

CONSTITUTION  
OF THE  
REPUBLIC OF PANAMA



TIPOGRAFIA DIARIO DE PANAMA  
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CONSTITUTION  
OF THE  
REPUBLIC OF PANAMA.

WE, the Representatives of the people of Panamá, in National Convention assembled, in order to constitute the Nation, maintain order, establish justice, promote the general welfare, and assure the blessings of liberty to ourselves, to our posterity, and to all men residing on Panamanian soil, invoking the protection of God, do ordain, decree and establish for the Panamanian Nation the following Constitution:—

CHAPTER I

THE NATION AND TERRITORY

Article 1

The Panamanian people constitute themselves in an independent and sovereign Nation, denominated "Republic of Panama," ruled over by a republican and democratic government.

Article 2

The sovereignty is vested in the Nation, exercised by means of its Representatives in the manner established and expressed by the terms of this Constitution.

## II

### Article 3

The territory of the Republic is composed of all that territory with which the State of Panama was created by an additional Act of the Granadian Constitution of 1853 on the 27th of February, 1855, transformed in 1886 into the Department of Panamá, with its islands, and the continental and insular territory awarded to the Republic of Colombia by virtue of the decision delivered by the President of the French Republic on the 11th of September, 1900. The territory of the Republic stands subject to the jurisdictional limitations stipulated, or which may be stipulated, in the Public Treaties celebrated with the United States for the construction, maintenance and sanitation of whatsoever means of interoceanic communication. The boundaries with the Republic of Colombia will be determined by Public Treaties.

### Article 4

The territory of the Republic is divided into the Provinces of Bocas del Toro, Coclé, Colón, Chiriquí, Los Santos, Panamá and Veraguas. The provinces are divided into Municipalities. The National Assembly can increase or diminish the number of the former and the latter, or vary their limits.

### Article 5

The territory with the public property forming part thereof belong to the Nation.

## CHAPTER II

### NATIONALITY AND CITIZENSHIP

### Article 6

Panamanians are:—

1 All those who have been born, or may be born in the territory of Panamá irrespective of the nationality of their parents.

2 The children of Panamanian parentage born in another country in the event of their coming to reside in the Republic and express their willingness to become citizens thereof.

3 Foreigners of more than ten years residence who, professing some science, art, or industry, or possessing some landed property or capital in circulation, declare before the Panamanian Municipality wherein they reside their desire of being naturalized in Panamá. A six years residence will be sufficient if married and having a family in Panamá. and three years if married to a Panamanian.

4 The Colombians who, having taken part in the independence of the Republic of Panamá, have declared their desire accordingly, or should declare it so before the Municipal Council wherein they reside.

### Article 7

Panamanian citizenship will be lost:—

### III

1 By obtaining naturalization papers in a foreign country, and establishing residence therein.

2 By accepting employment or honors of another Government without permission from the President of the Republic.

3 Being born a Panamanian and not accepting the movement for independence of the Nation.

4 By having engaged in the service of an unfriendly nation. Nationality can only be regained by an Act of the National Assembly.

#### Article 8

All Panamanians are obliged to serve the Nation in accordance with the laws, and they, as well as foreigners residing within the territory of the Republic, must submit to the Constitution and the Laws, and respect and obey the authorities.

#### Article 9

Foreigners shall enjoy in Panamá the same rights as are conceded to Panamanians by the laws of the Nation to which the foreigner belongs, except that which may be stipulated in public treaties, and, in the absence thereof, that which may be determined by the Laws.

#### Article 10

Naturalized or resident foreigners shall not be obliged to take up arms against their mother country.

#### Article 11

All Panamanians over twenty-one years of age are citizens of the Republic.

#### Article 12

Citizenship consists in the right to use the polls at the popular elections for public offices, and in the capacity to execute official commissions with authority and jurisdiction.

#### Article 13

Citizenship, once acquired, is only lost;—

1 By penalty according to law, rehabilitation being obtainable from the National Assembly.

2 By losing the title of Panamanian according to the National Constitution.

## IV

### Article 14

Citizenship is suspended:—

- 1 For a pending criminal cause from the time the judge issues the decree of imprisonment.
- 2 By not legally having the free administration of property.
- 3 By habitual intoxication.

## CHAPTER III

### INDIVIDUAL RIGHTS

#### Article 15

The authorities of the Republic are instituted for the purpose of protecting all persons, resident or transient, in their lives, honor, and property, ensuring mutual respect to the natural, constitutional and legal rights, providing against and punishing crimes.

#### Article 16

All Panamanians and foreigners are equal before the law. There shall be neither prerogatives nor personal privileges.

#### Article 17

Every person has the right to petition the authorities in a respectful manner, whether for motives of a general interest or for motives of a private nature, and is entitled to a speedy resolution.

#### Article 18

Public and bona fide corporations have the right to be recognized as judicial persons, and entitled in virtue thereof to execute civil acts and to enjoy the prerogatives enjoyed hereby, with the general limitations the law may establish for reasons of public convenience.

#### Article 19

There shall be no slaves in Panamá. Any person, in the condition of slave, who may step on the territory of the Republic, shall be free.

#### Article 20

All the inhabitants of the Republic have the right to assemble peaceably and without weapons, and the right to associate for all lawful purposes.

#### Article 21

Every person shall have the right to travel within the territory of the Republic without the necessity of soliciting permission, passport, or any other

similar requisite, with exception of what the laws may stipulate relative to judicial embargo and immigration.

#### Article 22

No person shall be tried or sentenced but by competent judges or tribunals in accordance with the laws that were in force before the crime was committed, and in the manner established thereby.

Functionaries exercising authority or jurisdiction shall, however, be empowered to punish, without form of trial, any one injuring or showing disrespect to them while in the discharge of their duty; and military chiefs and shipmasters shall be empowered to inflict penalties forthwith in order to quell insubordination, maintain order, and repress crimes committed aboard and at sea.

#### Article 23

No one shall be molested in their person or family, reduced to prison or arrested, or their residence searched except by virtue of a written order by competent authority, with legal formality, and with the cause therefor duly defined in the laws.

In no case shall there be detention, imprisonment, or arrest for debt or purely civil obligation with exception of judicial embargo. A delinquent caught in «fraganti delicto» can be apprehended and taken before the Judge by any person whatsoever.

#### Article 24

All persons detained or made prisoners not in accordance with legal formalities, or not in accordance with the stipulations of this Constitution, or in the Laws shall be placed at liberty on personal petition or on the petition of any other person. The law shall determine the form of this summary proceeding.

#### Article 25

No one is compelled to give evidence in a criminal proceeding against himself or herself, against his or her consort, or against any member of his or her family within the fourth grade of consanguinity or the second of affinity.

#### Article 26

The profession of all religions is free, as also the worship of all creeds without further limitation than the exaction of respect for Christian morals and public order. It is hereby recognized that the Catholic is the religion of the majority of the inhabitants of the Republic, and the law shall set aside for that religion an auxiliary fund for the foundation of a Seminary in the Capital, and for Missionaries to the native tribes.

#### Article 27

Every person can freely express their thought by speech or writing by means of the press, or by any other means, without being subjected to

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previous censure, so long as same refers to official acts of public functionaries. But legal responsibilities will attach when, by one of those means, the honor of persons is brought into question.

### Article 28

Correspondence and other private documents are inviolable, and neither the former nor the latter can be held or examined except by virtue of competent judicial authority and under the formalities prescribed by the Laws. In all cases secrecy will be observed in connection with the matters relating to the object of holding and examining same.

### Article 29

Every person can practice whatsoever profession or honest occupation without the necessity of being a member of an association of masters or doctors.

The authorities will inspect the industries and professions insofar as the inspection pertains to morality, security and public health. It is necessary to possess certificates of capacity in order to practice medicine and allied professions.

### Article 30

Obligations of a civil character, growing out of contracts or other acts, and the facts or omissions which they produce, cannot be altered or annulled by the Executive power or by the Legislative body.

### Article 31

The Laws will determine everything in relation to the civil status of persons and consequent rights and duties.

### Article 32

The Laws will not have retroactive effect.

In a criminal matter the law, permissive or favorable, even when it be posterior, will, in preference, be applied to the restrictive or unfavorable.

### Article 33

Rights acquired in conformity with the Laws cannot be violated or ignored by subsequent laws.

When from the application of a Law enacted for the public good, there comes into conflict the rights of individuals with the necessity recognized by said Law, the private interest will give way to the public interest. But the appropriations which it is necessary to make require previous and full indemnization.

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### Article 34

The destination of testamentary and other donations, made in conformity with the Laws, for religious purposes or public instruction, cannot be varied or modified by the Legislator.

### Article 35

Individuals are only responsible before the authorities for infraction of the Constitution or the Laws. Public officials are also for the same cause, for over-stepping the bounds of authority, or for negligence in the discharge of their duties.

### Article 36

In the case of a plain infraction of a constitutional precept detrimental to any person, the superior mandate does not exempt from responsibility the agent executing it.

The privates in the ranks of the army, in service, are exempt from this Disposition. In respect to them, the responsibility will fall only on the superior officer giving the order.

### Article 37

Games of chance will not be permitted in the territory of the Republic. The Law will enumerate them.

### Article 38

There will be no official monopolies.

### Article 39

There will be no real estate not possible of being duly transferred; neither will there be irredeemable obligations.

### Article 40

Every author or inventor will enjoy the exclusive product of his work or invention for such time as the law determines and in the form that it establishes.

### Article 41

No one is obliged to pay a contribution or duty not legally established, and the collection of which is not made in the form prescribed by the Laws.

### Article 42

No one can be deprived of their property, neither in part nor in full, except by virtue of a penalty or a general contribution in conformity with the Laws.

## VIII

For importante reasons of public utility, defined by the Legislator, there can take place the forced alienation of property or rights under judicial writ, but the payment of the declared value will be made before dispossessing the owner of same.

### Article 43

Buildings dedicated to whatever worship, conciliatory seminaries, and the Episcopal and curate dwellings, cannot be taxed, and can only be occupied in cases of urgent public necessity.

### Article 44

In no case can the penalty of the confiscation of property be established by the legislator.

### Article 45

The prisons are places of security and expiation, not of cruel punishment; therefore, all severity not necessary for the custody and correction of prisoners is prohibited.

### Article 46

The Laws will determine the responsibility to which the public functionaries, who attempt to infringe the rights guaranteed in this chapter can be subjected.

### Article 47

The individual rights recognized and guaranteed in Articles 21, 23, 24, 27, 29 and 42 can be temporarily suspended throughout at the Republic, or in part of the Republic, when the safety of the State, in the case of foreign war or internal disturbance menacing the public peace, demands it.

This suspension will be decreed by the National Assembly if it is in session; but in the event of it not being in session and the danger is imminent, the President of the Republic can dictate the suspension by means of a decree bearing the signature of all his Secretaries. In this case the President will, in the same Decree of Suspension, convoke the National Assembly for the purpose of furnishing the Assembly with his reasons for dictating the suspension.

### Article 48

It is prohibitory for the National Assembly to dictate laws which abridge, limit or adulterate any of the individual rights covered by the present chapter without first reforming the Constitution unless the Laws dictated are authorized by the Constitution.

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### CHAPTER IV

#### SUFRAGE

##### Article 49

All citizens over twenty-one years of age have the right to vote except those under judicial interdiction and those judicially inhabilitated by reason of crime.

The Law can arrange what determined elections are to be effected in two grades, and, in this case, will establish the condition of electors in second term.

##### Article 50

The Laws will deteamine the responsibility attaching to the public funtionaries who, by their acts, attempt to violate the rights recognized in this Chapter.

### CHAPTER V

#### PUBLIC POWERS

##### Article 51

The Government of the Republic is to be divided into three Powers, viz.: Legislative, Executive. and Judicial.

##### Article 52

All the public powers are limited, and separately exercise their respective attributes.

### CHAPTER VI

#### LEGISLATIVE POWER

##### Article 53

The legislative power to be exercised by a body denominated National Asembly, composed of as many Deputies as correspond to the electoral circles, at the ratio of one for each ten thousand inhabitants, and one more for a residue not less than five thousand, elected for a periord of four years.

There will be Substitutes, who will replace the principals in case of permanent or temporary absence.

##### Article 54

The National Assembly will reunite, without the necessity of convoc ation, at the Capital of the Republic, every two years on the first day of September.

## Article 55

The duration of the ordinary sessions of the National Assembly will be ninety days, which, in case of necessity, the same Assembly will prorogue up to thirty days more. The President of the Republic can convoke the Assembly to extraordinary sessions for such time as he indicates and for the purpose of exclusively treating the matters submitted by him.

## Article 56

To be eligible as a Deputy to the National Assembly it is necessary to be a citizen in the exercise of all civil rights, and to have attained twenty-five years of age.

## Article 57

The members of the National Assembly are irresponsible for the opinions and votes emanating from them, whether by speech or writing, in the discharge of their duty, and at no time, nor by any authority whatsoever, can they be prosecuted by reason of same.

## Article 58

The President of the Republic, the Secretaries of State, the Magistrates of the Supreme Court of Justice, and the Attorney-General of the Nation, can not be elected Deputies to the National Assembly until six months after they have ceased to discharge the duties of their respective offices. The same inability will be extended to the citizens who have exercised executive power.

## Article 59

Also, no other employee with jurisdiction or authority in the electoral circuit, where he has exercised his authority ninety days before the elections, is eligible as a Deputy to the National Assembly.

## Article 60

Twenty days before the commencement of the sessions, during the sessions, and twenty days after, no member of the National Assembly can be called to a criminal trial without permission of the National Assembly.

In the case of flagrant crime the offender can be detained, and will be placed immediately at the disposition of said Assembly. Neither can any member be called in a civil proceeding during the same period.

## Article 61

No increase of traveling emoluments will become effective until after the work for which they have been elected.

## Article 62

The Deputies to the National Assembly can not personally, nor through an intermediary person, make any contract whatsoever with the Administra-

tion. Neither can they accept from any one power of attorney to execute business having connection with the Government.

Article 63

In the event of the absence of a member of the National Assembly, be it temporary or permanent, the legal substitute will be subrogated.

When any Deputy retires from the sessions, or is replaced by a substitute, there will correspond to the former the traveling emoluments for the journey to the Capital, and to the latter those of the return home.

Article 64

The President of the Republic cannot confer on the Deputies to the National Assembly other offices than those of Secretary of State. Governors of Province, or Diplomatic or Consular Agent.

The acceptance of any one of these offices will result in the loss of the Deputyship.

Article 65

The legislative functions of the National Assembly are:

1 Issue the National Code of Laws and the laws necessary for the regulation of the Administration in all its branches, reform them, and derogate them.

2 Determine the Flag and Coat-of-Arms of the Republic.

3 Create or suppress positions; expressly determine the functions duties and attributes corresponding to them; fix the periods and indicate the salaries.

4 Approve or disapprove the Public Treaties celebrated by Executive Power—a requisite without which they can not be ratified nor exchanged.

5 Approve or disapprove the contracts or agreements which the President of the Republic celebrates with individuals, companies, or political entities, in which the Nation has an interest, in case the said contracts or agreements have not already been authorized, or if the formalities prescribed by the National Assembly in connection therewith have not been complied with, or if some of the stipulations contained in them are not in conformity with the respective law of autorizations.

6 Concede authorizations to the Executive Power to celebrate, contracts, negotiate loans, transfer national property and discharge other functions within the constitutional orbit.

7 Decree war, and empower the Executive Power to make peace.

8 Designate the place where the high Public Powers must reside.

9 Divide the territory of the Republic into electoral circuits.

10 Limit or regulate the appropriation or adjudication of uncultivated land.

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- 11 Fix the army footing in time of peace.
  - 12 Organize the National Police force.
  - 13 Promote and encourage public education, the sciences and arts.
  - 14 Decree what monuments the State is to erect, and other public works to be undertaken with National funds.
  - 15 Encourage useful or beneficial enterprizes worthy of stimulation and aid, and decree assistance.
  - 16 Draft the laws in connection with taking the census of the Republic and forming the National Statistics.
  - 17 Concede amnesties, but in the event of civil responsibility in respect to individuals, the Republic will be obliged to make payment of the indemnities.
  - 18 Organize the Public Credit.
  - 19 Recognize the National Debt and regulate its service.
  - 20 Decree the expenses of the Administration in line with the Budget presented by the Executive Power, conforming or not with same.
- If, for any reason whatsoever, the Budget is not authorized by the National Assembly, the former economic ruling will continue in force.
- 21 Establish taxes, contributions and rents to meet the public service
  - 22 Decree the transfer of National property, or its application to public uses.
  - 23 Determine the law, weight, value, form, type, and denominations of the National currency, and arrange the system of weights and measures.
  - 24 Augment or diminish the number of the Provinces and Municipal Districts, and vary their limits.
  - 25 Dictate the arrangement of their interior regime.

### Article 66

The judicial functions of the National Assembly are:—

1 Take into consideration the denunciations and complaints presented against the President of the Republic or the person in charge of the Executive Power in those cases wherein they are responsible; the Secretaries of State, the Magistrates of the Supreme Court of Justice, and the Attorney General of the Nation.

2 <Try> the President of the Republic, or the person in charge of the Executive Power, in accordance with this Constitution; the Secretaries of State, the Magistrates of the Supreme Court of Justice, and the Attorney-General of the Nation, when they are accused of executing acts, while in the discharge of their duties, against the safety of the State against the free working of the Public Powers, or acts in violation of the Constitution and National Laws.

The Law will indicate the procedure to be followed and the penalties to be imposed.

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### Article 67

The administrative functions of the National Assembly are:—

- 1 Examine the credentials of their own members, and decide whether or not they are in the form prescribed by law.
  - 2 Rehabilitate those having lost their citizenship.
  - 3 Admit, or not, the denunciations made against the President of the Republic or the Designates.
  - 4 Elect at the ordinary sessions, and for the term of two years, three Designates who, in default of the President of the Republic, and in their order, will assume charge of the Executive Power.
  - 5 Name the Judges of the Exchequer.
  - 6 Name the Fiscal Inspector of all the Treasury offices of the Republic.
  - 7 Name commissions for the purpose of fixing the limits of the Nation.
- Request of the Secretaries of State the verbal or written reports which may be required.
- 9 In each ordinary reunion, examine and definitely «pass on» the general account of the Treasury presented by the Executive Power.
  - 10 Grant leave-of-absence to the President of the Republic or to the person in charge of the Executive Power.
  - 11 Permit, or decline to grant, permission to foreign warships to remain in the ports of the Republic when the time exceeds two months.

### Article 68

It is prohibitory for the National Assembly to.—

- 1 Decree gratifications, indemnities, pensions, and any other erogation not destined to satisfy credits or rights recognized in accordance with the pre-existing law, except that set forth in article 65.
- 2 Decree acts of proscription or persecution against persons or corporations.
- 3 Give votes of applause or censure relative to official acts; and,
- 4 Direct actions against public functionaries

## CHAPTER VII

### EXECUTIVE POWER

### Article 69

The Executive power is to be exercised by a Magistrate denominated «President of the Republic,» who will have for his Cabinet the number of Secretaries determined by law.

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The President will enter upon the discharge of his constitutional functions the first day of October following his election, and his term of office will be four years.

The same Law will also determine the nomenclature and precedence of the Cabinet.

### Article 70

To be President of the Republic it is required.—

- 1 To be a Panamanian by birth.
- 2 To have attained thirty-five years of age.

### Article 71

The President of the Republic elect, or the citizen replacing him, will take possession of office before the President of the National Assembly, and will take the oath of office in these terms: «I swear, before God and my country, to faithfully comply with the Constitution and the Laws of the Republic of Panama.»

### Article 72

If, for any motive whatsoever, the President of the Republic is unable to take possession before the President of the National Assembly, same will be done before the President of the Supreme Court of Justice, and, in default of him, before two witnesses.

### Article 73

The attributions of the President of the Republic are:—

1 Name and freely separate the Secretaries of State, Governors of the Provinces, and the persons who occupy whatsoever National Government position, whose provision does not correspond to other functionaries or corporations.

2 Give strict attention to the conservation of public order.

3 Direct the diplomatic and commercial relations with the nations, freely name and receive the respective Agents, and celebrate public treaties and agreements which will be submitted to the National Assembly for approbation.

4 See that the National Assembly meets on the day specified by the Constitution, or by the resolution or decree on which the National Assembly is convoked to special sessions, giving due notice, in order that the Deputies may receive the auxiliaries in connection with the journey as indicated by law.

5 Present on the opening of each Legislature, on the first day of the ordinary sessions a message relative to matters connected with the Administration

6 Give to the National Assembly the special reports, required of him by that body.

7 Sanction and promulgate the Laws, obey them, and see to it that they are complied with to the letter.

8 Send, within the first ten days of the ordinary sessions, to the National Assembly the Budget of Revenues and Expenses for the following two years, and the general account of the Budget of the Treasury.

9 Oversee the collection and administration of the revenue of the Republic, and decree its inversion in conformity with the Laws.

10 Celebrate administrative contracts for the granting of service and execution of public works in conformity with the Fiscal Laws, and with the obligation of rendering an account of same to the National Assembly at the ordinary sessions.

11 Concede patents of useful privileges in conformity with the Laws.

12 Give naturalization papers in conformity with the Laws.

13 Concede to the Panamanians, on solicitation, permission to accept commissions or distinctions from foreign governments.

14 Direct, regulate, and inspect the National public instruction.

15 Oversee the administration of the public establishments of the Nation.

16 Sanction, promulgate, and exact compliance with all sanitary measures enacted by the National Board of Health.

17 Name the Magistrates of the Supreme Court of Justice, the Attorney-General of the Nation, the Fiscal Agents, and Municipal attorneys, in conformity with the requisites exacted by law.

18 Grant pardons, commute and reduce penalties in conformity with the law regulating the exercise of this faculty.

19 Confer military grades in accordance with the constitutional and legal formalities.

Dispose of the Standing Army as Supreme Chief of the Nation.

#### Article 74

No act of the President of the Republic, except the appointment or removal of the Secretaries of State, will have value or force whatsoever as long as it has not been legalized and communicated by the Secretary of State of the respective branch, who by the same act, becomes responsible.

#### Article 75

The President of the Republic, or the person in charge of the Executive Power, can separate themselves from the exercise of their functions by leave of absence, which will be granted by the National Assembly and, in the event of the said National Assembly not being in session, by the Supreme Court of Justice.

By reason of illness, advance notice to the respective Corporation will be sufficient.

#### Article 76

The President, in the exercise of his functions, and for public interest can visit, for the time he deems convenient, any part of the Republic.

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### Article 77

The emoluments that the Law assigns to the President of the Republic cannot be altered during the period for which they have been fixed.

### Article 78

The President of the Republic, or the substitute in his functions only is responsible in the following cases:—

- 1 For over-stepping his constitutional functions.
- 2 For acts of violence or compulsion in the elections, or acts impeding the constitutional reunion of the National Assembly, or obstructing that body and other corporations or public authorities established by the Constitution in the exercise of their functions.
- 3 For high treason.

In the first two cases the penalty cannot be other than that of substitution, and if the President has ceased to discharge the functions of office, the penalty will be inhabilitation to execute any public commission or occupy any public office.

In the last case individual rights will be applied.

### Article 79

In the event of temporary or permanent absence of the President of the Republic, the administration of the Executive Power will fall to one of the Designates in the order in which they have been named.

The following facts can only be construed as permanent absence of the President: His death, accepted resignation, or substitution.

The person in charge of the Executive Power will have the same pre-eminence, and will exercise the same attributions as the President of the Republic, whose attributions he assumes.

### Article 80

To be Designate (Vice-President), the same requirements are exacted that are exacted of the President of the Republic.

### Article 81

When, for whatsoever motive the office of the President can not be filled during his absence by the Designates, the Secretary of State will discharge the duties of the President, who, by a majority of votes is designated at a meeting of the Cabinet held for this purpose.

### Article 82

The citizen who has been elected President of the Republic can not be re-elected for the immediate following term if he has filled the office of

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President within the Eighteen months immediately preceding the new election.

### Article 83

The citizen who, having been called to fill the office of President of the Republic, and having filled the same within the last six months preceding the day of the election of the new President, as also any relative of his comprised within the fourth civil grade of consanguinity or second of affinity, can neither be elected to this office.

## CHAPTER VIII

### STATE DEPARTAMENTS

### Article 84

The distribution of the business in each Department, according to its relations, will correspond to the President of the Republic.

### Article 85

To be Secretary of State the same requirements are exacted that are exacted of a Deputy to the National Assembly.

### Article 86

The Secretaries of State are the only organ of communication of the Executive Power with the National Assembly. The said Secretaries can propose projects of law and take part in the debates.

### Article 87

Each Secretary of State will present to the National Assembly, within the first ten days of each Legislature, a report or memorandum relative to the state of affairs belonging to his Department, and relative to the reform which he deems opportune to introduce.

### Article 88

The National Assembly can request the assistance of the Secretaries of State when it sees fit to do so.

### Article 89

The Cabinet Council will be attended by all the Secretaries of State, the President of which shall be the President of the Republic.

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### CHAPTER IX

#### JUDICIAL POWER

##### Article 90

The Judicial Power will be exercised in the Republic by a Supreme Court of Justice, by the Lower Courts, and by Justices of Peace established by law, and the other tribunals or special commissions necessary to create in conformity with the Public Treaties.

The National Assembly exercises determined judicial functions.

##### Article 91

The Supreme Court of Justice is to be composed of five Magistrates named for a term of four years. There will be five substitutes for the same period, who will fill, in their order, any temporary vacancies made by the Magistrates.

In case of permanent absence of a Magistrate a new appointment will be made.

The Magistrate accepting employment from the Government will resign his position.

##### Article 92

In the Tribunals and lower courts established by law the Magistrates and Judges will be named by the Court, Tribunal or Judge immediately superior in grade.

##### Article 93

To be Magistrate of the Supreme Court of Justice it is necessary to be a Panamanian by birth, or by adoption, with more than fifteen years residence in the Republic; to have attained the age of thirty; to be in full enjoyment of civil and political rights; to have a diploma of lawyer, or having practised, creditably, for at least ten years, the profession of law, or having discharged, for the same period, judicial function or of the Public Ministry, and not having been condemned to suffer penalty for any petty crime.

The same requirements are exacted for the office of Magistrate of the Tribunals of Justice established by the Laws.

##### Article 94

The Magistrates and Justices can not be suspended in the discharge of their functions except in the cases and by the formalities which the Laws determine. Neither can they be deposed except by virtue of a judicial sentence.

##### Article 95

The Law will determine the criminal lawsuits which must be tried by the jury system

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### Article 96

The Republic will administer justice gratuitously throughout all her territory.

### Article 97

The Law will indicate the assignments of the employees of the Judiciary, which cannot be augmented or diminished during the period for which they have been named.

## CHAPTER X

### CONSTRUCTION OF THE LAWS.

### Article 98

All Laws will originate in the National Assembly, proposed by any one of the members, or by the Secretaries of State.

Laws relating to civil affairs and judicial proceedings are excepted from this article. These Laws can not be modified except by proposal of the Special Commissions of the National Assembly, or by the Magistrates of the Supreme Court of Justice.

### Article 99

No Legislative Act will become a Law unless it has been approved by the National Assembly in three debates, on distinct days, by an absolute majority of votes; and also if it has not obtained the sanction of the Executive Power.

### Article 100

The second debate on a Law cannot be closed, nor voted or in the third debate, without the attendance of the absolute majority of the members composing the total of the National Assembly.

### Article 101

A project of law having been approved by the National Assembly, it will be transmitted to the Executive Power, and, in the event of the Executive also approving it, the said Executive will take the necessary measures to promulgate it as a Law. But in the event of the Executive not approving it, then it will be returned to the National Assembly, with the objections specified.

### Article 102

To the Executive Power is allotted the period of six days for returning with objections, whatsoever project, when the project does not contain more than fifty articles; ten days when the project contains from fifty-one to two hundred articles, and up to fifteen days when there are more than two hundred articles.

## Article 103

If the Executive Power—once the periods indicated, according to the case, have elapsed—has not returned the Legislative Act with the objections, the said Executive can not refrain from sanctioning and promulgating it. But if the National Assembly adjourns within the said periods, the Executive will be obliged to publish the project, approved or disapproved, within the ten days following the day on which the National Assembly has close its sessions.

## Article 104

The project of law disapproved in its entirety by the Executive will come up in the National Assembly in third debate, and the projet disapproved only in part will be reconsidered in second debate with the only object of taking into account the objections of the Executive

## Article 105

The Executive Power will sanction every project which, on being reconsidered, is adopted by two-thirds of the votes of the Deputies present at the debate, as long as the number present constitute the quorum required.

In the event of the Executive objecting to a project on the ground of unconstitutionality, and the National Assembly insists on its adoption, the project will pass to the Supreme Court of Justice in order that this Court, within six days, may pass upon its constitutionality. An affirmative decision by this Court makes it obligatory for the Executive to sanction and promulgate the Law. In the event of a negative decision the project will be archived.

## Article 106

If the Executive does not comply with the duty of sanctioning the Laws within the periods and according to the conditions established by this Chapter, the President of the National Assembly will sanction and promulgate them.

## Article 107

Every Law will be promulgated within the six days following its sanction.

## Article 108

Reasons can be assigned for the enactment of Laws, and their text will be preceded by the following formula:—

«The National Assembly of the Republic of Panamá.

“Decreases:”

## XXI

### Article 109

The projects of law which remain pending in the sessions of one year can only be considered as new projects in another Legislature.

### Article 110

The Public Ministry will be administrated by an Attorney General of the Nation, by the Fiscal Agents and Municipal Attorneys and other functionaries designated by law

### Article 111

The duties of the functionaries of the Public Ministry consist in defending the interests of the Nation; furthering the enforcement of the laws, judicial sentences and administrative measures; oversee the official conduct of the public employees, and prosecute those guilty of crimes and violations disturbing the social order.

### Article 112

The term of office of the Attorney-General of the Nation will be four years

### Article 113

To be Attorney-General of the Nation the same requirements are exacted that are exacted of a Magistrate of the Supreme Court of Justice.

### Article 114

The special functions of the Attorney-General of the Nation are:—

1 To see to it that all the public functionaries in the service of the Nation faithfully and fully discharge their duties.

2 Accuse, before the Supreme Court the functionaries whose trial corresponds to this body.

3 See to it that the other functionaries of the Public Ministry faithfully discharge their duties, and take steps to the end that responsibility be exacted of them for their faults committed.

4 Freely appoint and remove the employees immediately under him, and

The other acts attributed to him by law.

## CHAPTER XII

### NATIONAL TREASURY

### Article 115.

The following belong to the Republic of Panamá:—

1 The property existing in the territory which, of whatsoever title, belonged to the Republic of Colombia.

2 The rights and shares which the Republic of Colombia possessed as owner, within or without the country, by reason of the sovereignty exercised by her over the territory of the Isthmus of Panamá.

3 The property, revenue, land, values, taxes, and shares which belonged to the ex-Departament of Panamá.

4 The lay-land and the salt beds, and the quartz and alluvion mines, or mines of any other description, and mines of precious stones, so long as the said possession does not interfere with or is detrimental to rights legitimately acquired.

#### Article 116

The faculty to issue money of legal tender, of whatsoever class, belongs to the Nation, and is not transferable. There will be no particular banks for making such issue.

#### Article 117

There can not be in the Republic an obligatory circulation of paper money. Consequently, any individual can reject every greenback or other bill not inspiring confidence, be it of official or private origin.

#### Article 118

There will be no transfer of real estate in the Republic to foreign governments, except that covered by stipulations in Public Treaties.

#### Article 119

No public expense can be contracted that has not been authorized by law.

Neither can there be a transfer of any credit to an object not provided for in the respective Budget.

#### Article 120

The necessity arising for making an expenditure which can not be set aside, in the judgment of the Executive Power, and the National Assembly not being in session, and there being no fund voted for such expenditure, or the fund being insufficient, a supplemental or special credit can be opened in the respective Department.

These credits will be opened by a Cabinet Council, under their collective responsibility, vouchers for which must be made out showing the justification therefore.

The legalization of these credits pertains to the National Assembly.

#### Article 121

The collection of any indirect contribution, or increase of tax of this class, can not be inaugurated until three months after the promulgation of the law establishing the contribution or increase.

## XXIII

### CHAPTER XIII

#### STANDING ARMY.

##### Article 122

All Panamanians are obliged to take up arms when the public necessities demand it for the defence of the national independence and the institutions of the country

The law will determine the conditions which carry exemption from military service.

##### Article 123

The law will organize the military service and the National Police Force.

##### Article 124

The Nation can maintain for its defense a standing army.

Recruiting is prohibited.

##### Article 125

The Standing Army has not the right to discuss public and—~~or~~—political matters. The army can only assemble by order of the legitimate authority, and can only present petitions in connection with matters relating to the good service and morality of the army, and in accordance with the laws of their institution.

##### Article 126

In regard to the crimes committed by the military in active service, and in connection with the same service, the Court Martials or Military Tribunals will handle same in accordance with the laws of the Military Code.

##### Article 127

Only the Government of the Nation can import and manufacture arms and implements of war.

### CHAPTER XIV

#### PROVINCES.

##### Article 128

In each Province there will be a Governor appointed at the volition of the President of the Republic and subject to removal by the said President, with the functions and duties which the Laws determine.

## XXIV

### Article 129

In each Municipal District there will be a Corporation which will be designated by the name of Municipal Council, composed of the number of members determined by law and elected by direct popular vote.

### Article 130

The Municipal Districts will have an autonomous form of government but they can not contract debts without authorization by the National Assembly

### Article 131

To the Municipal Councils belong the power of doing, by means of regulations dictated by Boards or Technical Commissions, whatsoever the said Council deems convenient for the administration of the District; also of voting the contributions and local expenses, with the limitations which the National tributary system establishes; and to exercise the other functions indicated by the Laws.

### Article 132

There will be in each Municipal District a Mayor, named in the form established by law, whose duty will be to attend to the administration of the Municipality as Agent of the Governor and Political Chief of the people.

## CHAPTER XV

### GENERAL MEASURES

### Article 133

Primary instruction will be obligatory, and public instruction will be free. There will be schools of arts and sciences, and establishments of secondary and professional learning under the administration of the Nation.

The law can decentralize the public instruction and convert same into special revenue.

### Article 134

There will not be in the Republic of Panamá an employee who has not his functions detailed by law or regulation. No public employee can receive two or more salaries from the National Treasury, except that which the laws set aside for special cases.

### Article 135

The ministers of religious creeds can not, in the Republic, occupy a public, personal, civil, or military office excepting those identified with the Church or Public Instruction.

## XXV

### Article 136

The Government of the United States of America can intervene in any part of the Republic of Panamá for the purpose of establishing the public peace and constitutional order in event of same having been disturbed, in case, by virtue of Public Treaty, that Nation assumes, or will have assumed, the obligation to guarantee the independence and sovereignty of this Republic.

## CHAPTER XVI

### CONSTITUTIONAL REFORM.

### Article 137

This Constitution can be reformed by a legislative act, made in legal form, transmitted by the Government to the National Assembly in the subsequent ordinary sessions for final examination, and debated anew by this Assembly and approved by two-thirds of the number of members composing the Assembly.

## CHAPTER XVII

### TRANSITORY MEASURES

### Article 138

In order to guaranteed to posterity a part of the pecuniary benefits derived from the negotiation for the opening of the interoceanic canal, the sum of six million dollars is to be reserved which will be invested into securities producing a fixed annual revenue. The law will regulate this inversion.

### Article 139

The law can only apply the death penalty for the crime of homicide when of an atrocious nature, and then only until such time as good Houses of Correction or real Penitentiaries are established in the Republic.

### Article 140

The first President of the Republic will be elected by the National Convention by an absolute majority of votes the same day on which this Constitution is promulgated. He can take charge of the office immediately, and will continue in the discharge of his functions up to and including the 30th of September, 1908.

The Designates (Vice-Presidents) will be elected the same day on which the President is elected, and their term of office will terminate on the 30th of September, 1906.

### Article 141

There can be elected, as first constitutional President of the Republic of Panamá, any citizen whatsoever, who, without being a Panamanian by birth, has taken an active part in the Independence of the Republic.

## XXVI

### Article 142

As soon as this Constitution is sanctioned by the Provisional Board of the Republic, the Convention will lose its title as such, and will assume all the functions attributed to the National Assembly; but, notwithstanding this fact, the Deputies will understand the prohibitions established by Article 64.

### Article 143

Before the date on which the first National Assembly must meet the National Constitutional Convention will return to exercise the legislative functions when it be convoked to special sessions by the Executive Power.

### Article 144

The first National Assembly will meet the first of November, 1906.

### Article 145

The said National Assembly hereby ratifies all the acts of the Provisional Board of Government dating from the 3rd of September, 1903, up to the 15th of January, 1904.

### Article 146

The existing monopolies and other privileges will continue up to the termination of the respective legitimate contracts in the event of inability to celebrate with the concessionaires equitable agreements for their immediate termination.

### Article 147

All the Laws, Decrees, Regulations, Orders and other measures, which were in force up to the time of promulgating this Constitution, will continue to be observed in so far as they do not come in conflict with the Constitution and Laws of the Republic of Panamá.

### Article 148

This Constitution will begin to rule for the high National Powers from the day on which it is sanctioned, and for the Republic fifteen days following its publication in the Official Gazette.

Made in the City of Panamá the thirteenth of February, one thousand nine hundred and four.

The President of the National Constitution Convention, Deputy from the Province of Panamá,

(Sgd) PABLO AROSEMENA.

The First Vice-President of the National Constitutional Convention, Deputy from the Province of Panamá,

(Sgd) LUIS DE ROUX.

XXVII

The Second Vice-Presidente of the National Constitutional Convention

Deputy from the Province of Panamá,

(Sgd)

H. PATIÑO.

Deputy from the Province of Bocas del Toro,

(Sgd)

ALBERTO G. DE PAREDES.

Deputy from the Province of Bocas del Toro,

(Sgd)

PACÍFICO MELÉNDEZ P.

Deputy from the Province of Bocas del Toro,

(Sgd)

RAFAEL NEIRA A.

Deputy from the Province of Bocas del Toro,

(Sgd)

CASTULO VILLAMIL.

Deputy from the Province of Coclé,

(Sgd)

R. CAIARI.

Deputy from the Province of Coclé,

(Sgd)

E. PONCE J.

Deputy from the Province of Coclé,

(Sgd)

MODESTO RANCEL.

Deputy from the Province of Coclé,

(Sgd)

S. SUCRE J.

Deputy from the Province of Colón,

(Sgd)

AURELIO GUARDIA.

Deputy from the Province of Colón,

(Sgd)

JUAN A. HENRÍQUEZ.

Deputy from the Province of Colón,

(Sgd)

JERARDO ORTEGA,

Deputy from the Province of Colón,

(Sgd)

JULIO ICAZA.

XXVIII

Deputy from the Province of Chiriquí,

(Sgd)

J. M. DE LA LASTRA.

Deputy from the Province of Chiriquí,

(Sgd)

MANUEL C. JURADO.

Deputy from the Province of Chiriquí,

(Sgd)

MANUEL QUINTERO V.

Deputy from the Province of Chiriquí,

(Sgd)

NICOLÁS VICTORIA J.

Deputy from the Province of Los Santos,

(Sgd)

ARITIDES ARJONA.

Deputy from the Province of Los Santos,

(Sgd)

I. QUINZADA.

Deputy from the Province of Los Santos,

(Sgd)

J. VÁSQUEZ. G.

Deputy from the Province of Los Santos,

(Sgd)

FABIO AROSEMENA.

Deputy from the Province of Panamá,

(Sgd)

DEMETRIO H. BRID.

Deputy from the Province of Panamá,

(Sgd)

GIL F. SÁNCHEZ.

Deputy from the Province of Panamá,

(Sgd)

N. TEJADA.

Deputo from the Province of Panamá,

(Sgd)

C. L. URRIOLA.

Deputy from the Province of Veraguas,

(Sgd)

J. B. AMADOR G.

XXIX

Deputy from the Province of Veraguas,

(Sgd)

B. E. FÁBREGA.

Deputy from the Province of Veraguas,

(Sgd)

MANUEL S. PINILLA.

Deputy from the Province of Veraguas,

(Sgd)

LUIS GARCÍA F.

The Secretary,

(Sgd)

*Juan Brin.*

Provisional Board of Government of the Republic.—Panamá, the fifteenth of February, nineteen hundred and four.

Publish and enforce:

(Sgd) J- A. Arango, Federico Boyd, Tomás Arias.

The Minister of Government,

[Sgd]

EUSEBIO A. MORALES.

The Minister of Foreign Relations,

[Sgd]

F. V. DE LA ESPRIELLA.

The Minister of Justice,

[Sgd]

CARLOS A. MENDOZA.

The Minister of the Treasury,

[Sgd]

MANUEL E. AMADOR.

The Minister of War and Marine,

[Sgd]

NICANOR A. DE OBARRIO.

The Minister of Public Instruction,

[Sgd]

JULIO J. FABREGA.