

improvement, nor shall they be adjusted to the compensation schedules.

Those public service employees who are not in active service as of April 1, 1988, shall be entitled to receive the raise on the date they re-enter the service. The personnel actions processed after April 1, 1988, shall be handled in accordance with the norms issued by the Central Personnel Administration Office, in harmony with Act No. 89 of July 12, 1979 as amended, and the Uniform Compensation Regulations, provided, that the salary resulting by effect of said procedures shall not be adjusted to the compensation schedules.

Section 3.—Appropriation of Funds

The sum of seventeen million (17,000,000) dollars is hereby appropriated to the Budget and Management Office from unencumbered funds in the Commonwealth Treasury to defray the cost of the general salary increase during fiscal year 1987-88, to the aforementioned officials and employees of the agencies whose operating expense budgets are chargeable to the General Fund. In subsequent fiscal years, the funds needed to defray said cost shall be consigned annually in the Joint Resolution of the General Budget under the custody of the Budget and Management Office. In the cases that the agency's budget is not financed from the General Fund, the general salary increase for its officials and employees shall be paid from their own funds from which the operating expenses of such bodies are defrayed.

Section 4.—Effectiveness.—This Act shall take effect April 1, 1988.

Justice—Special Independent Prosecutor

(Substitute to S.B. 931)

[No. 2]

[Approved February 23, 1988]

AN ACT

To promote and preserve the integrity of public officials and institutions of the Government of the Commonwealth of Puerto

Rico; create positions of Special Independent Prosecutors to investigate; criminally prosecute certain officials who may incur in criminal conduct; create a Panel and provide for its operation; impose certain duties and grant certain powers to the Secretary of Justice; and to provide funds for the implementation of this Act.

STATEMENT OF MOTIVES

Puerto Rico has been a country with a patrimony which is enviable for its cultural tradition, its unavoidable commitment to the fundamental principles of a democratic way of life, and especially for its firm adhesion to the most precious ethical and moral values inherent in the conduct of our People and that of our representatives in their government duties: the public servants.

Our People have the firm conviction that, as a general rule, the government bodies have complied with their responsibility in accordance with the most rigorous demands of morality and excellence.

Nevertheless, sometimes and as an exception to the rule, public servants set aside these moral and ethical standards, and incur in flagrant infractions of the law, or in intolerable and harmful practices.

Ordinarily, such undue actions presuppose illegal profits, in detriment of the State's patrimony, conflicts of interest, especially financial, or inadmissible acts of diverse nature.

The proliferation of practices of the nature indicated above, has created deep concern not only in our People but also on those of us who are depositaries of their trust for having vested them with the adequate powers to provide our country with an exemplary management of government.

In discharging this honorable responsibility, and for the purposes of preventing, eradicating and punishing any criminal or improper behavior by any government official, it is imperative that this legislative measure, which is an essential component of an integrated and innovative scheme, be approved in order to restore our People's trust in their government and in their public servants.

The mechanism of the Special Independent Prosecutor under the supervision of a Panel appointed by the Governor of the Commonwealth of Puerto Rico, and exclusively composed of former Justices of the Supreme Court or Judges of the Superior Court, or both, guarantees absolute objectivity in the investigations of high

government officials. Equally important is the fact that the institution of Special Independent Prosecutors and the Panel provide a neutral and independent forum where alleged or real illegal acts attributed to government officials may be palpably dilucidated before the People, thus offering an effective medium for honest officials to preserve their integrity and reputation.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Statement of Public Policy.

It is the public policy of the Commonwealth of Puerto Rico to encourage the dedication of its public servants and employees to public service with honesty, professional and personal excellence, and absolute dedication to the well-being and integral development of our People.

Section 2.—Definitions.

For the purposes of this Act, the following terms shall have the meaning expressed hereinbelow, unless it is otherwise understood from the text:

(1) Agency—means any government body of the Government of the Commonwealth of Puerto Rico, including its public corporations and dependencies, but excluding the municipal corporations and their political subdivisions.

(2) Special Prosecutor—means the Special Independent Prosecutor whose position has been created through this Act.

(3) Panel—means the Special Independent Prosecutor's Panel.

(4) Secretary—means the Secretary of Justice of Puerto Rico.

(5) Department—means the Department of Justice of Puerto Rico.

(6) Negative Determination—means the determination made by the Secretary that there is not sufficient cause to merit a more thorough investigation or the filing of charges.

Section 3.—Creation of the Position.

The position of Special Independent Prosecutor, is hereby created, henceforth denominated the Special Prosecutor, who shall be appointed pursuant to the provisions of this Act, and who shall have the responsibility of resorting to the Courts of Justice on behalf of the Government of the Commonwealth of Puerto Rico to file and prosecute the corresponding criminal actions resulting from the investigations he carries out on the matters assigned to him pursuant to this Act.

Section 4.—Preliminary Investigation.

(1) The Secretary of Justice shall carry out a preliminary investigation in every case in which he receives information under oath that, in his judgement, constitutes sufficient cause to investigate whether any of the following officials has committed any felony or misdemeanor included in the same transaction or event, and offenses against civil rights, public duties and the public treasury:

(a) the Governor;

(b) the Secretaries and Assistant Secretaries of the Government Departments;

(c) Heads and Assistant Heads of agencies;

(d) Executive Directors of public corporations;

(e) Mayors;

(f) members of the Legislative Assembly of Puerto Rico;

(g) Advisors and Aides of the Governor;

(h) judges, and

(i) any individual who has filled any of the offices mentioned above and who has been accused of any felony or misdemeanor included in the same transaction or event, and offenses against civil rights, public duties and the public treasury while in office, provided that the designation of the Special Prosecutor is made within four (4) years following the date that said individual left office. The fixing of this term in no way alters the prescriptive term of the corresponding criminal proceeding against that official or individual.

(2) Whenever the Secretary of Justice conducts a preliminary investigation with respect to the situation of any of the officials or individuals listed in subsection (1), above, the Secretary shall determine, based on the information available and the alleged facts, whether there is sufficient cause to believe that a felony and misdemeanor included in the same transaction or event and offenses against civil rights, public duties and the public treasury have been committed. The Secretary of Justice shall not recommend nor shall the Panel authorize the designation of a Special Prosecutor when the alleged crimes have prescribed. After the preliminary investigation is completed, the Secretary shall render a detailed report of such investigation to the Special Prosecutor's Panel, who shall be appointed pursuant to the provisions of Section 10 of this Act. Said report shall contain the recommendations of the Secretary as to whether the designation of a Special Prosecutor

is appropriate or not. Even when the recommendation of the Secretary is that no Special Prosecutor be designated, he shall be bound to refer his full report and file of the case to the Panel, which may appoint a Special Prosecutor and order an investigation of the case, at its discretion.

(3) Whenever an investigation is conducted regarding the conduct of any of the officials or individuals listed in subsection (1), above, if there is the need to file charges or accusations, such action shall not be conducted by the Secretary of Justice. Said responsibility shall always fall on the Special Prosecutor designated by the Panel.

Whenever the Secretary of Justice makes the determination as to whether he recommends the appointment of a Special Prosecutor or not, he shall notify it to the complainant who requested the appointment of a Special Prosecutor and to the official who is to be investigated.

(4) In those cases in which the Secretary of Justice understands that the information received against any of the officials or individuals listed in Subsection (1), above, does not constitute sufficient cause for an investigation, he shall so notify the Panel on the Special Prosecutor stating the grounds that justify his decision.

(5) The Controller of Puerto Rico, the Director of the Office of Government Ethics or the complainant may request the Panel to review the refusal of the Secretary of Justice to request a Special Prosecutor within fifteen (15) days of said notice. Likewise, the official to be investigated may request the Panel within fifteen (15) days after the serving of notice to review and not confirm the recommendation of the Secretary of Justice that a Special Prosecutor be designated.

If the Panel determines that the appointment of a Special Prosecutor is not in order, said determination shall be final and binding and no complaint may be filed again on the same facts.

(6) In the case that the Panel determines that the information received is frivolous, the Panel shall impose all costs incurred in the proceedings carried out pursuant to this Act, on the person who presented the same. The State shall reimburse every official subject to an investigation who is exonerated, a reasonable amount for the expenses incurred in attorney's fees, except in the cases of dismissal due to the prescription of the offenses charged.

Section 5.—Preliminary Investigation in the case of other officials, employees or individuals.

(1) Whenever the Secretary of Justice receives information that, in his judgment, constitutes sufficient cause to investigate whether any official, former official, employee, former employee or individual not listed in Section 4, has committed any of the crimes referred to in Section 4 of this Act, he may carry out a preliminary investigation at his discretion, and request the appointment of a Special Prosecutor whenever he determines that if the investigation is carried out by the Secretary of Justice, it may result in a conflict of interest.

(2) Whenever the Secretary determines that there is no conflict of interest whatsoever that may hinder an objective investigation by the Department of Justice; in such case, the Secretary shall designate the official who shall conduct the investigation, and the Department of Justice shall assume its jurisdiction.

Section 6.—Charges against the Secretary of Justice.

In those cases in which the commission of any of the crimes referred to in Section 4 of this Act is charged to the Secretary of Justice, the persons mentioned in Subsection (5) of Section (4) of this Act shall submit the information directly to the Panel which shall notify said information to the Secretary.

Whenever information is received directly by the Department of Justice in which the Secretary of Justice is charged with committing any of the crimes referred to in Section 4 of this Act, it shall be submitted to the Panel. In both cases the Panel shall make the corresponding determination using the same standards that apply to the investigations for accusations against any person or official subject to the provisions of this Act.

Section 7.—Reopening of Investigation for the introduction of new information.

If after the Secretary of Justice has informed the Panel that a preliminary investigation is not in order or that there is insufficient cause to merit a full investigation, he receives information that to the best of his knowledge should give rise to a preliminary or a full investigation, he shall immediately notify it to the Panel.

If the Secretary understands that there is sufficient cause to designate a Special Prosecutor after the carrying out the additional investigations that he deems pertinent, he shall notify it to the

Panel no later than ninety (90) days after having received said additional information.

Section 8.—Determination whether Preliminary Investigation is in order; Procedure.

(1) In order to determine whether there is cause to conduct a preliminary investigation, the Secretary of Justice shall take the following factors into consideration:

- (a) the seriousness of the charges made.
- (b) the degree of participation the official or former official, employee or former employee is charged with.
- (c) the data and grounds on which the charges are based.
- (d) the credibility of the person who brings the charges and that of other sources of information.

(2) Any report of the Controller or the Office of Government Ethics recommending to the Secretary of Justice the filing of criminal charges against any of the officials covered by the provisions of this Act, shall be deemed as sufficient cause to investigate for the purposes of Subsection (1) of this Section.

(3) In any case in which the Secretary of Justice receives a complaint from any source charging an employee, official, former employee or former official covered by Section 5, with any violation, the Secretary shall notify the Panel of said complaint and of the investigation it shall conduct.

(4) When the Secretary of Justice determines that carrying out a preliminary investigation is in order, he shall complete said preliminary investigation within a term that shall not exceed ninety (90) days from the date on which he receives the information. In those cases in which the Department of Justice deems that it has been impossible to conclude adequately the preliminary investigation within said term due to its nature and complexity, the Department may request the Panel, which may approve, at its discretion, an additional term which shall not exceed ninety (90) days.

(5) During the course of a preliminary investigation, the Secretary of Justice shall not grant immunity or plea bargain with officials, employees, former officials or former employees that are subject of said investigation. However, the Secretary may exercise such prerogative in those cases in which he assumes jurisdiction under the provisions of this Act to fully investigate and prosecute

the complaint or accusation already filed, once the preliminary investigation is completed.

(6) The Panel may review any determination of the Secretary issued pursuant to the provisions of Section 5 of this Act, and shall determine the convenience of appointing a Special Prosecutor to carry out the investigation and prosecution needed for the disposition of said complaint, subject to the provisions of Section 9 of this Act.

Section 9.—Non-compliance of the terms by the Secretary of Justice.

If the Secretary of Justice, after receiving a complaint or accusation against any official, employee, former official or former employee, based on the provisions of this Act, does not take any action within the term of ninety (90) days, or in a term not greater than one hundred and eighty (180) days when he obtains an extension by the Panel, he shall submit the entire file of the investigation to the Panel, which shall determine the convenience of appointing a Special Prosecutor to carry out the investigation and prosecution needed for the disposition of said complaint.

Section 10.—Designation of the Special Prosecutor's Panel.

(1) The Governor of Puerto Rico, with the advice and consent of the majority of the total number of the members that compose the Senate and the House of Representatives of the Commonwealth of Puerto Rico, shall designate a Panel composed of three (3) regular members chosen from among the former Justices of the Supreme Court or Judges of the Superior Court. The Governor of Puerto Rico shall also designate in the same manner, two (2) alternate members from among the former Justices of the Supreme Court or Judges of the Superior Court who shall be part of the Panel in case of any inhibition by a regular member or any other circumstance that would prevent any regular member from performing his duties. The regular members shall designate a Chairman of the Panel from among themselves.

(2) The members of the Panel shall hold office for a term of three (3) years after which they may be designated for another like term. The Panel shall be denominated the "Special Independent Prosecutor's Panel".

(3) The Governor of Puerto Rico shall not designate any person who is performing the duties of Special Judge, as a regular or alternate member of the Panel.

(4) In case of any vacancy, the Governor shall issue a new appointment for the unexpired term of the member of the Panel causing the vacancy.

(5) The decisions of the Panel shall be by majority.

(6) The members of the Panel shall have a right to per diems of one hundred (100) dollars for each day or part thereof devoted to performing their functions and duties and it shall be exempted from the payment of taxes fixed by Act No. 91 of June 29, 1954 as amended.

(7) The members of the Panel shall be deemed as public officials with respect to their actions in the performance of their duties, obligations and prerogatives under this Act.

Section 11.—Duties of the Special Prosecutor's Panel.

(1) The Panel may appoint a Special Prosecutor in any of the following cases:

(a) when the Secretary of Justice requests the appointment and, if the recommendation by the Secretary is challenged, the Panel concludes that a full investigation is merited because the filing of accusations or charges is in order, based on the report submitted by the Secretary and on any other information submitted to, or obtained by the Panel.

(b) when in a proceeding to review a negative determination made by the Secretary of Justice, the Panel determines based on the report submitted by the Secretary or on any other information submitted to or obtained by the Panel, that in opposition to the Secretary's determination, because the filing of accusations or charges is in order, a full investigation is merited.

(c) when, pursuant to Section 6 of this Act, the Secretary is charged with committing any of the crimes referred to in Section 4 of this Act, and the Panel determines that a full investigation is merited because the filing of accusations or charges might be in order. In any case, the Panel shall designate a Special Prosecutor only when the information submitted strictly complies with the following requirements:

- (i) It comes from a highly-credible source;
- (ii) it is detailed; and
- (iii) it establishes a high-degree of probability that any of the crimes referred to in Section 4 of this Act have been committed.

(2) In appointing a Special Prosecutor, the Panel shall establish the limits of his commission and jurisdiction. The Secretary shall reveal the identity of the Special Prosecutor, his commission and jurisdiction, when the Panel determines that revealing said information shall serve the best interests of justice. In any case in which formal charges are filed, the identity, commission and jurisdiction of each Special Prosecutor shall be revealed.

(3) The Panel may extend the commission and jurisdiction of a Special Prosecutor on duty, upon request of said Special Prosecutor, or the Secretary of Justice, or on its own initiative. Said determination may be made to avoid having to appoint a new Special Prosecutor. More than one matter or investigation may be entrusted to each Special Prosecutor.

(4) The Panel may consolidate the investigation under one single Special Prosecutor in special situations in which the investigations of several officials are interrelated.

(5) The Panel shall exercise due supervision over the Special Prosecutor so that the investigative task is diligently, expeditiously and quickly carried out to fully comply with the purpose of this Act, and with any other requirement or term that is applicable to the Special Prosecutor.

(6) The Panel may request from the Special Prosecutor whatever reports are needed to make any decisions that may simplify the commission and work of the Special Prosecutor, as well as the performance of a full investigation regarding the complaint or charge in question.

(7) In case of death, resignation or dismissal or separation from office of the Special Prosecutor, the Panel shall appoint a substitute on a temporary basis who shall exercise all duties, faculties and powers of the position until the vacancy is filled, and the Panel appoints a new Special Prosecutor, and he takes office.

Section 12.—Provisions regarding the Special Prosecutor

(1) Every Special Prosecutor shall be a lawyer admitted to practice by the Supreme Court of Puerto Rico, a citizen of the United States and a bonafide citizen and resident of Puerto Rico. The person designated by the Panel as Special Prosecutor shall be of renowned prestige, integrity, and moral and professional reputation.

(2) The Special Prosecutor's remuneration shall be fixed by an agreement adopted between him and the Panel.

(3) In the exercise of the authority granted by this Act, every Special Prosecutor shall have, with respect to the matters concerning his commission and jurisdiction, all the powers and faculties of the Department of Justice, the Director of the Bureau of Special Investigations and of any other official to whom the Act grants authority to investigate and prosecute violations to the Penal Act.

Every Special Prosecutor shall have the faculty and authority for the following, without it being construed as a limitation:

(a) contract professional or advisory services or those of any other nature without being subject to bidding;

(b) carry out any kind of investigations of individuals, entities and documents related to his jurisdiction or commission, for which he shall have access to the files and records of all the agencies of the Government of the Commonwealth, except to those that are confidential, pursuant to the statutes in force;

(c) resort to the courts to require that the information denied by any government official or employee or private individuals be surrendered to him, and which may contain any executive privilege plea or any other testimonial privilege;

(d) provide protection to witnesses summoned by him, and resort to the courts to request orders forbidding any conduct that may affect the peace of said witnesses;

(e) grant witnesses in criminal, civil or administrative cases the immunity he deems necessary for the effective compliance of his commission pursuant to the Act;

(f) require the collaboration of agencies so that they provide him with any resource or assistance he deems necessary to effectively comply with his commission;

(g) inspect, obtain or use the original or copy of any income tax return pursuant to applicable laws and regulations;

(h) take oaths and statements and require the appearance of witnesses and the production of books, letters, documents, papers, files and all objects needed for a full knowledge of the matters under investigation that are related to his jurisdiction and commission, under admonition of contempt;

(i) delegate the attorneys or officials under his supervision any faculty or power to investigate and prosecute the criminal actions that are in order within the range of his jurisdiction. The attorneys under his supervision may act as representatives of the Special Prosecutor in those matters that he expressly determines, and for

all legal purposes, these delegates shall be recognized as if their duties were being carried out directly by the Special Prosecutor;

(j) represent the Government of the Commonwealth of Puerto Rico in all those matters under his commission and jurisdiction in which it is a party to, or is interested in, and in the cases that are being appealed or are otherwise before the Supreme Court of Puerto Rico or before the United States courts;

(k) request the referral of matters related to his commission from the Secretary of Justice or the Panel;

(l) request the detachment from other government agencies of the human resources needed to carry out the kind of investigation commissioned.

(4) The Special Prosecutor shall complete the investigation commissioned to him within a term that shall not exceed ninety (90) days, counted from the date that the commission is received, provided, however, that the Panel may fix a special term in those cases in which it is justified. Whenever the Special Prosecutor deems that it is impossible to adequately complete the investigation in said term due to its nature and complexity, he may request an additional term that shall not exceed ninety (90) days from the Panel, which shall grant it at its discretion.

(5) The Special Prosecutor shall file the accusations and shall prosecute the corresponding actions within a term that shall not exceed thirty (30) days after the investigation is completed. The Panel may extend this term when it is justified.

(6) The appointment of a Special Prosecutor shall have the effect of fully depriving the Secretary of any jurisdiction over the investigation.

(7) For all legal purposes, the Special Prosecutor shall be deemed as a public official with respect to his actions in the performance of his duties, responsibilities and prerogatives under this Act.

Section 13.—Exclusive Jurisdiction

Every Special Prosecutor shall have exclusive jurisdiction to investigate and prosecute those criminal actions contained within the commission which he is assigned. However, the Secretary of Justice may intervene as "Amicus Curiae" with regard to any legal matter that may arise in any proceedings in which a Special Prosecutor takes part in his capacity as such, or in any appeal of said action.

Section 14.—Independence of the Position

In the exercise of the faculties and powers specified in this Act, no Special Prosecutor shall be subject to the authority or supervision of the officials or agencies of the Government of the Commonwealth of Puerto Rico, except as provided in this Act.

Section 15.—Reports

(1) Every Special Prosecutor shall submit to the Panel the partial reports he deems appropriate, or those that are requested from him with regard to his commission.

(2) Once the Special Prosecutor has completed his commission he shall submit a final report to the Panel, which shall contain a full and detailed description of the actions carried out, which shall be available to the public. He shall include in his report an account of the cases investigated and prosecuted. He shall state the reasons for deciding not to bring any action on the conduct or facts related to the commissioned investigation.

(3) The Special Prosecutor shall submit to the Legislative Assembly whatever information that, in his judgment, may constitute reasonable grounds to initiate an impeachment or expulsion proceedings. He shall likewise submit to the corresponding bodies any information that, in his judgment, constitutes reasonable grounds to file any other legal action.

Section 16.—Need for confidentiality to protect the investigation.

(1) The Special Prosecutor shall not disclose, except to the Panel any information obtained during the course of his investigation before the final report is filed.

(2) In order to preserve the confidentiality of the investigations and the rights of the persons charged, the Panel shall not disclose the information submitted to it, and shall forbid the access of the public to the proceedings being tried. In the cases requested, and as an exception, the Panel may disclose information or data under his control when such disclosure:

(a) does not unduly interfere with any pending judicial action or investigation;

(b) does not deny any person the right to a fair trial or impartial judgment;

(c) does not constitute an unreasonable intrusion of privacy;

(d) does not disclose the identity of a confidential source of information;

(e) does not expose investigative techniques or procedures to the public that may affect the course of these investigations; and

(f) does not jeopardize the life or physical safety of officials, persons or witnesses.

Section 17.—Causes and procedures for dismissal from Office

(1) The Special Prosecutor and the members of the Panel may be dismissed from office only for the following reasons:

(a) immoral conduct;

(b) professional incompetence or obvious ineptitude in the performance of their duties and obligations;

(c) conviction for any felony or misdemeanor that implies moral turpitude;

(d) unreasonable retaining of his office despite the conclusion of all the duties commissioned to him;

(e) dereliction of duties;

(f) obvious abuse of the authority conferred by this or other acts;

(g) the publication of a report whose disclosure is not authorized by this Act.

(2) The Special Prosecutor and the members of the Panel can be dismissed from office because of physical or mental disability. The dismissal shall be deemed as a voluntary resignation for all legal effects and purposes.

(3) The Special Prosecutor may be dismissed from office by the Panel, after charges have been brought, complying with due process of law.

(4) The Members of the Panel may be dismissed from office for the abovementioned reasons by the Governor of Puerto Rico, through the due process of law.

Section 18.—Term of office

The term of office of a Special Prosecutor shall expire when he submits a final report to the Panel, pursuant to the provisions of this Act. All property, cases files and documents related to the same shall remain in custody of the Panel.

Section 19.—No person who has been appointed Special Prosecutor shall fill any other public office during his term and until the year following the date he ceased as such.

Section 20.—Appropriation of Funds

The amount of five hundred thousand (500,000) dollars is hereby appropriated to the Secretary of the Treasury from unencumbered funds in the Commonwealth Treasury to be covered into a Special Fund which shall not be bound to a specific fiscal year. The Secretary of the Treasury shall authorize duly-certified disbursements from said Special Fund by any Special Prosecutor or the Panel as necessary expenses incurred in the performance of their duties, and transacted pursuant to the requirements and regulations especially adopted by the Secretary of the Treasury. In subsequent years, and whenever it is necessary, the Panel may request the funds needed to maintain said Special Fund with a minimum of five hundred thousand (500,000) dollars directly from the Legislative Assembly without having to obtain the prior approval of the Office of the Budget and Management.

Section 21.—Separability of the provisions

If any provision of this Act is declared unconstitutional by any Court of competent jurisdiction, the judgment rendered shall not affect nor invalidate the rest of this Act, and its effect shall be limited to the clause, paragraph, section or part declared unconstitutional.

Section 22.—Effectiveness

This Act shall take effect thirty (30) days after its date of approval; Provided, that its provisions shall apply to all information, report or complaint filed on facts that occur after the effective date of this Act.

Labor—Nullity of Stipulations on Waiver of Rights

(H.B. 999)

[No. 3]

[Approved February 24, 1988]

AN ACT

To provide the nullity of any stipulation in a fixed term work contract or to carry out a certain work, through which the laborer or employee authorizes his employer to discharge him at any time

or agrees to waive any right, benefit or compensation established under the laws of Puerto Rico, because of such discharge.

STATEMENT OF MOTIVES

Act No. 80 of May 30, 1976, was amended through the approval of Act No. 16 of May 21, 1982, which established the right of a worker contracted without a fixed term to compensation equivalent to one- (1-) month's salary plus the amount of an additional progressive weekly compensation for each year worked for his employer upon being discharged from this job without just cause. The amendment in question, expressly consigned in the above-mentioned Act No. 80, the unwaiveability of the right of an employee who is discharged from his work without just cause, to receive the compensation which he is entitled to, by virtue thereof. It also established the nullity of any contract or part thereof in which the employee contracted for an indefinite term waives the compensation provided by law, as it was provided in Act No. 17 of April 5, 1937, which was expressly repealed by the above-mentioned Act No. 16.

Upon repealing Act No. 17 of April 5, 1937, part thereof which provided the nullity of any stipulation through which the employee authorizes the employer to dismiss him at any time without just cause, waiving any additional right, benefit or compensation to which he would be entitled to pursuant to the laws of Puerto Rico, by his discharge, was rendered ineffective. As a result of this, the workers under contract for a fixed term, covered by Article 1476 of the Civil Code which provides that "field hands, mechanics, artisans or other laborers hired for a certain time or for a certain work cannot leave nor be dismissed without just cause before the contract is completed" have been devoid of protection.

There is a practice of hiring workers for a fixed term and including clauses in the contract itself by which the worker himself, forced by circumstances and the need of work, authorizes the employer to discharge him at any time before the termination of the term of the contract, and to waive the right to claim any compensation he is entitled to under the laws in effect, in case of being discharged.

In consideration of this fact and in view of the possibility that it could be argued and reasonably construed that the right of those employees under contract for a fixed term is waiveable in the light