

The legislative approval of these contracts does not give them the nature of laws nor does it exempt them from being under their legal administrative regime. The provisions contained in this subsection are not applicable to the loans or other similar agreements to which Article 121 (15) refers to, which are governed by their special rules. (As added by Article 2 of Act No. 5702, June 5, 1975).

(NOTE: Article 2 of Act exception of agreements or contracts governed by special laws, known as "law contracts". This legal concept was suppressed by means of this amendment).

- 20) To comply with any other duties and exercise any other powers vested in them by this Constitution and the laws.

CHAPTER III

Cabinet Ministers

ARTICLE 141.- There shall be the Cabinet Ministers established by law for the management of the matters pertaining to the Executive Branch. One Minister may be in charge of two or more Ministries.

ARTICLE 142.- Ministers are required to:

- 1) Be a citizen in the exercise of his rights;
- 2) Be a Costa Rican by birth, or else by naturalization with ten years' residence in the country after naturalization;
- 3) Be a layman;
- 4) Be at least twenty-five years old.

ARTICLE 143.- The office of Minister is incompatible with the exercise of any other public position, by popular election or otherwise, except when special laws establish additional duties for them. The rules, prohibitions and sanctions set forth in Articles 110, 111, and 112 of this Constitution are applicable to Ministers where relevant.

Vice Presidents of the Republic may hold office as Ministers.

ARTICLE 144.- Cabinet Ministers shall submit to the Legislative Assembly every year, within the first fifteen days of the first period of regular sessions, a report on matters under their jurisdiction.

ARTICLE 145.- The Cabinet Ministers may attend sessions of the Legislative Assembly at any time, with the right to speak but not to vote, and are required to do so when ordered by the Assembly.

ARTICLE 146.- Validity of the decrees, resolutions and orders of the Executive Branch require the signatures of the President of the Republic and the appropriate Minister and also the approval of the Government Council in such cases set forth in this Constitution.

The signature of the President of the Republic shall suffice to appoint and remove Ministers.

CHAPTER IV

The Government Council

ARTICLE 147.- The Government Council is composed of the President of the Republic and the Ministers, being presided over by the former, to perform the following functions:

- 1) To request from the Legislative Assembly a declaration of a state of national defense and authorization to order military recruitment, organize the army and negotiate peace;
- 2) To exercise the right of pardon in the manner established by law;
- 3) To appoint and remove the Diplomatic Representatives of the Republic;
- 4) To appoint the directors of autonomous institutions when such appointments are a duty of the Executive Branch;
- 5) To dispose of any other matters submitted by the President of the Republic who, if the gravity of the matter so requires, may invite other persons to participate and advise in the deliberations of the Council.

CHAPTER V

Responsibility of the Persons Exercising the Executive Power

ARTICLE 148.- The President of the Republic shall be responsible for his exercise of those powers vested exclusively in him under this Constitution. Each Cabinet Minister shall be jointly responsible with the President for the exercise of powers that this Constitution vests in both. The responsibility for the acts of the Government Council shall extend to all those who voted to adopt the resolution in question.

ARTICLE 149.- The President of the Republic and any Cabinet Minister who have been involved in any of the acts listed below, shall also be jointly responsible:

- 1) If these acts in any way compromise the freedom, the political independence or the territorial integrity of the Republic;
- 2) If they directly or indirectly prevent or hinder popular elections or violate the principles of alternation in the office of the Presidency or of free presidential succession, or the freedom, order or genuineness of suffrage;
- 3) If they prevent or hinder the functions of the Legislative Assembly or restrict its freedom and independence;
- 4) If they refuse to publish or execute the laws or any other legislative acts;
- 5) If they prevent or hinder the functions of the Judicial Branch or restrict the freedom of the Courts to judge cases submitted to their decision, or if they in any way hinder the functions of electoral bodies or the Municipal Governments;
- 6) In any other case in which by action or omission the Executive Branch violates a specific law.

ARTICLE 150.- The responsibility of the person exercising the Presidency of the Republic and of the Cabinet Ministers not implying a crime, can only be claimed while in Office and during four years time immediately following termination of their duties.

(This article was reformed by Act No. 8004 of June 22, 2000. Published in the Official Diary/Newspaper No. 143 of July 26, 2000).

ARTICLE 151.- The President, the Vice Presidents of the Republic or whoever is exercising the Presidency, may not be prosecuted or tried without having the Legislative Assembly first decided that there are grounds for initiating criminal proceedings.

TITLE XI

THE JUDICIAL BRANCH

Sole Chapter

ARTICLE 152.- The Judicial Power is exercised by the Supreme Court of Justice and the other courts established by law.

ARTICLE 153.- In addition to the functions vested in it by this Constitution, the Judicial Branch shall hear civil, criminal, commercial, labor, and contentious-administrative cases, as well as any others established by law, regardless of their nature or the status of the persons involved; enter final resolutions thereon and execute the judgments entered, with the assistance of the public force, if necessary.

ARTICLE 154.- The Judicial Branch is subject only to the Constitution and the law, and the decisions entered on matters under its jurisdiction impose no responsibilities other than those expressly set forth in the laws.

ARTICLE 155.- No court may take over cases pending in another court. Only the courts of the Judicial Branch may request files *ad effectum videndi*.

ARTICLE 156.- The Supreme Court of Justice is the highest court of the Judicial Branch, and all courts, officials and employees of the Judicial Branch are subject to it, with due respect to civil service Constitutional provisions.

ARTICLE 157.- The Supreme Court of Justice shall be composed of the number of Justices necessary for good service; they shall be elected by the Legislative Assembly, which shall make up the different Courts established by law.

A reduction in the number of Justices, whatever this may be, can only be decided having first complied with all procedures established for partial amendments to this Constitution. (As amended by Act No. 1749, June 8, 1954).

ARTICLE 158. - The Justices of the Supreme Court of Justice shall be elected for eight years and shall be considered reelected for equal terms, unless otherwise decided by the Legislative Assembly by a vote of two thirds of its entire membership.

Vacancies shall be filled to complete in full the eight-year terms.

ARTICLE 159.- The following is required to be a Justice:

- 1) To be a Costa Rican by birth, or by naturalization, with residence in the country for no less than ten years after obtaining the naturalization certificate.

However, the Chief Justice of the Supreme Court shall be a Costa Rican by birth;

- 2) To be a citizen in the exercise of his rights;
- 3) To be a layman;
- 4) To be over thirty-five years of age;
- 5) To have a degree in Law issued or legally recognized in Costa Rica and to have practiced the profession for at least ten years, except in the case of judicial officials with not less than five years of judicial experience.

(The first paragraph of this section as amended by Act No. 2026, June 15, 1956).

Before taking office, Justices shall provide an official bond as provided by law.

ARTICLE 160.- No person related to a member of the Supreme Court of Justice by consanguinity or affinity to the third degree inclusive may be elected Justice.

ARTICLE 161.- The position of Justice is incompatible with that of any official of the other Supreme Branches.

ARTICLE 162.- The Supreme Court of Justice shall appoint its Chief Justice from the list of Justices who compose it. It shall also

appoint the Chief Justices of the various Courts in the manner and for the term provided by law. (As amended by Act No. 6769, June 2, 1982).

ARTICLE 163.- The election of the justices of the Supreme Court of Justice shall be held at any of the ten sessions prior to completion of the respective period; replacements shall be decided at any of the eight sessions subsequent to the one in which notice of a vacancy is received.

ARTICLE 164.- The Legislative Assembly shall appoint no less than twenty-five alternate Justices, selected from a list of fifty candidates submitted by the Supreme Court of Justice. Temporary absences of Justices shall be filled by lot by the Supreme Court from the list of alternates. In the event of one alternate Justice vacancy, one of the two candidates proposed by the Supreme Court shall be elected at the first regular or special session of the Legislative Assembly after receipt of the relevant notice. The law shall specify the term of office and the conditions, restrictions, and prohibitions established for regular Justices, which are not applicable to alternates.

ARTICLE 165.- Justices of the Supreme Court of Justice may not be suspended, but upon declaration that there are grounds to institute proceedings or for other reasons established by law in the relevant chapter concerning disciplinary measures. In the latter case, the resolution shall be adopted by secret vote of no less than two thirds of the total Justices of the Supreme Court.

ARTICLE 166.- Where not foreseen in this Constitution, the law shall specify the jurisdiction, number and duration of courts, as well as their powers, the principles governing their action and the way to hold them accountable.

ARTICLE 167.- For discussion and passage of bills concerning the organization or functioning of the Judicial Branch, the Legislative Assembly shall consult the Supreme Court of Justice. It shall require a vote of two-thirds of the entire membership of the Assembly to set aside the opinion of the Court.

On a periodical basis, for each allocation of the resources set forth in Article 170, the Legislative Assembly shall pass a law, establishing the authorities to be transferred to the Municipal Governments. Municipal Governments shall not be allocated the resources corresponding to the respective year as established in said article, until the Legislative Assembly passes each of said laws.” (This article was reformed by Act No. 8106 of June 3, 2001).

ARTICLE 171.- Municipal council members shall be elected for a term of four years and discharge of their duties is compulsory.

The law shall specify the number of municipal council members and the manner in which they shall serve.

However, the Municipal Governments of the central counties of provinces shall consist of no less than five regular council members and like number of alternates.

The Municipal Governments shall be installed on the first day of May of the relevant year. (As amended by the sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 172.- Within the Municipality, each district will be represented by a regular representative and an alternate with the right to speak but not to vote.

To administrate the interests and services in the districts of the county, in qualified cases the municipalities can create municipal district councils, as adjoining organs with functional autonomy of their own, which will be constituted following the same procedures of popular election used to conform the municipalities. A special law, approved by two thirds of the total members of Congress, will determine the special circumstances under which they can be created and will regulate their structure, operation and financing. (Reformed by Article 1 of Act N° 8105 of May 31, 2001).

ARTICLE 173.- Municipal ordinances may be:

- 1) Objected to by the official designated by law, by means of a duly reasoned veto;
- 2) Appealed by any interested party.

In either case, if the Municipal Government does not revoke or amend the ordinance objected to or appealed, the case shall be referred to such Court of the Judicial Branch as determined by law, for final resolution thereof.

ARTICLE 174.- The law shall specify those cases in which Municipal Governments require legislative authorization to subscribe loan agreements, encumber their properties or revenues, or dispose of real or personal property.

ARTICLE 175.- Municipal Governments shall issue their regular and special budget, which shall take effect when approved by the Office of the Comptroller General, which shall supervise their execution.

TITLE XIII

PUBLIC FINANCES

CHAPTER I

The Budget of the Republic

ARTICLE 176.- The regular budget of the Republic encompasses all probable revenues and all authorized expenditures of the public administration during the fiscal year. In no case may the amount of budgetary expenditures exceed that of probable revenues.

The Municipal Governments and autonomous institutions shall observe the foregoing rules when issuing their budgets.

The budget of the Republic shall be issued for a period of one year, from the first day of January to the thirty-first day of December.

ARTICLE 177.- The Executive Branch shall prepare the ordinary budget through a specialized department, the head of which shall be appointed by the President of the Republic for a term of six years. This Department shall have authority to reduce or suppress any items in the proposed budgets drawn up by the Cabinet Ministers, the Legislative Assembly, the Supreme Court of Justice and the Electoral Supreme Tribunal. In the event of any conflict, the President of the Republic shall make the final decision. The expenditures budgeted by the Electoral Supreme Tribunal for suffrage purposes cannot be objected by Department to which this article refers.

The budget shall allocate to the Judicial Branch an amount of no less than six percent of the regular income estimated for the fiscal year. However, when this amount is greater than the sum required to cover the basic needs budgeted by said Branch, said Department shall designate the difference as excess revenue, together with a plan for additional expenditure, in order that the Legislative Assembly may take the appropriate measures.

In order to obtain comprehensive social security coverage and to fully guarantee the payment of the State contribution, both as the State and as employer, sufficient revenues shall be allocated to the Costa Rican Social Security Administration, duly calculated to satisfy the current and future needs of the Institution. If a deficit occurs as a result of insufficient revenues, the State shall assume this obligation, for which the Executive Branch shall include in the next budget the appropriate amount considered by said institution as necessary to cover the total State payments.

The Executive Branch shall prepare for each fiscal year the proposed special budgets, for the expenditure of revenues derived from the use of public credit or from any other extraordinary source. (As amended by Act No. 2345, May 20, 1959, and Act No. 2738, May 12, 1961).

ARTICLE 178.- The proposed regular budget shall be submitted to the Legislative Assembly by the Executive Branch not later than the first day of September of each year and the Budget Act shall be finally enacted before the thirtieth day of November of the same year.

ARTICLE 179.- The Assembly may not increase the expenditures budgeted by the Executive Branch unless it also provides for new revenues to be collected, with the prior opinion of the Office of the Comptroller General of the Republic as to the fiscal effectiveness thereof.

ARTICLE 180.- The regular and special budgets constitute the limit of the action by Public Powers in the use and disposal of State funds, and only laws proposed by the Executive Branch may amend them.

Any proposed amendment that implies an increase in or the creation of expenditures shall be subject to the terms of the preceding article.

However, when the Assembly is in recess, the Executive Branch may alter the intended use of an authorized item or open additional credits, but only to meet urgent or unforeseen necessities in the event of war, internal commotion or public calamity. In such cases, the Office of the Comptroller may not withhold approval of expenditures so ordered and the relevant Decree shall imply notice to and convocation of the Legislative Assembly to special sessions.

ARTICLE 181.- The Executive Branch shall submit to the Office of the Comptroller the liquidation of the regular and any special budgets, not later than the first day of March following expiration of the year in question. The Office of the Comptroller shall submit it to the Assembly, together with its opinion, not later than the next first day of May. Final approval or disapproval of accounts lies with the Legislative Assembly.

ARTICLE 182.- Contracts for the performance of public works entered into by the State Branches, Municipal Governments and the autonomous institutions, purchases made with funds of those entities, and sales or leases of their property shall be made by bid, in accordance with the laws as to the amount involved.

CHAPTER II

The Office of the Comptroller General of the Republic

ARTICLE 183.- The Office of the Comptroller General of the Republic is an auxiliary institution of the Legislative Assembly in its surveillance of the Public Finances; but it has full functional and administrative independence in the performance of its duties.

A Comptroller and an Assistant Comptroller shall be in charge of the Comptroller's Office. The Legislative Assembly shall appoint both officials for a term of eight years, two years after the commencement of a presidential term. They can be reelected indefinitely, enjoying the immunities and prerogatives of the members of the Supreme Branches.

The Comptroller and the Assistant Comptroller are responsible to the Assembly for the performance of their duties and may be removed by it by a vote of no less than two-thirds of the entire membership, if the file opened for the purpose evidences their incompetence or misconduct.

ARTICLE 184. The powers and duties of the Comptroller's Office are:

- 1) To supervise the execution and liquidation of the regular and special budgets of the Republic;

No order of payment against State funds shall be issued unless the respective expenditure has been countersigned by the Comptroller's Office; no order shall bind the State unless it has been so countersigned;

- 2) To examine and approve or disapprove the budgets of the Municipal Governments and the autonomous institutions, and supervise their execution and liquidation;
- 3) To submit a yearly report to the Legislative Assembly, at its first regular session, covering the preceding fiscal year, detailing the work of the Comptroller, and a statement of the opinions or suggestions he deems necessary for a better management of public funds;
- 4) To examine, audit and close the accounts of State institutions and public officials;
- 5) Any other powers vested in it by this Constitution or the laws.

CHAPTER III

The National Treasury

ARTICLE 185.- The National Treasury is the center of operations for all national revenue offices. This is the only body legally authorized to pay on behalf of the State and receive any amounts that, as revenues or for any other reason, must enter to the National Treasury.

ARTICLE 186.- A National Treasurer and an Assistant Treasurer shall be in charge of the Treasury. Both officials are independent in the performance of their duties, which shall be regulated by law. They are appointed by the Government Council for a term of four years, and may be removed only for just cause.

ARTICLE 187.- Any expenditure against the National Treasury, not referred to wages of the permanent personnel of the Public Administration, included in the budget, shall be published in the Official Journal.

Those expenditures that for very special reasons the Government Council believes should not be published shall be exempted from the publication formality, but in this event, the Legislative Assembly and the Comptroller's Office shall be confidentially and immediately informed.

TITLE XIV

THE AUTONOMOUS INSTITUTIONS

Sole Chapter

ARTICLE 188.- The autonomous institutions of the State enjoy administrative independence and are subject to the law in management matters. Their directors are liable for their performance. (As amended by Act No. 4123, May 31, 1968).

ARTICLE 189.- The autonomous institutions are:

- 1) The State banks;
- 2) The State insurance institutions;
- 3) Those established by this Constitution and any new institutions that the Legislative Assembly may create by a vote of no less than two thirds of its entire membership.

ARTICLE 190.- For discussion and passing of bills concerning an autonomous institution, the Legislative Assembly shall first hear the opinion of that institution.

TITLE XV
THE CIVIL SERVICE

Sole Chapter

ARTICLE 191.- A civil service statute shall regulate the relations between the State and public servants for the purpose of guaranteeing the efficiency of the administration.

ARTICLE 192.- With the exceptions that this Constitution and the civil service statute may determine, public employees shall be appointed on the basis of proven ability, and may be removed only on the grounds for justified termination as set forth in the labor legislation; or in case of a forced reduction in services, due to either of lack of funds or an effort to improve their organization.

ARTICLE 193.- The President of the Republic, the Cabinet Ministers and the officials managing public funds are required to disclose their property, which must be appraised in accordance with the law.

TITLE XVI**THE CONSTITUTIONAL OATH****Sole Chapter**

ARTICLE 194.- The oath that must be taken by public officials as provided in Article 11 of this Constitution is as follows:

“Do you swear to God and promise the Country to observe and defend the Constitution and the laws of the Republic, and faithfully discharge the duties of your office? I do. If you do, so help you God; if not, may He and the Country hold you accountable.”

TITLE XVII

AMENDMENTS TO THE CONSTITUTION

Sole Chapter

ARTICLE 195.- The Legislative Assembly may partially amend this Constitution complying strictly with the following provisions:

1. A proposal asking for the amendment of one or more articles must be submitted to the Assembly at regular sessions, signed by at least ten representatives;
2. The proposal shall be read three times at intervals of six days, to determine whether or not it shall be admitted for discussion;
3. If so, it shall be sent to a commission appointed by absolute majority of the Assembly, which shall report back in a period of up to twenty business days; (As amended by Act No. 6053, June 15, 1977).
4. Upon submission of this opinion, it shall be discussed in accordance with the law-making procedure; said amendment shall be approved by a vote of no less than two thirds of the entire membership of the Assembly;
5. The amendment having been accepted, the Assembly shall prepare the relevant bill through a commission, with an absolute majority vote being enough to approve it.
6. Said bill of law shall be sent to the Executive Branch, which in turn shall send it with the Presidential Message to the Assembly at the opening of the next regular legislative period, with its observations, or recommending it;
7. The Legislative Assembly, at its first sessions, shall discuss the bill in three debates. If it is approved by a vote of no less than two thirds of the entire membership, it shall become a part of the Constitution and shall be communicated to the Executive Branch for publication and observance thereof.

ARTICLE 196.- A general amendment of this Constitution can only be made by a Constitutional Assembly called for that purpose. An Act calling such Assembly shall be passed by a vote of no less than two thirds of the total membership of the Legislative Assembly and does not require the approval of the Executive Branch. (As amended by Act No. 4123, May 31, 1968).

TITLE XVIII

FINAL PROVISIONS

Sole Chapter

ARTICLE 197.- This Constitution shall enter into force on the eighth day of November, 1949, and does repeal all others. The existing legal system shall continue in force unless amended or repealed by the competent organs of the Public Power or as long as it is not expressly or implicitly repealed by the present Constitution.

TEMPORARY PROVISIONS

(NOTE: Sole Article (1) of Act No. 2741 of May 12, 1961 repealed Temporary Articles I, II, III, IV, V, VI, VIII, IX, X, XII, XIII, XIV, XV, XVI, XVII, XVIII and XIX, corresponding to Articles 13, 85, 98, 101, 104, 106, 132, 138, 140, 156, 158, 159, 162, 171, 173, 178 and 183 of the Political Constitution, leaving Temporary Articles 7 (of Article 116) and 11 (of Article 141) intact, as will be seen. The remaining articles have been added by subsequent amendments).

ARTICLE 10. - The Chamber created in Article 10 shall be composed of seven justices and the alternates determined by law, who shall be elected by the Legislative Assembly by a vote of at least two-thirds of its membership. The Legislative Assembly shall appoint the members of the Chamber within the ten sessions following publication of this law. Two of them shall be elected among the members of the First Chamber of the Supreme Court of Justice, which number of members shall be therefore reduced.

As long as a constitutional jurisdiction act has not been enacted, the Chamber shall continue to hear matters under its jurisdiction, even those pending, pursuant to the appropriate provisions in force. (As added by Act No. 7128, August 18, 1989).

ARTICLE 13. - I (Repealed by sole article (1) of Act No. 2741, May 12, 1961)

ARTICLE 16. - The persons who have opted for another nationality and have lost the Costa Rican nationality may recover it in accordance with Article 16 as amended, by means of a simple application, oral or written, before the Civil Registry. This office shall take note and conduct the relevant proceedings. The application shall be filed within two years immediately following the date on which this amendment became enforceable. (Sole temporary provision, Act No. 7514, June 6, 1995).

ARTICLE 78. - As long as the Act to which the second paragraph of Article 78 of the Constitution refers, be not enacted, the gross domestic product shall be determined in accordance with the procedure established by a decree issued by the Executive Branch. (Sole temporary provision, Act No. 7676, July 23, 1997).

ARTICLE 85.- II (Repealed by, sole article (1) of Act No. 2741, May 12, 1961)

ARTICLE 85.- For fiscal years 1977 to 1980 inclusive, the University of Costa Rica, the Technological Institute of Costa Rica and the National University shall be allocated under the General Budget of Expenditures of the State, any subsidies necessary to supplement their revenues in order to guarantee them, in accordance with the availability of funds established by Act 5909 of June 10, 1976, the global amounts for operation indicated for those same years in conformity with the document "Resumen de acuerdos de las Instituciones de Educación Superior y propuesta financiera al Gobierno para el desarrollo de la Educación Superior" (Summary of Agreements of the Institutions of Higher Education and Financial Proposal to the Government for the Development of Higher Education), approved by the Liaison Committee on September 6, 1976 on the basis of the Agreement for the Coordination of Higher Education in Costa Rica.

As for investment expenditures, the Executive Branch shall negotiate by mutual agreement with the National Council of Rectors the necessary international loans and will take charge of financing the counterpart funds and the resulting debt service for the entire relevant term, taking into account the availability of fiscal resources.

Not later than the 1979-1980 sessions, the Legislative Assembly shall establish the constitutional provisions necessary to guarantee an effective financing for higher education, as established in Article 85 for the years subsequent to 1980. (As added by Article 2, Act No. 6052, June 15, 1977).

ARTICLE 85.- During the five-year term of 1981-1985, the distribution of the special fund to which this article refers shall be as follows: 59% for the University of Costa Rica, 11.5% for the Technological Institute of Costa Rica, 23.5% for the National University and 6% for the State Teleuniversity. (As added by Act No. 6580, May 18, 1991).

ARTICLE 98.- III (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 100.- The current Justices of the Electoral Supreme Tribunal can continue in office until expiration of their current constitutional terms, under the same working conditions of their appointment, or abide by the amended provisions. (As added by Act No. 2345, May 20, 1959)

ARTICLE 100.- The election of the three new alternate Justices shall take place within the two months following enactment of this constitutional amendment. In this act, the Supreme Court of Justice shall draw the date of expiration of the term in office of said alternate justices, in order to adjust it to the date of expiration of the term in office of the alternates appointed before this amendment and to proceed hereafter to elect two of the alternates every two years. (As added by Act No. 3513 of June 24, 1965)

ARTICLE 101.- IV (Repealed by sole article (1) Act No. 2741, May 12, 1961).

ARTICLE 104.- V (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 106.- VI (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 116.- VIII. The Legislative Assembly members elected in the elections to be held in October, nineteen hundred and forty-nine, called for that purpose by the Electoral Supreme Tribunal, shall take office on the eighth day of November of said year, ceasing to perform their duties as such on the thirty-first day of October, nineteen hundred and fifty-three. The President of the Republic, the Vice Presidents and the Legislative Assembly members to be elected at the elections of nineteen hundred and fifty-three, which date shall be fixed in due course by the Electoral Supreme Tribunal, shall hold office for four and a half years, that is: the President and Vice presidents from the eighth day of November of that year to the eighth day of May, nineteen hundred and fifty-eight, and the Legislative Assembly members from the first day of November, nineteen hundred and fifty-three to the thirtieth day of April, nineteen hundred and fifty-eight, in order that thereafter the Presidential Term may start on the eighth day of May, the Legislative Assembly may be installed on the first day of that month, and the elections for President and Legislative Assembly members may be held in February of the same year.

ARTICLE 132. - VIII (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 132 (Subsection 1).- The present former Presidents of the Republic may be reelected only once in accordance with the provisions of Article 132 prior to this amendment. (As added by Act No. 4349, July 11, 1969).

ARTICLE 138. - IX (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 140. - X (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 141.- XI (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 141. XI. The Cabinet Ministers who are appointed at the beginning of the next presidential term shall have the functions

specified in the existing laws concerning the Secretaries of State, until new legislation is enacted on the subject.

ARTICLE 156.- XII (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 158. - XIII (Repealed by sole article (1) of Act w No. 2741, May 12, 1961).

ARTICLE 162.- XV (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 171.- XVI (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 171.- The Municipal Council Members elected at the elections held in February, nineteen hundred and sixty-two shall hold office from the first day of July, nineteen hundred and sixty-two to the thirtieth day of April, nineteen hundred and sixty-six. (As added by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 173.- XVII (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 177 (First paragraph).- The percentage to which Article 177 refers for the budget of the Judicial Branch shall be fixed in an amount not under three and one fourth percent for 1958; in an amount not under four percent for 1959 and in an amount not under one percent more for each of the subsequent years, until the indicated six percent minimum is reached; (As added by Acts No. 2122 of May 22, 1975, No. 2345 of May 20, 1959 and No. 2738 of May 12, 1961, all of which have kept this text)

ARTICLE 177, third paragraph).- The Costa Rican Social Security Administration Fund shall accomplish the universalization of the various insurances it is responsible for, including family insurance under the health and maternity regime, within a period of time not to exceed ten years, from the date on which this constitutional amendment is enacted. (As amended by No. Act 2738, May 12, 1961).

ARTICLE 178.- XVIII (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

ARTICLE 183.- XIX (Repealed by sole article (1) of Act No. 2741, May 12, 1961).

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