

# Constitution of the Republic of Venezuela

(Unofficial translation)

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THE CONGRESS OF THE REPUBLIC OF VENEZUELA having called for the vote of the Legislative Assemblies of the States of Anzoategui, Apure, Aragua, Barinas, Bolivar, Carabobo, Cojedes, Falcon, Guarico, Lara, Merida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Tachira, Trujillo, Yaracuy, and Zulia, and having seen the favorable result of the voting, in representation of the Venezuelan people, for whom it invokes protection of God Almighty; with the aim of maintaining the independence and territorial integrity of the Nation, strengthening its unity, ensuring the freedom, peace, and stability of its institutions;

protecting and uplifting labor, upholding human dignity, promoting the general wellbeing and social security, achieving an equitable participation by all in the enjoyment of wealth, according to the principles of social justice; and promoting the development of the economy in the service of man;

maintaining social and legal equality, without discrimination on account of race, sex, creed, or social conditions;

cooperating with all other nations, and especially with the sister republics of the Hemisphere, in the aims of the international community, on the basis of mutual respect for sovereignty, the self determination of peoples, the universal guarantee of the individual and social rights of the human person, and the repudiation of war, of conquest, and of economic predominance as an instrument of international policy;

supporting the democratic order as the soul and irrenouncable means of ensuring the rights and dignity of citizens and favoring the peaceful extension to all the peoples of the earth;

and preserving and increasing the moral and historical patrimony of the Nation forged by the people in their struggles for freedom and justice and by the thoughts and deeds of the great servant of their country, whose highest expression is Simon Bolivar, the Liberator, decrees the following

## CONSTITUTION

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### TITLE I

#### THE REPUBLIC, ITS TERRITORY AND POLITICAL DIVISIONS

##### CHAPTER I

###### Fundamental Provisions

***Article 1.* The Republic of Venezuela is forever and irrevocably free and independent from any domination or protection by a foreign power.**

***Article 2.* The Republic of Venezuela is a federal state, within the terms affirmed by this Constitution.**

***Article 3.* The government of the Republic of Venezuela is and always shall be democratic, representative, responsible, and alternating.**

***Article 4.* Sovereignty resides in the people, who exercise it, by means of suffrage, through the organs of the Public Power.**

***Article 5.* The National flag, with the colors yellow, blue, and red; the national hymn "Glory to a Brave People;" and the coat of arms of the Republic, are the symbols of the country.**

**The law shall determine their characteristics and regulate their use.**

**Article 6.** The official language is Spanish.

## **CHAPTER II**

### **The Territory and Political Divisions**

**Article 7.** The national territory is that which belonged to the Captaincy General of Venezuela before the political transformation initiated in 1810, with the modifications resulting from treaties validly concluded by the Republic.

**Sovereignty, authority, and vigilance over the territorial sea, the contiguous maritime zone, the continental shelf, and the air space, and also the ownership and exploitation of property and resources contained within them, shall be exercised to the extent and under the conditions determined by law.**

**Article 8.** The national territory may never be ceded, transferred, leased, or in any way alienated, even partially or temporarily, to a foreign power.

**Within such area as is determined, foreign States may only acquire, under guarantees of reciprocity and with the limitations established by law, the real property necessary for the seat of their diplomatic or consular representation. The acquisition of real property by international organizations may be authorized only under the conditions and restrictions established by law. In all these cases sovereignty over the land shall always be retained.**

**Article 9.** The national territory is divided, for the purposes of the political organization of the Republic, into the States, the Federal District, the Federal Territories, and the Federal Dependencies.

**Article 10.** States may merge, alter their present boundaries, and decide upon exchanges or cessions of territory through agreements approved by their Legislative Assemblies and ratified by the Senate. Alterations of boundaries and exchanges or cessions of territory between the Federal District or the Federal Territories or Dependencies and the States may be accomplished through agreements between the National Executive and the pertinent States, ratified by the corresponding legislative Assemblies and by the Senate.

**Article 11.** The city of Caracas is the capital of the Republic and the permanent seat of the supreme organs of the National Power.

**The provisions of this article do not prevent the temporary exercise of the National Power in other places in the Republic.**

**A special law may coordinate the different jurisdictions existing within the metropolitan area of Caracas, without impairing municipal autonomy.**

**Article 12.** The Federal District and the Federal Territories shall be organized by organic laws, in which municipal autonomy shall be maintained.

**Article 13.** By a special law a Federal Territory may be given the status of a State and allotted all or part of the area of the Territory concerned.

**Article 14.** The Federal Dependencies are those portions of the territory of the Republic not included in the States, Territories, and Federal District, and also such islands as may be formed or appear in the territorial sea or in the sea covering the continental shelf. Their system of government and administration shall be established by law.

**Article 15.** The law may establish a special juridical system for those territories which, by the free determination of their inhabitants and with the approval of Congress, are incorporated into the Republic.

### CHAPTER III

#### The States

**Article 16.** The States are autonomous and equal as political entities. They are obligated to maintain the independence and integrity of the Nation; and to comply with and enforce the Constitution and the laws of the Republic.

They shall give faith and credit to public acts issued by national authorities, other States, and municipalities and shall see that they are executed.

Each State may preserve its present name or change it.

**Article 17.** The following are within the competence of each State:

- 1. The organization of its public powers, in conformity with this Constitution;**
- 2. The organization of its Municipalities and other local entities and their political and territorial division, in accordance with this Constitution and the national laws;**
- 3. The administration of its property and the expenditure of the constitutional allotment and other revenues pertaining to it, subject to the provisions of articles 229 and 235 of this Constitution;**
- 4. The use of the public credit, subject to the limitations and requirements established by national laws;**
- 5. The organization of the urban and rural police and the determination of the branches of this service to be placed under municipal jurisdiction;**
- 6. Any matters entrusted to it in accordance with article 137;**
- 7. Whatever is not, in conformity with this Constitution, within national or municipal competence.**

**Article 18.** The States may not:

- 1. Create customhouses or import, export, or transit taxes on foreign or domestic goods, or other sources of revenue under national or municipal jurisdiction;**
- 2. Tax consumer goods before they enter into circulation within their territory;**
- 3. Prohibit the consumption of goods produced outside their territory, or tax them differently from those produced within it;**
- 4. Levy taxes on livestock or on their products or by-products.**

**Article 19.** The Legislative Power in each State is exercised by a Legislative Assembly whose members must meet the same qualifications as those required by this Constitution to be a Deputy and shall be elected by direct vote with proportional representation of minorities, according to law.

The Legislative Assembly is competent to examine and monitor any act of the State public administration.

Members of the Legislative Assemblies shall enjoy immunity within the territory of their State from ten days before the beginning of sessions until ten days after the latter close or the member leaves office. This immunity shall be governed by the rules of this Constitution relative to the immunity of Senators and Deputies, to the extent that they are applicable.

**Article 20.** The powers of the Legislative Assembly are:

- 1. To legislate on matters within state competence;**
- 2. To approve or disapprove annually the actions of the Governor, in a special session called for that purpose;**
- 3. To sanction the Budget Law of the State; The total expenditures authorized by the Budget Law may in no case exceed the estimate of revenues for the pertinent period made by the Governor in the bill presented to the Legislative Assembly;**
- 4. Any others attributed to it by law.**

**Article 21.** The government and administration of each State are the responsibility of a Governor, who in addition to being executive head of the State is the agent of the National Executive in his district .

To be a Governor one must be a Venezuelan by birth, over thirty years of age, and a layman.

**Article 22.** The law may establish the manner of electing and removing Governors, in accordance with the principles set forth in article 3 of this Constitution. The pertinent bill must first be approved by the Chambers in joint session, by a vote of two thirds of their members. The law shall not be subject to veto by the President of the Republic. Until the Law provided for in this article is enacted, Governors shall be freely appointed and removed by the President of the Republic.

**Article 23.** The powers and duties of a Governor are;

- 1. To comply with and enforce this Constitution and the laws, and to execute and see to the execution of orders and resolutions received from the National Executive;**
- 2. To appoint and remove those officials and employees under him whose designation is not conferred upon some other authority, without prejudice to the laws governing the administrative career;**
- 3. To present to the Legislative Assembly a report of his administration for the year immediately preceding;**
- 4. To present to the Legislative Assembly the bill for the Budget Law.**

***Article 24.* Disapproval of the acts of a Governor shall cause his immediate removal in the event that this is expressly agreed upon by a vote of two thirds of the members of the Legislative Assembly .**

## **CHAPTER IV**

### **Municipalities**

***Article 25.* The Municipalities constitute the primary and autonomous political unit within the national organization. They are juridical persons and their representation shall be exercised by such organs as are determined by law.**

***Article 26.* The organization of Municipalities and other local entities shall be governed by this Constitution, by the rules established in national organic laws for the fulfillment of the constitutional principles, and by legal provisions enacted by the States in conformity therewith.**

***Article 27.* The law may establish different systems for the organization, government, and administration of Municipalities, based on population, economic development, geographical location, and other important factors. In all cases the municipal organization shall be democratic and respond to the particular nature of the local government.**

***Article 28.* Municipalities may be grouped into Districts. Municipalities may also join together for specified purposes within their competence.**

***Article 29.* The autonomy of a Municipality covers:**

- 1. The election of its authorities;**
- 2. Freedom of action on matters within its competence;**
- 3. The creation, collection, and expenditure of its revenues; Acts of Municipalities may not be challenged except before jurisdictional authorities, in accordance with this Constitution and the laws.**

**Article 30.** Within municipal competence are the government and administration of the interests peculiar to the entity, particularly in relation to its property and revenues and to the matters of concern to local life, such as urban development, supplies, traffic, culture, health, social welfare popular credit institutions, tourism, and municipal police.

The law may grant municipalities exclusive competence in particular matters and may also impose on them a compulsory minimum of services.

**Article 31.** Municipalities shall have the following revenues:

- 1. The proceeds from their common lands and their own property;**
- 2. Excises for the use of their property and services;**
- 3. Licenses on industry, business, and vehicles and taxes on urban real property and public entertainment;**
- 4. Fines imposed by municipal authorities and others attributed to them by law;**
- 5. State or national subsidies and donations; and**
- 6. Any other special taxes, excises and contributions that they impose according to law.**

**Article 32.** The common lands are inalienable and imprescriptible. They may be alienated only for construction in the cases established by municipal ordinance and after compliance with the formalities indicated therein. Those specified by law may also be alienated for purposes of agrarian reform, but those required for the development of urban centers shall in all cases be presented.

**Article 33.** Municipalities may make use of Public credit subject to such limitations and requirements as are established by law.

**Article 34.** Municipalities shall be subject to the limitations established in article 18 of this Constitution and may not levy on the products of agriculture, stock-raising, or food fishery any taxes other than those on retail trade.

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## **TITLE II**

### **Nationality**

**Article 35.** The following are Venezuelan by birth:

- 1. Those born in the territory of the Republic;**
- 2. Those born in foreign territory of native-born Venezuelan father and mother;**
- 3. Those born in foreign territory of a native-born Venezuelan father or a native-born Venezuelan mother, provided that they establish their residence in the territory of the**



Republic or state they desire to take Venezuelan nationality; and

4. Those born in foreign territory of a naturalized Venezuelan father or naturalized Venezuelan mother, provided that before reaching eighteen years of age they establish their residence in the territory of the Republic and before reaching twenty-five years of age they state their desire to take Venezuelan nationality.

*Article 36.* Foreigners who obtain a certificate of naturalization are Venezuelans by naturalization. Foreigners who by birth have the nationality of Spain or of a Latin American State shall enjoy special facilities in obtaining a certificate of naturalization.

*Article 37.* The following are Venezuelan by naturalization whenever they state their desire to be so;

1. A foreign woman married to a Venezuelan;
2. Foreign miners as of the date of naturalization of the person who has parental authority over them, if they reside in the territory of the Republic and make the statement before they reach twenty-five years of age; and
3. Foreign miners adopted by Venezuelans, if they reside in the territory of the Republic and make the statement before they reach twenty-five years of age.

*Article 38.* A Venezuelan woman who marries a foreigner retains her nationality unless she states her desire to the contrary and, according to the national law of her husband, acquires his nationality .

*Article 39.* Venezuelan nationality is lost:

1. By option or voluntary acquisition of another nationality;
2. By revocation of naturalization through a court judgment according to law.

*Article 40.* Venezuelan nationality by birth is recovered when the person who has lost it becomes domiciled in the territory of the Republic and states his desire to recover it, or when he remains in the country for a period of not less than two years.

*Article 41.* The statement of desire contemplated in articles 35, 37, and 40 shall be made in certified form by the interested party if over eighteen years of age, or by his legal representative if he has not reached that age.

*Article 42.* The law shall enact, in accordance with the spirit of the foregoing provisions, the substantive and procedural rules relating to the acquisition, option, loss, and recovery of Venezuelan nationality, shall resolve conflicts of nationality, shall establish the requirements, favorable circumstances, and formalities, and shall regulate the loss and annulment of naturalization by expression of desire and by the obtaining of a naturalization certificate.

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## TITLE III

### DUTIES, RIGHTS AND GUARANTEES

#### CHAPTER I

##### General Provisions

**Article 43.** All persons have the right to the free development of their personality, with no other limitations than those deriving from the rights of others and from the public and social order.

**Article 44.** No legislative provision shall have retroactive effect except when it imposes a lesser penalty. Procedural laws shall apply from the time they enter into force, even in cases that are pending; but in criminal trials evidence already introduced, insofar as it is beneficial to the defendant, shall be weighed in accordance with the law in force at the time it was given.

**Article 45.** Foreigners have the same duties and rights as Venezuelans, with the limitations and exceptions established by this Constitution and the laws.

Political rights are reserved to Venezuelans, except as provided in article 3.

Venezuelans by naturalization who have entered the country before they reached seven years of age and have resided there permanently until they attained their majority shall enjoy the same rights as Venezuelans by birth.

**Article 46.** Any act of the Public Power that violates or impairs the rights guaranteed by this Constitution is void, and the public officials and employees who execute it shall be held criminally, civilly, or administratively liable, as the case may be, and orders of superiors manifestly contrary to the Constitution and the laws may not serve as an excuse.

**Article 47.** In no case may Venezuelans or foreigners claim indemnity from the Republic, the States, or the Municipalities for damages, loss, or expropriation not caused by legitimate authorities in the exercise of their public office.

**Article 48.** Any agent of authority who carries out measures restricting freedom must identify himself as such when the persons affected so demand.

**Article 49.** The Courts shall protect every inhabitant of the Republic in the enjoyment and exercise of the rights and guarantees established in this Constitution, in conformity with the Law. Proceedings shall be brief and summary, and the competent judge shall have the power to reestablish immediately the legal situation infringed.

***Article 50.*** The enunciation of rights and guarantees contained in this Constitution should not be construed as a denial of others which, being inherent in the human person, are not expressly mentioned in it.

**The lack of a law regulating these rights does not impair the exercise thereof.**

## **CHAPTER II**

### **Duties**

***Article 51.*** Venezuelans have the duty to honor and defend their country, and to safeguard and protect the interests of the Nation.

***Article 52.*** Both Venezuelans and foreigners must comply with, and obey the Constitution and the laws, and the decrees, resolutions, and orders issued by legitimate organs of the Public Power in the exercise of their functions.

***Article 53.*** Military service is compulsory and shall be rendered without distinction as to class or social condition, in the terms and on the occasions fixed by law.

***Article 54.*** Work is a duty of every person fit to perform it.

***Article 55.*** Education is compulsory to the extent and under the conditions fixed by law. Parents and representatives are responsible for compliance with this duty, and the State shall provide the means whereby all may comply with it.

***Article 56.*** All persons are obligated to contribute to the public expenditures.

***Article 57.*** The obligations that belong to the State with respect to the assistance, education and well-being for the people do not exclude those which, by virtue of social solidarity, are incumbent on individuals according to their capacity. The law may impose compliance with these obligations in cases where it may be necessary. It may also impose on persons who aspire to practice particular professions the duty to render services for a certain time in such places and under such conditions as are indicated.

## **CHAPTER III**

### **Individual Rights**

***Article 58.*** The right to life is inviolable. No law may establish the death penalty nor any authority carry it out.

**Article 59.** Every person has the right to be protected against injury to his honor, reputation, or private life.

**Article 60.** Personal liberty and safety are inviolable, and consequently:

**1.** No one may be arrested or detained, unless caught *in flagrante*, except by virtue of a written order of an official authorized to decree the detention, in the cases and with the formalities prescribed by law. The summary proceedings may not be prolonged beyond the maximum legally fixed limit.

The accused shall have access to the proceedings of the summary hearing and to all means of defense prescribed by law as soon as warrant for arrest is issued.

In the event that a punishable act has been committed, the police authorities may adopt such provisional measures of necessity or urgency, as are essential to ensure investigation of the act and trial of the guilty parties. The law shall fix a brief and peremptory time limit within which the judicial authorities must be notified of such measures, and shall also establish a period during which the latter shall rule on them, it being understood that they have been revoked and are without effect unless confirmed within that period.

**2.** No one may be deprived of his liberty on account of obligations the non-compliance with which has not been defined by law as a crime or misdemeanor.

**3.** No one may be held incommunicado or subjected to torture or to other proceedings which cause physical or moral suffering. Any physical or moral attack inflicted on a person subjected to restriction of his liberty is punishable.

**4.** No one may be required to take an oath or compelled to make a statement or to acknowledge guilt in a criminal trial against himself, or against his spouse or the person with whom he lives as if married, or against his relatives within the fourth degree of consanguinity or second of affinity.

**5.** No one may be convicted in a criminal trial without first having been personally notified of the charges and heard in the manner prescribed by law.

Persons accused of an offense against the *res publica* may be tried *in absentia*, with the guarantees and in the manner prescribed by law.

**6.** No one shall remain in detention after an order for release has been issued by a competent authority or after the penalty imposed has been satisfied. The of bail required by law for granting provisional liberty of the person detained shall not give rise to any tax.

**7.** No one may be sentenced to perpetual or infamous punishment. Punishment involving restriction of liberty may not exceed thirty years .

**8.** No one may be tried for the same acts by virtue of which he has been tried previously.

**9.** No one may be the object of forced recruitment or subjected to military service except in terms regulated by law.

**10.** Measures of social interest against dangerous persons may be taken only by fulfilling the conditions and formalities established by law. Such measures shall in all cases be directed toward the re-adaptation of the person to life in society.

**Article 61.** Discrimination based on race, sex, creed, or social condition shall not be permitted. Documents of identification for civil transactions shall contain no descriptive mention of filiation. No official form of address shall be used other than "citizen" and "you" except in diplomatic formulas.

**Titles of nobility or hereditary distinction shall not be recognized .**

**Article 62.** The home is inviolable. It may not be broken into except to prevent the perpetration of a crime or to carry out, in accordance with the law, decisions of the courts.

**Sanitary inspections which are to be made in conformity with the Law may be undertaken only after prior notice from the officials who order than or who are to make them.**

**Article 63.** Correspondence in all its forms is inviolable. Letters, telegrams, private papers, and any other means of correspondence may not be seized except by judicial authority, with the legal formalities fulfilled and secrecy always maintained respecting domestic and private affairs that have no relation to the proceeding concerned. Books, receipts, and accounting documents may be inspected or audited only by competent authorities, in conformity with the law.

**Article 64.** All persons may travel freely through the national territory, change their domicile or residence, leave and return to the Republic, bring their property into the country or take it out, with no other limitations than those established by law. Venezuelans may enter the country without the necessity of any authorization whatever. No act of the Public Power may impose the penalty of banishment from the national territory against Venezuelans, except as commutation of some other punishment and at the request of the guilty party himself.

**Article 65.** All persons have the right to profess their religious faith and to practice their religion privately or publicly, provided that it is not contrary to the public order or morals .

**Worship shall be subject to the supreme inspection of the National Executive, in conformity with the law.**

**No one may invoke religious beliefs or disciplines in order to avoid complying with the laws or to prevent another from exercising his rights.**

**Article 66.** All persons have the right to express their thoughts by the spoken word or in writing and to make use of any means of dissemination, without prior censorship; but statements which constitute offenses are subject to punishment, according to law.

**Anonymity is not permitted. Likewise, propaganda for war, that which offends public morals, and that for the purpose of inciting disobedience of the laws shall not be permitted, but this shall not preclude analysis or criticism of legal precepts.**

**Article 67.** All persons have the right to present or address petitions to any public entity or official concerning matters that are within their competence, and to obtain an appropriate reply.

**Article 68.** All persons may make use of the agencies of the administration of justice to protect

**their rights and interests, under the terms and conditions established by law, which shall set rules that ensure the exercise of this right by anyone who does not have sufficient means.**

**Defense is an inviolable right at every stage and step of a trial.**

***Article 69.* No one may be judged except by his natural judges or sentenced to a punishment not established by a pre-existing law.**

***Article 70.* All persons have the right of association for lawful ends, in conformity with the law.**

***Article 71.* Everyone has the right to meet with others, publicly or privately, without previous permission, for lawful ends and without arms. Meetings in public places shall be governed by law.**

## **CHAPTER IV**

**Social Rights *Article 72.* The State shall protect associations, corporate bodies, societies, and communities that have as their purpose the better fulfillment of the aims of human beings and of social life, and shall promote the organization of cooperatives and other institutions devoted to improving the economy of the people.**

***Article 73.* The State shall protect the family as the fundamental nucleus of society, and shall see to the betterment of its moral and economic situation.**

**The law shall protect marriage, shall promote the organization of the unattachable family patrimony, and shall provide means of helping every family to acquire comfortable and hygienic housing.**

***Article 74.* Motherhood shall be protected, regardless of the civil status of the mother. The measures necessary to ensure to every child, without discrimination of any kind full protection, from his conception until he is full-grown, so that his development may take place under favorable material and moral conditions, shall be enacted.**

***Article 75.* The law shall provide means of enabling every child, regardless of his filiation, to know his parents so that they may fulfill their duty of aiding, feeding, and educating their children, and so that infancy and youth may be protected against abandonment, exploitation, or abuse. Filiation by adoption shall be protected by law. The State shall share with the parents, in a subsidiary manner and in the light of the resources of the latter, the responsibility incumbent on them in the rearing of children.**

**The assistance and protection of minors shall be the object of special legislation and of special agencies and courts.**

***Article 76.* All persons have a right to the protection of health. The authorities shall see to the maintenance of public health and shall provide the means of prevention and care for those who**

**lack them.**

**All persons are obliged to submit to health measures established by law, within the limits imposed by respect for the human person.**

***Article 77.* The State shall strive to improve the living conditions of the rural population. The law shall establish the special system required for the protection of Indian communities and their progressive incorporation into the life of the Nation.**

***Article 78.* All persons have a right to an education. The State shall create and maintain schools, institutions, and services sufficiently endowed to ensure an access to education and to culture, with no other limitations than those deriving from vocation and aptitudes. Education provided by public institutions shall be free at all levels. However, the law may establish exceptions with respect to higher and special education, where persons with means are concerned.**

***Article 79.* Any natural or juridical person may freely devote himself to the arts or sciences, and, upon demonstrating his capacity, establish professorships and educational establishments under the supreme inspection and supervision of the State. The State shall stimulate and protect private education that is provided in accordance with the principles contained in this Constitution and the laws.**

***Article 80.* Education shall have as its aim the full development of the personality, the formation of citizens filled for life and for the exercise of democracy, the promotion of culture, and the development of a spirit of human solidarity. The State shall guide and organize the educational system to achieve the aims set forth here.**

***Article 81.* Education shall be entrusted to persons of recognized morality and proven fitness for teaching, according to law. The law shall guarantee to teachers occupational security and a work system and standard of living in accord with their elevated mission.**

***Article 82.* The law shall determine what professions require a degree and what conditions that must be met to practice them. Membership in a professional association is compulsory for the practice of university professions so designated by law.**

***Article 83.* The State shall promote culture in its diverse forms and shall see to the protection and conservation of works, objects, and monuments of historical or artistic value found within the country, and shall seek to have them used for the promotion of education.**

***Article 84.* All persons have a right to work. The State shall seek to enable every fit person to obtain employment that will provide him with a worthy and decent living. Freedom of labor shall not be subject to any other restrictions than those established by law.**

**Article 85.** Labor shall be the object of special protection. The law shall provide whatever is necessary to improve the material, moral, and intellectual conditions of workers. Workers may not renounce provisions established by law to help or protect them.

**Article 86.** The law shall limit the maximum length of the work day. Except as specially provided for, the normal duration of work shall not exceed eight hours a day or forty-eight hours a week, and for night work, in those cases in which this is permitted, it shall not exceed seven hours a day or forty-two hours a week.

All workers shall be entitled to a remunerated weekly day of rest and to paid vacations in conformity with the law.

A progressive reduction in the work day shall be promoted, within the social interest and in such spheres as are decided upon, and appropriate provisions shall be made for better utilization of leisure time.

**Article 87.** The law shall provide means conducive to obtaining fair wages; it shall establish standards to ensure to every worker at least a minimum wage; it shall guarantee equal wages for equal work, without discrimination of any kind; it shall fix the share in the profits of enterprises that should belong to workers; and it shall protect wages and social benefits by making them unattachable in the proportion and cases specified and by any other privileges and guarantees that it may establish.

**Article 88.** The law shall adopt measures directed toward guaranteeing employment security and shall establish benefits to compensate workers for seniority of service and to protect them in case of unemployment.

**Article 89.** The law shall determine the responsibility incumbent on a natural or juridical person for whose benefit a service is rendered through an intermediary or contractor, without prejudice to the joint and several liability of the latter.

**Article 90.** The law shall favor the development of collective labor relations and shall establish appropriate regulations for collective negotiations and the peaceful solutions of disputes. Collective contracts shall be supported and the union clause may be included in them, under the conditions prescribed by law.

**Article 91.** Unions of workers and of employers shall not be subject to any other requirements, for existence and operation than those established by law for the purpose of ensuring a better accomplishment of their proper functions and of guaranteeing the rights of their members. The law shall specifically protect in their employment the promoters and leaders of labor unions during the time and under the conditions required for ensuring union freedom.

**Article 92.** Workers have a right to strike, under conditions fixed by law. In public services this



**right shall be exercised in such cases as the law may determine.**

***Article 93.* Women and minor workers shall receive special protection.**

***Article 94.* A system of social security to protect all inhabitants of the Republic against work accidents, illness, disability, old age, death, unemployment, and any other risks that can be covered by social security, and also against the burdens deriving from family life, shall be progressively developed.**

**Persons who lack financial means and are not in a position to obtain them shall have the right to social assistance until they are incorporated into the social security system.**

## **CHAPTER V Economic Rights**

***Article 95.* The economic system of the Republic shall be based on principles of social justice that ensure to all a decent existence useful to the community.**

**The State shall promote economic development and the diversification of production, in order to create new sources of wealth, to raise the income level of the population, and to strengthen the economic sovereignty of the country.**

***Article 96.* All persons may freely engage in the lucrative activity of their choice, with no other limitations than those provided in this Constitution and those established by law for safety, health, or other reasons of social interest.**

**The Law shall enact standards to prevent usury, undue price increases, and, in general, abusive maneuvers directed toward obstructing or restricting economic freedom.**

***Article 97.* Monopolies shall not be permitted. Only exclusive concessions for a limited period may be granted, in conformity with the law, for the establishment and exploitation of works and services of public interest.**

**The State may reserve to itself particular industries, exploitations, or services of public interest, for reasons of national advantage, and shall promote the creation and development of a basic heavy industry under its control.**

**The law shall decide matters concerning industries promoted and directed by the State.**

***Article 98.* The State shall protect private initiative, without prejudice to its power to enact measures for planning, rationalizing, and promoting production and for regulating the circulation, distribution, and consumption of wealth, in order to stimulate the economic development of the country.**

***Article 99.* The right to own property is guaranteed. By virtue of its social function property shall be subject to such taxes, restrictions, and obligations as the law may establish for purposes of**

**public utility or the general interest**

***Article 100.* Rights in scientific, literary, and artistic works, inventions, trade, names, trademarks, and slogans shall be entitled to protection for the time and under the conditions indicated by law.**

***Article 101.* The expropriation of any kind of property may be declared only for reasons of public benefit, by final judgment and the payment of fair compensation. In the expropriation of real property for purposes of agrarian reform or the expansion and improvement of towns, and in such cases as the law may determine for serious reasons of national interest, payment may be deferred for a specified time or partially settled by the issuance of bonds of compulsory acceptance, with sufficient guarantee.**

***Article 102.* Confiscation may not be decreed or executed except in the cases permitted by article 250. Exempt from this, with respect to foreigners, are measures accepted by international law.**

***Article 103.* Lands acquired for purposes of exploration or exploitation of mining concessions, including hydrocarbons and other combustible minerals, shall revert to full ownership by the Nation, without indemnity of any kind, when the pertinent concession is terminated for any reason.**

***Article 104.* Railways, highways, pipelines, and other means of communication or transportation constructed by enterprises exploiting natural resources shall be at the service of the public, under the conditions and with the limitations established by law.**

***Article 105.* The system of latifundium is contrary to the social interest. The law shall order measures conducive to its elimination, and shall establish rules directed toward granting land to rural workers and inhabitants who lack it, and toward providing them with the means necessary for making it productive.**

***Article 106.* The State shall attend to the protection and conservation of the natural resources within its territory, and their exploitation shall be directed primarily toward the collective benefit of Venezuelans.**

***Article 107.* The law shall establish rules relative to the participation of foreign capital in national economic development**

***Article 108.* The Republic shall favor Latin American economic integration. To this end it shall strive to coordinate resources and efforts to promote economic development and increase the common well-being and security.**

***Article 109.* The law shall regulate the formation, organization, and powers of the advisory bodies deemed necessary to hear the opinions of private economic sectors, the consuming public,**

organizations of workers, professional associations, and the universities, in matters of interest to economic life.

## CHAPTER VI Political Rights

***Article 110.*** Voting is a right and a public function. Its exercise shall be compulsory, within the limits and conditions established by law.

***Article 111.*** All Venezuelans who have reached eighteen years of age and who are not subject to civil interdiction or political disqualification are voters.

Voting in municipal elections may be extended to foreigners, under such residence and other requirements as the law may establish.

***Article 112.*** Voters who can read and write and who are over twenty-one years of age may be elected to and are fit to hold public office, with no other restrictions than those established in this Constitution and those deriving from the requirements of fitness prescribed by law for holding particular positions.

***Article 113.*** The electoral legislation shall ensure the freedom and secrecy of the vote, and shall recognize the right of proportional representation of minorities.

Electoral bodies shall be composed in such a way that no political party or group predominates, and their members shall be entitled to the privileges established by law to ensure independence in the performance of their functions.

Competing political parties shall have the right of oversight of the electoral process.

***Article 114.*** All Venezuelans qualified to vote have a right to associate in political parties in order to participate, by democratic methods, in the guidance of national policy.

Law makers shall regulate the formation and activities of political parties in order to ensure their democratic character and to guarantee their equality before the law.

***Article 115.*** Citizens have a right to demonstrate peacefully and without arms, with no other requirements than those established by law.

***Article 116.*** The Republic recognizes asylum in behalf of any person who is the object of persecution or is in danger for political reasons, under the conditions and requirements established by law and by the standards of international law.

# THE PUBLIC POWER

## CHAPTER I General Provisions

**Article 117.** The Constitution and the laws define the powers of the Public Power, and their exercise must be subject thereto.

**Article 118.** Each of the branches of the Public Power has its own functions, but the organs on which their exercise is incumbent shall collaborate with one another in the accomplishment of the aims of the State.

**Article 119.** Any usurped authority is without effect and its acts are null and void.

**Article 120.** Any decision arrived at by direct or indirect resort to force or by a meeting of individuals with subversive intent is null and void.

**Article 121.** The exercise of the Public Power carries with it individual liability for abuse of power or for violation of the law.

**Article 122.** The law shall establish an administrative career by setting standards for the entry, advancement, transfer, suspension, and retirement of employees in the National Public Administration, and shall provide for their incorporation into the social security system. Public employees are at the service of the State, not at that of any political faction. Every public official or employee is obligated to comply with the requirements established by law for holding his position.

**Article 123.** No one may hold more than one remunerated public position at the same time, except for academic, temporary, welfare, teaching, aldermanic, or electoral positions specified by law. The acceptance of a second position not exempted by this article implies resignation from the first, except in those cases provided for in article 141 or where the position is as an alternate who does not definitively replace the principal.

**Article 124.** No one in the service of the Republic, of the States, of the Municipalities, or of any other public juridical person may make a contract with them, either directly or through an intermediary or in representation of another, with such exceptions as may be established by law.

**Article 125.** No public official or employee may accept offices, honors, or compensation from foreign governments without prior authorization from the Senate.

**Article 126.** Without the approval of Congress no contract involving the national interest may be entered into, except those that are necessary for the normal conduct of the public administration

or those permitted by law. In no case may new concessions of hydrocarbons or other natural resources specified by law be granted unless the Chambers in joint session, duly informed by the National Executive as to all pertinent circumstances, so authorize, under the conditions they fix, with no waiver there-by of the fulfillment of legal formalities.

Likewise, no contract involving the national, state, or municipal interest may be entered into with foreign states or public agencies, or with companies not domiciled in Venezuela, or be transferred to them, without the approval of Congress.

The law may require particular conditions as to nationality, domicile, or others, or may require special guarantees, in contracts involving the public interest.

*Article 127.* In contracts involving the public interest, unless their nature renders it inappropriate, a clause shall be considered incorporated, even if not expressly stated, whereby any questions and disputes which may arise concerning such contracts and which are not amicably settled by the contracting parties shall be decided by the competent courts of the Republic, in accordance with its laws, and may not for any reason or cause give rise to foreign claims.

*Article 128.* International treaties or conventions concluded by the National Executive must be approved by a special law in order to be valid, unless they concern the execution or consummation of pre-existing obligations of the Republic, the application of principles expressly recognized by it, the execution of ordinary acts in international relations, or the exercise of powers which the law expressly confers on the National Executive. However, the Delegated Committee of Congress may authorize the provisional execution of international treaties or conventions whose urgency so requires, and these are to be submitted in all cases to the subsequent approval or disapproval of Congress.

In all cases, the National Executive shall report to Congress, at its next sessions, all international juridical agreements entered into, with a precise indication of their nature and contents, whether subject to its approval or not.

*Article 129.* In international treaties, conventions, and agreements concluded by the Republic, a clause shall be inserted whereby the parties bind themselves to decide by peaceful means recognized by international law or previously agreed upon by them, if such is the case, all controversies that may arise between the parties by reason of their interpretation or execution, if this is not inappropriate and if the procedure to be followed in concluding so permits.

*Article 130.* Since the Republic possesses the Right of Ecclesiastical Patronage, this will be exercised according to law. However, treaties or conventions may be concluded to regulate relations between the Church and the State.

*Article 131.* Military and civilian authority may not be exercised simultaneously by a single official, except by the President of the Republic, who shall be, by reason of his office, Commander in Chief of the National Armed Forces.

**Article 132.** The National Armed Forces form a non-political, obedient, and non-deliberative institution, organized by the State to ensure the national defense, the stability of democratic institutions, and respect for the Constitution and the laws, the observance of which shall always be above any other obligation. The National Armed Forces shall be at the service of the Republic, and in no case at that of any person or political faction.

**Article 133.** Only the State may possess and use weapons of war. All those that exist, that are manufactured, or are imported into the country shall become the property of the Republic, without compensation or proceedings. The manufacture, trade, possession, and use of other weapons shall be regulated by law.

**Article 134.** The States and Municipalities may organize only police forces, in accordance with the law.

**Article 135.** The constitutional terms of the National Power shall be five years, except by special provision in this Constitution. The terms of the state and municipal public powers shall be by national law and may not be less than two years or more than five.

## CHAPTER II

### Competence of the National Power

**Article 136.** The following are within the competence of the National Power:

1. The international relations of the Republic;
2. The protection and supreme oversight of the general interests of the Republic, the preservation of the peace, and the just application of the laws throughout the national territory;
3. The flag, coat of arms, hymn, holidays, decorations, and honors of a national character;
4. The naturalization, admission, extradition, and expulsion of foreigners;
5. The identification and national police services;
6. The organization and government of the Federal District and of the Federal Territories and Dependencies;
7. The monetary system and the circulation of foreign currencies;
8. The organization, collection, and control of taxes on income, capital, and estates and gifts; of levies on imports and for registration and fiscal stamps, and those on the production and consumption of goods which the law reserves in whole or in part to the National Power, such as those on alcohol, liquors, cigarettes, matches, and saltworks; those on mines and hydrocarbons; and all other taxes, excises, and revenues not attributed to the States or Municipalities which the law may create with a national character;
9. The organization and operation of the customs;
10. The operation and administration of mines and hydrocarbons, saltworks, unimproved

lands, and oysterpearl beds; and the conservation, development, and utilization of forests, waters, and other natural resources of the country.

The National Executive may, in conformity with the law, sell, lease, or make free grants of unimproved lands; but saltworks may not be alienated and mining concession may not be granted for an indefinite period.

The law shall establish a system of special appropriations for the benefit of States within whose territory the property mentioned in this numbered paragraph is located, without prejudice to the possibility of it also establishing other special appropriations for the benefit of other States. In all cases these appropriations shall be subject to the standards on coordination provided for in article 229 of this Constitution.

Unimproved lands on sea, river, or lake islands may not be alienated, and concessions for their use may be granted only in a manner that does not involve, directly or indirectly, a transfer of the ownership of the land,

11. The organization and mode of operation of the National Armed Forces;
12. The system of weights and measures;
13. The national census and statistics;
14. The establishment, coordination, and unification of technical standards and procedures for engineering, architectural, and urban development works;
15. The execution of public works of national interest;
16. The directives and bases for national education;
17. The technical direction, the establishment of administrative standards, and the coordination of services for protection of public health. The law may provide for the nationalization of these public services in accordance with the collective interest;
18. The conservation and stimulation of agricultural, fishery, and forest production;
19. The promotion of low-cost housing;
20. Matters relating to land transportation, to air, maritime, river, and lake navigation, and to wharves and other port works;
21. The opening and maintenance of national means of communication; aerial traction cables and railways, even if located within the boundaries of a State, with the exception of urban streetcars or cable cars, the concession and regulation of which are within the jurisdiction of the respective Municipalities;
22. The mails and telecommunications;
23. The administration of justice and the creation, organization, and competence of the courts; the Public Ministry;
24. Legislation regulating the guarantees conferred by this Constitution; civil, commercial, criminal, penitentiary and, procedural legislation; legislation on elections; legislation on expropriation by reason of public or social utility, that on public credit; that on intellectual, artistic, and industrial property; agrarian legislation; that on immigration and settlement; that on tourism; that on labor, welfare, and social security; that on animal and plant health; that on notaries and public registers; that on banks and other institutions of credit; that on lotteries, racetracks, and betting in general; and that concerning all matters within the national competence;
25. Any other matter which the present Constitution assigns to the National Power or which

pertains to it by its nature or kind.

*Article 137.* Congress, by a vote of two thirds of the members of the Chamber, may assign to the States or Municipalities particular matters within the national competence, in order to promote administrative decentralization.

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## TITLE V

### THE NATIONAL LEGISLATIVE POWER

#### CHAPTER I

##### General Provisions

*Article 138.* The Legislative Power is exercised by Congress, which is composed of two Chambers: the Senate and the Chamber of Deputies .

The Senate and Chamber of Deputies shall meet in joint session in those cases indicated in this Constitution and the laws, and to enact the regulations for Congress or whenever both Chambers so decide because they consider it necessary.

The President of the Senate and the President of the Chamber of Deputies shall preside over Congress as President and Vice President respectively. The regulations shall establish the manner of filling their temporary or occasional absences.

The Delegated Committee of Congress and all other Committees formed by the Chambers shall perform the functions given to them by this Constitution and the regulations.

*Article 139.* Congress shall legislate on matters within the national competence and on the functioning of the different branches of the National Power.

It is the privilege of Congress to decree amnesties, which it shall do by special law.

Congress also exercises control of the National Public Administration within the terms established by this Constitution.

*Article 140.* The following may not be elected Senators or Deputies:

1. The President of the Republic, the Ministers, the Secretary to the President of the Republic, and the President and Director of autonomous institutes until three months after total separation from their posts;
2. The Governors and Secretaries of Government of the States, the Federal District, and Federal Territories until three months after total separation from their posts, if the representation corresponds to their jurisdiction, or while in office if another jurisdiction is concerned; and



**3. National, state, or municipal officials and employees and those of autonomous institutes or of enterprises in which the State has a deciding participation, if the election will take place in the jurisdiction where they serve, except in cases of temporary, electoral, welfare, teaching, or academic positions, or of legislative or municipal representation. The law may establish the ineligibility of certain electoral officials .**

***Article 141.* Senators and Deputies may accept posts as Minister, Secretary to the President of the Republic, Governor, chief of diplomatic mission, or President of an Autonomous Institute, without losing their office.**

**To hold them they must withdraw from the pertinent Chamber, but may rejoin it upon leaving those functions. The acceptance of different mandates by popular election, in cases permitted by law does not authorize holding them simultaneously.**

***Article 142.* Senators or Deputies may not be held liable at any time for votes cast or opinions expressed in the exercise of their functions. They shall be liable only to the pertinent body in accordance with this Constitution and the regulations.**

***Article 143.* Senators and Deputies shall enjoy immunity from the date on which they are proclaimed elected until twenty days after the end of their term or their resignation, and consequently they may not be arrested, detained, confined or subjected to criminal trial, search of their person or home, or restrained in the performance of their functions.**

**In case of *flagrante delicto* of a serious nature committed by a Senator or Deputy, the competent authority shall place him in custody at his residence and immediately notify the pertinent Chamber or the Delegated Committee of the fact, with a duly detailed report. This measure shall cease if within a period of ninety-six hours the pertinent Chamber or the Delegated Committee does not authorize his remaining in that situation until a decision is reached on the search and seizure.**

**Public officials or employees who violate the immunity of Senators and Deputies incur criminal liability and be punished according to law.**

***Article 144.* The court that hears accusations or complaints against any member of Congress shall undertake the necessary indictment proceedings and transmit them to the Supreme Court of Justice for the purposes of section 2 of article 215 of this Constitution. If the Court rules that there are grounds for continuation of the case, the trial shall not be held until the search and seizure are first approved by the respective Chamber or the Delegated Committee.**

***Article 145.* The Chamber or the Delegated Committee may not agree to the search and seizure except at a session expressly convoked, at least twenty-four hours in advance, and by a considered decision approved by an absolute majority of the members.**

***Article 146.* In cases in which the search and seizure have been approved by the Delegated Committee, the pertinent Chamber may revoke it at its sessions immediately following.**

**Article 147.** Parliamentary immunity is suspended for a Senator or Deputy while he is holding a public office that involves separation from the Chamber or while he is on leave of absence for a time exceeding twenty days, provided that the summoning of his alternate is in order according to the regulations.

Alternates shall enjoy immunity while representing their principals, from the time they are summoned until twenty days after the representation ceases.

## CHAPTER II

### The Senate

**Article 148.** To form the Senate two Senators shall be elected from each State by universal and direct vote and two from the Federal District, plus any additional Senators resulting from the application of the principle of representation of minorities as established by law, which shall also determine the number and manner of election of alternates.

Also members of the Senate are those citizens who have held the Presidency of the Republic by popular election or have held it, in accordance with article 187 of this Constitution, for more than half a term, unless they have been convicted of an offense committed in the performance of their functions.

**Article 149.** To be a Senator a person must be a Venezuelan by birth and over thirty years of age.

**Article 150.** The powers of the Senate are:

1. To initiate the discussion of bills relating to treaties and international agreements;
2. To authorize the National Executive to alienate real property from the private domain of the Nation, with such exceptions as the law may establish;
3. To authorize public officials or employees to accept posts, honors, or recompense from foreign governments;
4. To authorize the use of Venezuelan military missions abroad or of foreign missions within the country, at the request of the National Executive;
5. To authorize the promotion of officers of the Armed Forces from Colonel or Naval Captain inclusive;
6. To authorize the President of the Republic to leave the national territory;
7. To authorize the appointment of the Attorney General of the Republic and the chiefs of permanent diplomatic missions;
8. To authorize, by vote of a majority of its numbers, the trial of the President of the Republic following a ruling by the Supreme Court of Justice that there are grounds therefor. If the trial is authorized, the President of the Republic is suspended from office .
9. To grant to illustrious Venezuelans who have rendered eminent services to the Republic the honors of the National Pantheon, when twenty-five years have elapsed since their death;
10. Any others assigned to it in this Constitution or the laws.

## CHAPTER III

### The Chamber of Deputies

**Article 151.** To form the Chamber of Deputies the number of Deputies determined by law according to the required population base, which may not exceed one percent of the total population of the country, shall be elected by universal and direct vote and with proportional representation of minorities.

The law shall fix the number and manner of election of alternates .

At least two Deputies shall be elected in each State.

**Article 152.** In order to be a Deputy a person must be a Venezuelan by birth and over twenty-one years of age.

**Article 153.** The powers of the Chamber of Deputies are:

- 1. To initiate the discussion of the budget and of any bill concerning the system of taxation;**
- 2. To adopt a vote of censure of the Ministers.**

A motion of censure may only be discussed two days after it is presented to the Chamber, which may decide, by two thirds of the Deputies present, that the vote of censure includes removal of the Minister. It may, in addition, order his trial;

- 3. Any others assigned to it in this Constitution and the laws.**

## CHAPTER IV

### Common Provisions

**Article 154.** The regular sessions of the Chambers shall begin, without the necessity of prior convocation, on March 2 of each year or the most immediately subsequent day possible and shall last until the following July 6. These regular sessions shall resume each year from October 1, or the most immediately subsequent day possible, until November 30, both inclusive. In the last year of a constitutional term the regular session shall last from March 2 until August 15. In any case, the Chambers in joint session, by a vote of an absolute majority of their members, may prolong these periods, when necessary, for the dispatch of pending matters.

**Article 155.** Congress shall meet in special sessions to deal with matters stated in the convocation and others connected therewith. It may also consider those declared to be urgent by either Chamber.

**Article 156.** The requirements and procedures for the installation and other sessions of the Chambers, and for the functioning of their Committees, shall be determined by the regulations.

**A quorum may in no case be less than an absolute majority of the members of each Chamber.**

**Article 157.** The Chambers shall open and close simultaneously, and they must meet in the same town. Any difference that may arise between them shall be resolved in joint session, by the vote of an absolute majority of those present.

**Article 158.** The following are exclusive powers of each of the legislative bodies:

- 1. To issue its regulations and apply such sanctions as are established therein against those who infringe them. The temporary removal of a Senator or Deputy may be approved only by a two-thirds vote of those present;**
- 2. To rule on the qualifications of its members and take cognizance of their resignations;**
- 3. To organize its police services;**
- 4. To remove obstacles that may prevent the exercise of its functions;**
- 5. To approve and execute its budget of expenses on the basis of the annual item fixed in the pertinent law;**
- 6. To execute and order the execution of resolutions concerning its functioning and the exclusive powers previously enunciated.**

**Article 159.** Acts of the legislative bodies in the exercise of their exclusive powers shall not be subject to the veto, examination, or control of the other powers, except as provided in this Constitution concerning the abuse of powers.

**Article 160.** The legislative bodies or their Committees may undertake any investigation they deem advisable, in conformity with the regulations.

**All officials of the public administration and of the autonomous institutes are obligated, under penalty of such sanctions as are established by law, to appear before them and to furnish such information and documents as are required for the fulfillment of their functions.**

**This obligation is also incumbent on private individuals, except as limited by the rights and guarantees established by this Constitution.**

**In all cases the interested party shall be notified of the purpose of his summons at least forty-eight hours in advance.**

**Article 161.** Exercise of the power of investigation to which the preceding article refers does not affect the authority appertaining to the Judicial Power in accordance with this Constitution and the laws.

**Judges shall be obligated to adduce evidence for which they receive a request from the legislative bodies.**

## **CHAPTER V**

### **Enactment of laws**

**Article 162.** Acts approved by the Chambers as co-legislative bodies shall be termed laws. Laws which systematically assemble the rules relating to a given subject may be termed Codes.

**Article 163.** Organic laws are those which are so designated by this Constitution and those which are invested with this character by an absolute majority of each Chamber when the pertinent bill is introduced there.

Laws which are enacted on matters governed by organic laws shall be subject to the norms of the latter.

**Article 164.** Bills may be introduced in either Chamber, except those which by special provision of this Constitution must necessarily be introduced in either the Senate or the Chamber of Deputies .

**Article 165.** The initiative for bills appertains to:

1. The Delegated Committee of Congress or the Permanent Committees of either Chamber;
2. The National Executive;
3. Senators and Deputies numbering not less than three;
4. The Supreme Court of Justice, when the laws concerned relate to judicial organization or procedures;
5. Not less than twenty thousand voters, identified according to law.

**Article 166.** Every bill shall have at least two discussions in each Chamber, on different days and in full Chamber, in accordance with the rules established in this Constitution and in their respective regulations.

**Article 167.** When a bill is approved in one of the Chambers it shall be sent to the other. If the latter approves it without amendments, it becomes sanctioned as law. If it approves it with amendments it shall return it to the Chamber of origin.

If the Chamber of origin accepts the amendments, it is thereby sanctioned as law. Otherwise, the Chambers in joint sessions shall decide by majority vote what is to be done with the articles on which there are discrepancies and those having a connection with them, and they may agree on a text different from that adopted by either Chamber. When the differences have been settled, the Presidency shall declare the law sanctioned.

**Article 168.** A bill approved by one Chamber may be approved by the other in a single discussion if declared urgent by two thirds of its members.

**Article 169.** Bills rejected may not be considered again in either Chamber during the sessions of the same year, unless presented by an absolute majority of one of them.

The discussion of bills that are pending at the end of one session may be continued in the following sessions if so decided by the pertinent Chamber.

**Article 170.** In the discussion of laws relating to judicial organization and procedure, Ministers have the right to voice in the discussion of laws. A Magistrate of the Supreme Court of Justice designated by the latter for that purpose has the same right.

**Article 171.** The text of laws shall obey the following formula:  
"The Congress of the Republic of Venezuela, Decrees".

**Article 172.** As soon as a law is sanctioned it shall be issued in duplicate in the final text resulting from the discussions. Both copies shall be signed by the President, the Vice President, and the Secretaries of Congress, and shall bear the date of final approval. For purposes of promulgation, one of these copies shall be sent by the President of Congress to the President of the Republic.

**Article 173.** The President of the Republic shall promulgate the law within ten days after the date of receipt, but within that period he may, with the approval of the Council of Ministers, ask Congress for its reconsideration, by means of an explanatory statement in order that certain provisions may be amended or its sanction of all or part of the law be withdrawn.

The Chambers in joint session shall decide on the points raised by the President of the Republic and may write a new text for the provisions objected to and those connected with them.

When a decision has been adopted by two-thirds of those present, the President of the Republic shall proceed with the promulgation of the law within the five days following its receipt, and he may not offer new comments.

When the decision has been reached by simple majority, the President of the Republic may choose between promulgating the law and returning it to Congress within the same five-day period for a new and final reconsideration. The decision of the Chamber in joint session is definitive, even if by simple majority, and the promulgation of the law must be made within the five days following its receipt.

In any case, if the objection is based on unconstitutionality, the President of the Republic may, within the period fixed for promulgating of a law, have recourse to the Supreme Court of Justice, requesting its decision as to the alleged unconstitutionality. The Court shall decide within a period of ten days, counted from the date of receipt of the communication from the President of the Republic. If the Court denies the claim of unconstitutionality, or does not decide within the aforementioned period, the President of the Republic must promulgate the law within five days after the decision of the Court or the expiration of that period .

**Article 174.** A law shall become promulgated upon being published with the corresponding "Cúmplase" (a formula of approval) in the Official Gazette of the Republic.

**Article 175.** Whenever the President of the Republic does not promulgate a law within the periods indicated, the President and Vice President of Congress shall proceed with its promulgation, without prejudice to any liability incurred by the President of the Republic for his omission. In such cases the promulgation of the law be made in the Official Gazette of the Republic or in the Gazette of Congress.

**Article 176.** The time period for the promulgation of a law approving an international treaty, convention, or agreement is left to the discretion of the National Executive, in conformity with international usage and the convenience of the Republic.

**Article 177.** Laws may be repealed only by other laws, and they may be amended wholly or in part. A law which has been partially amended shall be published in a single text which incorporates the amendments approved.

## **CHAPTER VI**

### **The Delegated Committee of Congress**

**Article 178.** While the Chambers are in recess there shall function a Committee composed of the President, Vice President, and twenty-one members of Congress who, with their respective alternates, shall be elected in a manner that reflects as far as possible the political composition of the Congress. The pertinent regulations shall establish the manner and time of electing the Delegated Committee and its internal operation.

**Article 179.** The Powers of the Delegated Committee of Congress are :

- 1. To ensure the observance of the Constitution and respect for citizens' guarantees and to adopt for these purposes such measures as may be called for;**
- 2. To exercise the functions of investigation invested in the legislative bodies;**
- 3. To designate special committees consisting of members of Congress ;**
- 4. To convoke Congress into special session when the importance of a matter so demands;**
- 5. To authorize the National Executive, by a favorable vote of two thirds of its members, to create, modify, or abolish public services, in case of proven urgency;**
- 6. To authorize the National Executive to decree credits outside the Budget;**
- 7. To authorize the President of the Republic to leave the national territory temporarily;**
- 8. Any others conferred on it by this Constitution and the laws .**

**Article 180.** The Delegated Committee shall report its actions to Congress .

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## **TITLE VI**

### **THE NATIONAL EXECUTIVE POWER**

#### **CHAPTER I**

## The President of the Republic

**Article 181.** The Executive Power is exercised by the President of the Republic and any other officials determined by this Constitution and the laws.

The President of the Republic is the chief of State and of the National Executive.

**Article 182.** To be elected President of the Republic a person must be a Venezuelan by birth, over thirty years of age, and a layman.

**Article 183.** The election of the President of the Republic shall be by universal and direct vote, in conformity with the law. The candidate who obtains a relative majority of votes shall be proclaimed elected.

**Article 184.** No one may be elected President of the Republic who is holding the Presidency at the time of an election or has held it for more than one hundred days in the immediately preceding year, or his relatives within the third degree of consanguinity or second of affinity. Likewise, no one who is holding the position of Minister, Governor, or Secretary to the Presidency of the Republic on the day of his becoming a candidate or at any time between that date and the election may be elected President of the Republic.

**Article 185.** Anyone who has occupied the Presidency of the Republic for a constitutional term or for more than half thereof may not again be President of the Republic or perform that office within the ten years following the termination of his mandate.

**Article 186.** The elected candidate shall assume the office of President of the Republic by taking an oath before the Chambers meeting in joint session within the first ten days in which they are to inaugurate their regular sessions for the year in which a constitutional term begins. If for any reason he is unable to take the oath before the Chambers in joint session, he shall do so before the Supreme Court of Justice. Whenever the President-elect does not take office within the period provided for in this article, the outgoing President shall resign his powers before the person called upon to replace him provisionally in case of absolute vacancy, in accordance with the following article, who shall exercise them as Chargé of the Presidency of the Republic, until the President-elect assumes the post.

**Article 187.** Whenever there is an absolute vacancy before the President-elect takes office, a new universal and direct election shall be held on the date set by the Chambers in joint session. If the absolute vacancy occurs after the assumption of office, the Chambers shall, within the next thirty days, proceed to elect a new President, by secret vote and in joint session, for the remainder of the constitutional term. In this case the provisions of article 184 shall not apply. In either case, until a new President is elected and assumes office, the Presidency shall be occupied by the President of Congress; if there is none, by the Vice President of Congress and, in his default, by the President of the Supreme Court of Justice.



**Article 188.** Temporary absences of the President of the Republic shall be filled by a Minister designated by the President himself and, in his default, by the person called upon to fill an absolute vacancy in accordance with the preceding article. If the temporary absence is prolonged for more than ninety consecutive days, the Chambers in joint session shall decide whether an absolute vacancy should be considered to exist.

**Article 189.** The President, or whoever is acting in his stead, may not leave the national territory without authorization from the Senate or from the Delegated Committee. Nor may do so without such authorization within the six months following the date on which he leaves office.

## CHAPTER II

### Powers of the President of the Republic

**Article 190.** The powers and duties of the President of the Republic are:

1. To enforce this Constitution and the laws;
2. To appoint and remove the Ministers;
3. To exercise, as Commander in Chief of the National Armed Forces, the highest-ranking authority over them;
4. To fix the size of the National Armed Forces;
5. To direct the foreign affairs of the Republic and make and ratify international treaties, conventions, or agreements;
6. To declare a state of emergency and order the restriction or suspension of guarantees in the cases provided for in this Constitution;
7. To adopt measures necessary for the defense of the Republic, the integrity of its territory, and its sovereignty, in the event of international emergency;
8. To enact extraordinary measures in economic or financial matters whenever the public interest so requires and he has been authorized to do so by special law;
9. To convoke Congress into extraordinary session;
10. To regulate the laws in whole or in part, without altering their spirit, purpose, or sense;
11. To order, in case of proven emergency during a recess of the creation and funding of new public services, or the modification or abolition of those in existence, with the authorization of the Delegated Committee;
12. To administer the National Public Finances;
13. To negotiate national loans;
14. To decree credits outside the Budget, with the authorization of the Chambers in joint session, or of the Delegated Committee ;
15. To make contracts in the national interest permitted by this Constitution and the laws;
16. To appoint, with the authorization of the Senate or of the Delegated Committee of Congress, the Attorney General of the Republic and the heads of permanent diplomatic missions;

- 17. To appoint and remove the Governor of the Federal District and the Federal Territories;**
- 18. To appoint and remove, in accordance with the law, those national officials and employees whose appointment is not vested in some other authority;**
- 19. To assemble in convention any or all of the Governors of the federal entities for better coordination of the plans and tasks of the public administration;**
- 20. To submit to Congress, personally or through one of the Ministers, special reports and messages;**
- 21. To grant pardons;**
- 22. Any others assigned to him in this Constitution or the laws. The President of the Republic shall exercise in Council of Ministers the powers enumerated in sections 6, 7, 8, 9, 10, 11, 13, 14, and 15 and those which he is empowered by law to exercise in the same manner.**

**Acts of the President of the Republic, with the exception of those mentioned in sections 2 and 3 of this article, must be countersigned by the appropriate Minister or Ministers in order to be valid.**

***Article 191.* Within the first ten days following the installation of Congress in regular sessions, the President of the Republic, personally or through one of the Ministers, shall present each year to the Chambers meeting in joint session a Message in which he shall give an accounting of the political and administrative aspects of his actions during the immediately preceding year. In this Message the President shall set forth the features of the plan for the economic and social development of the Nation.**

**The Message corresponding to the last year of a constitutional term must be presented within the first five days following the installation of Congress.**

***Article 192.* The President of the Republic is liable for his acts, in conformity with this Constitution and the laws.**

## **CHAPTER III**

### **The Ministers**

***Article 193.* The Ministers are the direct agents of the President of the Republic, and together comprise the Council of Ministers. The President of the Republic shall preside over meetings of the Council of Ministers, but he may designate a Minister to preside whenever he is unable to attend. In this case, the decisions taken shall not be valid unless they are confirmed by the President of the Republic. An organic law shall determine the manner and organization of the Ministries and their respective competence, and also the organization and functioning of the Council of Ministers.**

**Article 194.** The President of the Republic may appoint Ministers of State without assigning them a specific department. In addition to participating in the Council of Ministers and advising the President of the Republic on such matters as he entrusts to them, the Ministers of State may take charge of matters assigned to them by law.

**Article 195.** To be a Minister a person must be a Venezuelan by birth, over thirty years of age, and a layman.

**Article 196.** Ministers are liable for their acts, in conformity with this Constitution and the laws, even when they act under the express orders of the President. Ministers who when present shall be jointly and severally liable for decisions of the Council of Ministers, with the exception of those who have made known their adverse or negative vote.

**Article 197.** Each Minister shall present to the Chambers in joint session, within the first ten days of a regular session, a reasoned and adequate report on the actions of his Department during the immediately preceding calendar year and on its plans for the following year. He shall also present an accounting of the funds he has managed. The reports corresponding to the last year of a constitutional term must be presented within the first five days following the installation of Congress.

**Article 198.** No pronouncement of the legislative bodies concerning the reports or accounts shall free a Minister from liability for the acts of his Department. In any case, and as long as prescription has not taken effect, they may undertake an investigation and examination of those acts, even if they pertain to previous fiscal periods.

**Article 199.** Ministers have the right to voice in the Chambers and in their Committees, and they are obligated to attend them when called upon to report or to answer interpellations.

## CHAPTER IV

### The Office of the Attorney General of the Republic

**Article 200.** The Office of the Attorney General of the Republic shall be under the responsibility and direction of the Attorney General of the Republic, with the collaboration of such other officials as the law determines.

**Article 201.** The Attorney General of the Republic must have the same qualifications as those required of a Magistrate of the Supreme Court of Justice, and shall be appointed by the President of the Republic with the authorization of the Senate.

If during a recess of the Chambers an absolute vacancy occurs in the post of Attorney General of the Republic, the President of the Republic shall make a new appointment with the authorization of the Delegated Committee of Congress. Temporary and occasional absences shall be filled in the

manner determined by law.

*Article 202.* The functions of the Attorney General of the Republic are:

1. To represent and defend the patrimonial interests of the Republic judicially or extrajudicially;
2. To render opinions in the cases and with the effects indicated in the laws;
3. To give legal advice to the National Public Administration;
4. Any others attributed to him by law.

All legal advisory services of the National Public Administration shall collaborate with the Attorney General of the Republic in the performance of his functions, in the manner determined by law.

*Article 203.* The Attorney General of the Republic may attend, with the right to voice, meetings of the Council of Ministers when called upon by the President of the Republic.

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## TITLE VII

### THE JUDICIAL, POWER AND THE PUBLIC MINISTRY

#### CHAPTER I

##### General Provisions

*Article 204.* The Judicial Power is exercised by the Supreme Court of Justice and by such other courts as the organic law determines .

*Article 205.* In carrying out their functions judges are autonomous and independent of the other organs of the Public Power.

*Article 206.* Jurisdiction in matters of administrative law is vested in the Supreme Court of Justice and in such other Courts as the law determines.

The organs of the administrative-law jurisdiction are competent to annul general or individual administrative acts that are contrary to law, including misuse of power; to issue judgments requiring the payment of sums of money and the redress of damages originating in administrative liability; and to order whatever is necessary for the reinstatement of subjective juridical situations injured by administrative activity.

**Article 207.** The law shall provide whatever conduces to the establishment of a judicial career and to ensuring the fitness, stability, and independence of judges, and shall establish rules relating to the competence, organization, and functioning of the Courts insofar as this is not provided for in this Constitution.

**Article 208.** Judges may not be removed or suspended from office except in such cases and according to such procedure as the law determines .

**Article 209.** All other authorities of the Republic shall offer judges the collaboration they may require for the proper performance of their functions.

**Article 210.** The law shall determine matters relating to inspection of the functioning of the Courts, the means for attending to their functional and administrative needs, and the organization of auxiliary judicial services, all without impairing the autonomy and independence of judges.

## CHAPTER II

### The Supreme Court of Justice

**Article 211.** The Supreme Court of Justice is the highest Tribunal of the Republic. No recourse of any kind will be heard or admitted against its decisions.

**Article 212.** The Supreme Court of Justice shall function in Divisions, the composition and competence of which shall be determined by law. Each Division shall have at least five Magistrates.

**Article 213.** To be a Magistrate of the Supreme Court of Justice a person must be a Venezuelan by birth, a lawyer, and over thirty years of age.

In addition to these qualifications, the organic law may require practice of the legal profession, a judgeship, or university teaching of legal subjects for a specified time.

**Article 214.** Magistrates of the Supreme Court of Justice shall be elected by the Chambers in joint session for terms of nine years, but they shall be renewed by thirds every three years. Alternates shall be appointed in the same manner to fill absolute vacancies among the Magistrates; temporary or occasional vacancies shall be filled in the manner determined by law.

**Article 215.** The powers of the Supreme Court of Justice are:

- 1.** To declare whether or not there are grounds for the trial of the President of the Republic or persons acting in his stead, and, if there are, to continue trying the case, with the authorization of the Senate, until final sentence is issued;
- 2.** To declare whether or not there are grounds for the trial of members of Congress or of

the Court itself, of the Ministers, the Prosecutor General, the Attorney General, or the Comptroller General of the Republic, the Governors, or the chief of diplomatic missions of the Republic, and, if there are, to transmit the case to the competent regular Court, if a common offense, or continue trying the case until final sentence if a political offense, except as provided in Article 144 with respect to members of Congress.

3. To declare the total or partial nullity of national laws and other acts of the legislative bodies that conflict with this Constitution;
4. To declare the total or partial nullity of state laws, municipal ordinances, and other acts of the deliberative bodies of the States and Municipalities that conflict with this Constitution;
5. To settle any conflicts that may exist between different legal provisions and declare which of them is to prevail;
6. To declare the nullity of regulations and other acts of the National Executive when they violate this Constitution;
7. To declare the nullity of administrative acts of the National Executive whenever this is appropriate;
8. To settle controversies in which one of the parties is the Republic or a State or Municipality, when the other party is also one of these entities, except for controversies between Municipalities in the same State, in which case the law may provide that the case be heard by another Court;
9. To decide conflicts of competence between Courts, either regular or special, when there is no other higher court common to them;
10. To hear cases in cessation;
11. Any others conferred on it by law.

*Article 216.* The powers enumerated in sections 1 to 6 of the preceding article shall be exercised by the full Court. Decisions shall be rendered by an absolute majority of all Magistrates. The organic law may grant the powers enumerated in sections 2, 3, 4, 5, and 6 to a Federal Division presided over by the President of the Court and composed of Magistrates who have competence in administrative-law matters, in number not less than two representatives of each of the other Divisions.

### CHAPTER III

#### The Council on the Judiciary

*Article 217.* The pertinent organic law shall create a Council on the Judiciary, the organization and powers of which it shall fix for the purpose of ensuring the independence, efficiency, discipline, and decorum of the Courts and of guaranteeing the benefits of a judicial career to judges. Adequate representation on it must be given to the other branches of the Public Power.

### CHAPTER IV

## **The Public Ministry**

**Article 218.** The Public Ministry shall oversee the strict observance of the Constitution and the laws, and shall be in charge and under the direction and responsibility of the Prosecutor General of the Republic, with the help of such officials as the organic law determines.

**Article 219.** The Prosecutor General of the Republic must have the same qualifications as those of Magistrates of the Supreme Court of Justice, and shall be elected by the Chambers in joint session within the first thirty days of each constitutional term. In the event of an absolute vacancy in the post of Prosecutor General, a new election shall be held for the remainder of the constitutional term. Temporary and occasional absences of the Prosecutor General of the Republic, and the interim vacancy before an absolute vacancy is filled, shall be filled in the manner determined by law.

**Article 220.** The powers of the Public Ministry are:

- 1. To see to it that constitutional rights and guarantees are respected.**
- 2. To see to it that the administration of justice is swift and smooth and that the courts of the Republic apply the laws fairly in criminal trials and those that concern the public order and good morals ;**
- 3. To bring criminal actions in cases in which a petition by a party is not necessary to initiate and prosecute them, without prejudice to the right of courts to act directly when the law so provides;**
- 4. To see to the correct enforcement of the laws and the guarantee of human rights in jails and other prison establishments;**
- 5. To initiate such actions as may be appropriate to enforce civil, criminal, administrative, or disciplinary liability incurred by public officials in carrying out their functions; and**
- 6. Any others conferred on it by law.**

**The powers given to the Public Ministry shall not impair the exercise of the rights and actions pertaining to private individuals or to other officials in accordance with this Constitution and the laws.**

**Article 221.** The authorities of the Republic shall give to the Public Ministry whatever collaboration it may require for the proper performance of its functions.

**Article 222.** The Prosecutor General of the Republic shall present a report of his activities to Congress annually, within the first thirty days of its regular sessions.

# THE PUBLIC FINANCES

## CHAPTER I

### General provisions

**Article 223.** The system of taxation shall seek a fair distribution of burdens in accordance with the economic capacity of the taxpayer, based on the principle of progressivity and also the protection of the national economy and the raising of the standard of living of the people.

**Article 224.** No tax or other contribution may be collected that is not established by law, and no exemptions or exonerations from them may be granted except in the cases provided for in such a law.

**Article 225.** No tax payable in personal services may be established .

**Article 226.** A law which establishes or amends a tax or other contribution must fix a period of time before it is to take effect. If this is not done, it may not take effect until sixty days after it has been promulgated.

This provisions does not limit the extraordinary powers which are granted to the National Executive in the cases provided for in this Constitution.

**Article 227.** No expenditure shall be made from the National Treasury that has not been provided for in the Budget Law. Credits additional to the budget may be decreed only for necessary expenditures not provided for or for which the items were insufficient, and only if that the Treasury has the funds to meet the expenditure. For this purpose a favorable vote of the Council of Ministers and the authorization of the Chambers in joint session or, if in recess, of the Delegated Committee shall be prerequisite.

**Article 228.** The National Executive shall submit the proposed Budget Law to Congress at the time indicated in the organic law. The Chambers may alter budgetary items but may not authorize expenditures that exceed the amount of estimated revenues in the proposed Budget.

**Article 229.** The Budget Law shall include annually, with the name "allotment," an item which is to be distributed among the States, the Federal District, and the Federal Territories in the following manner: thirty percent (30%) of the amount in equal parts and the remaining seventy percent (70%) to be divided in proportion to the population of each of the Entities mentioned. This item shall not be less than twelve and a half percent (12.5%) of the total estimated ordinary revenues in the budget, and this minimum percentage shall be increased annually and consecutively, beginning with the budget for 1962, by at least one half percent (0.5%) until it reaches a definitive minimum of fifteen percent (15%). The pertinent organic law shall determine the share corresponding to municipal entities under this allotment.



**The law may enact rules to coordinate the expenditure of this allotment with administrative plans developed by the National Power, and may set limits on the emoluments to be received by officials and employees of federal and municipal entities.**

**In the event of a decrease in revenues that requires a readjustment of the Budget, the allotment will be readjusted proportionally.**

***Article 230.* Autonomous institutes may be created only by law, and in conformity with the pertinent organic law.**

**Autonomous institutes and the State interest in corporate bodies or entities of any nature shall be subject to the control of Congress, in the manner established by law.**

***Article 231.* Loans may be contracted only for income-producing works, except in case of obvious national necessity or advantage.**

**Public credit operations shall require, in order to be valid, a special law which authorizes them, with only such exceptions as are established in the organic law.**

***Article 232.* The State shall recognize no other obligations than those contracted by legitimate organs of the National Power, in accordance with the laws.**

***Article 233.* The provisions which govern the National Public Finances shall govern the Public Finances of the States and Municipalities insofar as they are applicable.**

## **CHAPTER II**

### **The Office of the Comptroller General of the Republic**

***Article 234.* The Office of the Comptroller General of the Republic is entrusted with the monitoring, supervision, and auditing of the national revenues, expenditures, and assets, and of operations related to them.**

**The law shall determine the organization and functioning of the Office of the Comptroller General of the Republic, and the occasions, nature, and scope of its intervention.**

***Article 235.* The functions of the Office of the Comptroller General of the Republic may be extended by law to the autonomous institutes, and also to the state or municipal administrations, without impairing the autonomy which is guaranteed to them by this Constitution.**

***Article 236.* The Office of the Comptroller General of the Republic is an auxiliary organ of Congress in its function of monitoring the Public Finances, and shall enjoy junctional autonomy in exercising its powers.**

***Article 237.* The Office of the Comptroller General of the Republic shall function under the direction and responsibility of the Comptroller General of the Republic.**

**To be Comptroller General of the Republic a person must be a Venezuelan by birth, over thirty years of age, and a layman.**

**Article 238.** The members in joint session shall elect the Comptroller General of the Republic within the first thirty days of each constitutional term.

**In the event of an absolute vacancy in the post of Comptroller General of the Republic, the Chambers in joint session shall conduct a new election for the remainder of the constitutional term.**

**Temporary and occasional absences of the Comptroller General of the Republic, and the interim vacancy before an absolute vacancy is filled, shall be filled in the manner determined by law.**

**Article 239.** The Comptroller General of the Republic shall present to Congress annually a report of the activities of his Office or concerning the Account or Accounts that have been presented to Congress by agencies and officials required to do so. He shall also present such reports as may be requested by Congress or the National Executive at any time.

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## **TITLE IX**

### **EMERGENCY**

**Article 240.** The President of the Republic may declare a state of emergency in the event of internal or external conflict or whenever there exists good cause that either may occur.

**Article 241.** In case of emergency, of disorder that may disturb the peace of the Republic, or of serious circumstances that affect economic or social life, the President of the Republic may restrict or suspend the constitutional guarantees, or some of them, with the exception of those proclaimed in article 58 and in sections 3 and 7 of article 60.

**The Decree shall state the grounds on which it is based, the guarantees that are restricted or suspended, and whether it shall be in force in all or part of the national territory.**

**The restriction or suspension of guarantees does not interrupt the functioning or affect the prerogatives of the organs of the National Power.**

**Article 242.** The Decree which declares a state of emergency or orders the restriction or suspension of guarantees shall be issued in Council of Ministers and submitted for consideration by the Chambers in joint session or by the Delegated Committee, within the ten days following its publication.

**Article 243.** The Decree of restriction or suspension of guarantees shall be revoked by the National Executive, or by the Chambers in joint session, as soon as the reasons for it have ended. Cessation of the state of emergency shall be declared by the President of the Republic in Council of Ministers

and with the authorization of the Chambers in joint session or of the Delegated Committee.

*Article 244.* If there is well-founded evidence for fearing imminent disturbance of the public order which do not justify the restriction or suspension of constitutional guarantees, the President of the Republic, in Council of Ministers, may adopt the measures necessary to prevent such events from occurring.

Such measures shall be limited to the detention or confinement of the suspects, and must be submitted to the consideration of Congress or of the Delegated Committee within the ten days following their adoption. If either body declares them to be unjustified, they shall terminate immediately; otherwise they may be maintained up to a limit of not more than ninety days. The law shall regulate the exercise of this power.

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## TITLE X

### AMENDMENTS AND REFORM OF THE CONSTITUTION

*Article 245.* Amendments to this Constitution shall be made in the following manner:

1. The initiative may come from one fourth of the members of one of the Chambers, or from one fourth of the Legislative Assemblies of the States, by decisions taken in not less than two discussions by an absolute majority of the members of each Assembly;
2. The amendment shall be initiated in regular sessions, but action thereon may continue in subsequent special sessions;
3. The bill containing the amendment shall be introduced in the Chamber where it was proposed, or in the Senate if it was proposed by the Legislative Assemblies, and it shall be discussed according to the procedure established in this Constitution for the enactment of laws;
4. If the amendment is approved by Congress, its Presidency shall transmit it to all the Legislative Assemblies for ratification or rejection in regular sessions, by decisions considered in at least two discussions and approved by an absolute majority of their members;
5. The Chambers meeting in joint session, in their regular session of the following year, shall count the votes of the legislative Assemblies and declare the amendment approved with respect to those points that have been ratified by two thirds of the Assemblies;
6. Amendments shall be numbered consecutively and shall be published at the end of the Constitution, without altering the text of the latter, but with a footnote to the amended article or articles giving the number and date of the amendment.

*Article 246.* This Constitution may also be subject to a general reform, in accordance with the

following procedure:

- 1. The initiative must come from one third of the members of Congress, or from an absolute majority of the Legislative Assemblies by decisions adopted in at least two discussions by an absolute majority of the members of each Assembly;**
- 2. The initiative shall be transmitted to the Presidency of Congress, which shall convoke the Chambers in joint session with at least three days' advance notice, to decide whether it is in order. The initiative shall be admitted by a two-thirds vote of those present;**
- 3. If the initiative is admitted, discussion of the bill shall begin in the Chamber indicated by Congress, and the procedure established in this Constitution for the enactment of laws shall be followed;**
- 4. The approved bill shall be submitted to referendum at a time fixed by the Chambers in joint session so that the people may express themselves in favor of or against the reform. The count of the votes will be communicated to the Chambers in joint session, which shall declare the new Constitution sanctioned if it is approved by a majority of the voters of the entire Republic.**

***Article 247.* Rejected initiatives of amendment or reform may not be reintroduced during the same constitutional term.**

***Article 248.* The President of the Republic may not veto amendments or reforms and is obligated to promulgate them within the ten days following their sanction. If he does not do so the provisions of article 175 shall apply.**

***Article 249.* The provisions relating to cases of urgency in the procedure for the enactment of laws shall not be applicable to amendments and reforms of the Constitution.**

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## **TITLE XI**

### **INVOLABILITY OF THE CONSTITUTION**

***Article 250.* This Constitution shall not lose its effect even if its observance is interrupted by force or it is repealed by means other than those provided herein. In such eventuality, every citizen, whether or not vested with authority, has the duty to collaborate in the re-establishment of its effective validity.**

**Those who are found responsible for the acts mentioned in the first part of the preceding paragraph shall be tried in accordance with this Constitution and laws enacted in conformity with it, as shall the principal officials of governments subsequently organized if they have not contributed to the re-establishment of its force and effect. Congress may decree, by decision**

approved by an absolute majority of its members, the confiscation of all or part of the property of such persons and of those who have been unlawfully enriched under the protection,\*\*\*\*\* the usurpation, in order to indemnify the Republic for the damages it has incurred.

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## TITLE XII

### FINAL PROVISIONS

*Article 251.* The transitory provisions are enacted in a separate text. They have the validity of constitutional principles and are sanctioned by the same formalities as those by which the present Constitution is adopted. Their text shall not be subject to amendment except by the procedure provided in Title X.

*Article 252.* The constitutional order that has been in effect up to the promulgation of this Constitution is hereby repealed.

Done, signed, and sealed in the Federal Legislative Palace, in Caracas, on the twenty-third day of January of nineteen hundred and sixty-one. 151st year of Independence and 102nd year of the Federation.

### TRANSITORY PROVISIONS

#### THE CONGRESS

#### OF THE REPUBLIC OF VENEZUELA

In conformity with the provisions of Article 251 of the Constitution and having called for the vote of the Legislative Assemblies of the States of Anzoategui, Apure, Aragua, Barinas, Bolivar, Carabobo, Cojedes, Falcon, Guarico, Lara, Merida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Tachira, Trujillo, Yaracuy, and Zulia, and having seen the favorable result of the voting, decrees the following

### TRANSITORY PROVISIONS OF THE CONSTITUTION

*First.* Until the laws provided for in Chapter IV of Title I of the Constitution are enacted, the present municipal system and organization of the Republic remains in force.

*Second.* Foreigners included in numerals 2 and 3 of Article 37 who become twenty-five years of

age within one year following the date on which this Constitution takes effect may make the statement of desire within that period.

***Third.*** Until a law establishes the special facilities to which article 36 of the Constitution refers, the acquisition of Venezuelan nationality by those who by birth have the nationality of Spain or of a Latin American State shall continue to be governed by the legal provisions now in effect.

***Fourth.*** Until a law establishes the appropriate substantive and procedural rules, the loss of nationality through revocation of naturalization shall be subject to current provisions of law, but an interested party may appeal the administrative decision to the Supreme Court of Justice within a period of six months following the date of publication of the revocation in the Official Gazette.

***Fifth.*** The protection of personal liberty, until a special law is enacted to govern it in conformity with the provisions of article 49 of the Constitution, shall be done in accordance with the following rules:

Any person who becomes subject to deprivation or restriction of his liberty, in violation of constitutional guarantees, has the right to ask the Judge of First Instance in Criminal Matters who has jurisdiction at the place where the action which has given rise to the request was taken or where the aggrieved person is to be found, to issue a *writ of habeas corpus*.

When the request, which may be made by any person, is received, the Judge shall immediately order the official in whose custody the aggrieved person is held to report within twenty-four hours as to the grounds for deprivation or restriction of liberty, and shall initiate a summary investigation.

The Judge shall decide, within a period of not more than ninety-six hours after the request was submitted, on the immediate release of the aggrieved or the cessation of the restrictions imposed, if he finds that the legal formalities for deprivation or restriction of liberty were not met. The judge may subject this decision to the granting of bail or prohibition of departure from the country by the aggrieved person, for a period of not more than thirty days, if he considers this necessary.

The decision issued by the Judge of First Instance shall be referred to the Superior Court, to which the case must be sent on the same or the following day. This referral shall not prevent the immediate execution of the decision. The Superior Court shall render its decision within seventy-two hours following the date of receipt of the case.

***Sixth.*** Until ordinary legislation fixes the time limits and periods to which the last paragraph of numeral 1 of article 60 of the Constitution refers, police authorities who have employed preventive detention measures must place the accused together with the action that has been taken, at the disposition of the appropriate Court within a time limit of not more than eight days, for purposes of summary proceedings. The examining Court must decide, with respect to the detention, within

**a time limit of ninety-six hours, except in serious and complex cases which require a longer time, which in no case shall exceed eight days. Only police authorities who by law are auxiliary officials of the Administration of Justice are empowered to take the measures provided for in article 60 of the Constitution.**

***Seventh.* The measures of banishment from the country adopted between January 23, 1958, and July 31, 1960, shall remain in effect until they are revoked by the Executive Power or by decision of the Chambers in joint session, but they may not be prolonged beyond the present constitutional term.**

**Persons subjected to deprivation or restriction of liberty for reasons of public order must be set free or submitted to the Courts of the Republic within a period of two months following the proclamation of the Constitution.**

***Eighth.* The provisions of the sole paragraph of article 148 of the Constitution are declared applicable to the present President of the Republic as soon as his term has expired and, as soon as this Provision takes effect, to the citizen who constitutionally occupied the Presidency of the Republic for the 1936-1941 term and to the citizen who was elected President of the Republic by popular vote for the constitutional term which began in 1948.**

***Ninth.* Senators and Deputies who on the date of promulgation of the Constitution are holding public offices not excepted in articles 123 and 141 of the Constitution may rejoin their respective Chambers during the course of the next regular session.**

***Tenth.* Until the law provides therefore, persons who have failed to comply with the provisions of article 160 of the Constitution shall be subject to the penalty provided in article 239 of the Penal Code .**

**If an official of the public administration or of an autonomous institute is concerned, he shall also be removed from office.**

***Eleventh.* Bills relating to international treaties and conventions and those concerning the system of taxation which on the date of promulgation of this Constitution are under consideration in the Chambers may continue to be discussed even if the former were initiated in the Chamber of Deputies and the latter in the Senate.**

***Twelfth.* The Chambers, if are meeting on the date of promulgation of the Constitution, or in subsequent regular or special session, shall, before recessing, conduct the election in joint session of the Delegated Committee provided for in article 175. Before conducting the election, the Chambers in joint session shall enact the pertinent regulations.**

***Thirteenth.* Whenever the law requires the authorization, approval, or sanction of the National**

**Congress for the validity of an act, the decision shall be taken by the Chambers in joint session, unless from the very nature of the act it appears that the procedure for the enactment of laws should be followed.**

***Fourteenth.* Judges shall continue to hold office for the term established in the legislation in force.**

**However, the Judicial Council, without prejudice to its other legal powers, may, within the year following the promulgation of the Constitution, remove, following summary investigation, those who have been guilty of any serious act affecting the dignity or decorum of the judiciary or who have shown manifest incapacity or deficiency in carrying out their functions.**

**The designation of a new judge and his alternates shall be made according to law.**

***Fifteenth.* The present sitting Members of the Federal Courts and the Court of Cassation shall comprise the Supreme Court of Justice for the remainder of the present constitutional term. The Court shall be installed within thirty days after the Constitution takes effect, and shall elect a President and two Vice Presidents from among its members.**

**Until the Organic Law of the Supreme Court of Justice is enacted, the following provisions shall govern: The Court shall function in three autonomous Divisions, known as the Political-Administrative Division, the Division of Civil, Commercial, and Labor Cassation, and the Division of Penal Cassation. The first of these Divisions shall consist of the sitting Members of the present Federal Court and shall have the powers conferred on that body by current legislation, and those established by numerals 2 and 4 to 9 of article 215 of the Constitution; the other two Divisions shall be composed of the sitting Members of the respective Divisions of the present Court of Cassation and shall have the powers conferred on those bodies by current law. The full Court shall have powers 1 and 3 of article 215 of the Constitution.**

**The present alternates of the Federal Court shall fill absolute vacancies of Magistrates of the Political-Administrative Division; and those of the Court of Cassation, such vacancies of the Magistrates of the Cassation Divisions.**

**The installation of the Supreme Court of Justice shall be governed, insofar as they are applicable, by the provisions of the Organic law of the Court of Cassation. Action taken by the full Court and by the Political-Administrative Division shall be governed, insofar as it is applicable, by the Organic Law of the Federal Court, and that of the Cassation Divisions, by the Organic Law of the Court of Cassation.**

**When the Magistrates are elected for the next constitutional term, the Chambers shall indicate those who are to serve nine, six, and three years respectively, for the purposes of article 214 of the Constitution.**



**The full Court shall settle any questions that may arise concerning the application of the system called for in this provision, and shall also settle those that may arise concerning the powers of the Prosecutor General of the Republic and of the Attorney General of the Republic.**

***Sixteenth.* The citizen elected to the post of Attorney of the Nation for the present constitutional term shall continue to perform, with the title Prosecutor General of the Republic, the functions conferred on the Public Ministry by the Constitution until the end of that term. He shall likewise perform the functions conferred by the Constitution on the Office of the Attorney General of the Republic until the President of the Republic makes the appointment provided for in article 201 of the Constitution. In the latter case, both officials shall perform the functions respectively conferred on them by the Constitution, in accordance with the laws in force, insofar as they are applicable according to the individual nature of each institution, until the appropriate organic laws are promulgated .**

***Seventeenth.* The citizen elected to the post of Comptroller of the Nation for the present constitutional term shall continue to perform, with the title Comptroller General of the Republic, the functions conferred by the Constitution on the Office of the Comptroller General of the Republic.**

**Until an organic law provides therefor, the citizen elected to the post of Assistant Comptroller of the Nation for the present constitutional term shall continue to perform, with the title Assistant Comptroller of the Republic, the functions assigned to him by law. Temporary or occasional absences of the Assistant Comptroller shall be filled by an official from the Office of the Comptroller named for the purpose by the Comptroller General of the Republic. In case of absolute vacancy, the Chambers in joint session or the Delegated Committee shall elect a person to replace him.**

***Eighteenth.* Until an organic law fixes the time for the presentation of the draft Budget Law, it shall be presented annually within the first fifteen days of the regular sessions of the Chamber.**

***Nineteenth.* The next constitutional term shall commence on March 2, 1964. On that date the Chambers shall be installed. The inauguration of the President of the Republic shall be conducted according to article 186 of the Constitution. The election of the Magistrates of the Supreme Court of Justice shall be held within the first thirty days after the beginning of the constitutional term.**

**The terms of the present deputies to the Legislative Assemblies and members of the Municipal Councils shall end on January 1, 1964, unless a law provides for their renewal at an earlier date.**

***Twentieth.* The property referred to in Decree No. 28 of February 6, 1958, of the Governing Junta reverts to the national patrimony .**

**This measure includes all property of the person to whom the Decree mentioned refers and that**

**unlawfully held by persons who have been declared intermediaries, in accordance with that Decree, before the promulgation of the Constitution.**

**The Attorney General of the Republic shall take the measures necessary for carrying out this provision, and the inventories he prepares shall serve as title of ownership by the State of such property, for all legal purposes.**

***Twenty-first.* There shall also revert to the national patrimony, to the amount determined by the Investigating Committee provided for in the law against unlawful Enrichment by Public Officials or Employees, the property belonging to persons summoned before it for investigation up to the date of promulgation of the Constitution and by reason of acts or occurrences prior to January 23, 1958.**

**In its decision, which shall have the character of a permanent final judgment, the Investigating Committee shall determine what property must revert to the national patrimony in accordance with this provision and what amounts shall remain owing to the National Exchequer from those who have unlawfully enriched themselves to an amount greater than the value of the property restored to the national patrimony. Interested parties may appear before the Supreme Court of Justice, in the Political-Administrative Division, within thirty consecutive days after publication of the decision, to demonstrate the partial or complete lawfulness of their enrichment. The Court shall examine and decide on the appeal in accordance with the procedure established in article 25 of the Organic Law of the Federal Court.**

**The Committee shall decide the cases currently being investigated in accordance with this provision within a period of three months counting from the date on which the Constitution takes effect. This period may be extended, in each case, by the Supreme Court of Justice, in its Political-Administrative Division, upon grounded application by the Investigating Committee.**

**The Attorney General of the Republic may also appeal to the Supreme Court of Justice whenever he considers that a decision of the Investigating Committee is contrary to the interests of the Republic .**

**Whenever by virtue of a decision of the Investigating Committee the suspension of all or any of the preventive measures taken on property of a person under investigation is in order, this suspension may not be carried out except in the event that the Attorney General of the Republic has not appealed to the Supreme Court of Justice within the period provided for in this provision.**

**If the Supreme Court of Justice decides that there has been no unlawful enrichment or that its amount is less than that estimated by the Investigating Committee, it shall fix the amount to be returned to the appellant to the extent that he was not unlawfully enriched and shall so inform the National Executive in order that it may determine the manner and time of payment, in accordance with article 16 of the Organic Law of the National Finances. However, the Court may order that**

**such payment be made, wholly or in part, from property which belonged to the person investigated, provided that its restitution is not contrary to the public or social interest.**

**In each case the Committee shall also decide on the claims of third parties asserting rights *in rem* to property covered by a decision and may order the cumulation of actions pending in the Courts if it deems this advisable. Such third parties may also appeal within thirty consecutive days to the Supreme Court of Justice, in its Political-Administrative Division, to validate their rights, and that body shall examine the claims pursuant to the article 25 cited above. If the claims of a third party are ruled in order, the National Executive may provide for their payment in the manner and time it shall specify or may authorize the delivery or auction of the property claimed, without prejudice to the terms of this provision. The Committee may declare simulated any transfers of property made by investigated persons after December 1, 1957.**

**Property which was acquired by investigated persons before taking the offices they held or before committing the acts which the measures are based may be included in the decision of the Investigating Committee only if the other property is not sufficient to cover the amount of the unlawful enrichment, except as established in this provision with respect to property of public or social interest.**

**The circumstance that judicial action has been taken against some of the persons included under this provision shall not prevent its application. Suits initiated in application of the provisions of the Law against Unlawful Enrichment of Public Official or employees, against persons included under the present transitory provision, shall be suspended and the cases shall be transmitted to the Investigating Committee. The application of this provision does not prevent the taking of criminal action for which there may be grounds according to law.**

**For purposes of carrying out the measures regulated herein, the rule contained in article 44 of the Constitution shall not apply, and both the Investigating Committee and the Supreme Court shall be subject only to the procedural provisions indicated here.**

***Twenty-second.* Article 44 and the last part of article 42 of the Law against the Unlawful Enrichment of Public Officials and Employees shall be applicable to the persons to whom the eighteenth provision refers and to those who have been unlawfully enriched according to decisions of the Investigating Committee or the Supreme Court of Justice.**

***Twenty-third.* The existing juridical system shall remain in effect unless it is amended or repealed by the competent organs of the Public Power, or is repealed expressly or by implication by the Constitution.**

**Done, signed, and sealed in the Federal Legislative Palace, in Caracas, on the twenty-third day of January of nineteen hundred sixty-one. -151st year of Independence and 102nd War of the Federation.**

The President,  
(L.S. )

Raul Leoni

The Vice-president,  
(L.S.)

Rafael Caldera

Oval Room of the Federal Palace, in Caracas, on the twenty-third day of January of nineteen hundred and sixty-one. 151 year of the Independence and 102nd year of the Federation.

Be it carried out and enforced.

The President of the Republic,  
(L.S.)

Romulo Betancourt

## THE CONGRESS OF THE REPUBLIC OF VENEZUELA

Having requested the vote of the Legislative Assemblies of the States: Anzoategui, Apure, Aragua, Barinas, Bolivar, Carabobo, Cojedes, Falcon, Guarico, Lara, Merida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Tachira, Trujillo, Yaracuy, and Zulia, and having seen the favorable results of the voting, decrees the following

### AMENDMENT 1 OF THE CONSITUTION

*Article 1* An amendment is hereby introduced in the Constitution, which shall bear the number 1 and be worded as follows:

"No person who has been found guilty by the Ordinary Courts and given a final sentence of confinement or imprisonment for a period of over three years for crimes committed in the exercise of public office or as a consequence of said person's public functions, may be elected President of the Republic, Senator or Deputy to the Congress, or Magistrate of the Supreme Court of Justice.

As agreed by the competent organisms, the only recourse shall be appealed before the Supreme Court of Justice, *en banc*, brought by any qualified voter. The Court shall make its decision within the ten days following receipt of the request. There shall be only one hearing on the appeal."

*Article 2.* The text of the Constitution, followed by the approved Amendment, shall be printed in its entirety and a reference to the number and date of this amendment shall appear at the end of articles 149, 152, 182, and 213 in the body of the text of the Constitution.

**Done, signed, and sealed at the Federal Legislative Palace, in Caracas, on the ninth day of May of nineteen hundred sixty-three. 164rd year of Independence and 115th year of the Federation.**

**THE CONGRESS  
OF THE REPUBLIC OF VENEZUELA**

**Having requested the vote of the Legislative Assemblies of the States: Anzoategui, Apure, Aragua, Barinas, Bolivar, Carabobo, Cojedes, Falcon, Guarico, Lara, Merida, Miranda, Monagas, Nueva Esparta, Portuguesa, Sucre, Tachira, Trujillo, Yaracuy, and Zulia, and having seen the favorable results of the voting, decrees the following**

**AMENDMENT 2 OF THE CONSTITUTION**

***Article 1.* For elections of Members of Municipal Councils, a special electoral system may be adopted that is different from that governing elections of Senators, Deputies, and Members of the Legislative Assemblies.**

**For elections of the latter, a special system may also be decided upon that is similar to or different from that stipulated for elections of municipal counselors.**

***Article 2.* Retirement and pension benefits shall be regulated by an Organic Law to which all public officials and employees in the service of the central or decentralized administration of the Republic, the States, or the Municipalities shall be subject. More than one retirement or pension benefit may be received only in cases expressly stipulated in that Law.**

***Article 3.* In the first year of each constitutional term, Regular Sessions of the Chambers shall begin, without the need for prior convocation, on January 23 or the earliest possible date thereafter .**

***Article 4.* The Chambers in joint session shall designate in each constitutional term a legislative committee composed of twenty-three (23) members, who with their respective alternates shall be elected in such a manner as to reflect as far as possible the political composition of the Congress of the Republic. The Rules of Procedure shall establish the procedures and other requirements that shall govern the discussion of bills.**

***Article 5.* The Chambers in joint session, at a meeting expressly convoked for that purpose at least twenty-four (24) hours in advance, may authorize the Legislative Committee to discuss and approve individually determined bills, when agreed to by two thirds of the members present. Once each bill has been approved by the Legislative Committee, the Committee shall send it to the President of the Congress, who shall order the text distributed among the members of both Chambers and shall convoke them to a joint session, after fifteen (15) days have passed since it was received.**

**The Chambers, meeting in joint session, in accordance with the Notice of Convocation, shall approve or reject any text submitted to them, and may introduce any amendments they deem desirable. Once a Bill has been approved, with or without amendments, the President shall declare it passed, and the subsequent procedures stipulated for the formation of Laws shall be carried out.**

***Article 6.* The Chambers may meet and function with whatever number of their members the Rules of Procedure may determine, but in no case fewer than one third of their members. To take a vote, an absolute majority of the Members of the Chambers must be present.**

***Article 7.* During the first year of each constitutional term, the National Executive shall present the general outlines of the plan for the social and economic development of the country to the Chambers meeting in joint session for approval. Such guidelines shall comply with the requirements stipulated in the pertinent Organic Law.**

***Article 8.* Transitory provisions. In the 1979-1984 constitutional term, the length of the term of the President of the Republic and of the Senators and Deputies shall be shortened by the number of days resulting from the application of article 3. Likewise, for the purposes set forth in article 185 of the Constitution, the period shall be reduced by the number of days resulting from the application of the above mentioned provision.**

***Article 9.* Let the Constitution followed by the approved amendment be printed in its entirety and let footnotes to articles 113, 122, 136, 139, 154, 156, 166, 167, 185, 227 and 231 of the text of the Constitution show the number and date of this amendment. In addition, let the transitory provisions of the Constitution that have not yet been implemented and article 8 of this amendment be published.**

**Done, signed, and sealed at the Federal Legislative Palace in Caracas on the eighteenth day of March of nineteen hundred eighty-three. 172nd year of Independence and 124th year of the Federation.**

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