**PORTUGAL REPORT**

Identification of the participant

Nationality: Portuguese.

Functions: Supreme Administrative Court of Portugal.

Length of service: 4 years at the STA of Portugal.

Identification of the exchange

Hosting jurisdiction/institution: Corte Suprema de Chile

City: Santiago

Country: Chile

Dates of the exchange: 15 de February to 2 of March

**SUMMARY**

The reception of the President of the Corte Suprema Mr. Haroldo Brito Cruz was very pleasing with an interesting exchange about judicial power in both countries Portugal and Chile.

After I received a very complete and usefull daily program for the days of the exchanging.

I visited the third room of the Corte Suprema, Apeal court of Santiago, Corporación Administrativa del Poder Judicial, Tribunal Constitucional , Tribunal de Contratación Pública, Tribunal Ambiental de Santiago, Tribunal Tributario e Aduaneiro and Consejo de Defensa del Estado-Contraloria General de la República.

Although very few days I could understand very well the administrative procedure in Chile.

Administrative matters are managed in different kind of courts in first instance some of them special courts.

There is no administrative and fiscal jurisdiction as in Portugal.

In Corte Suprema de Chile there are four rooms, the first room is civil, the second penal, the third is administrative and the four is labor.

In Corte de Apelacion there are 12 rooms and only two have specialization, one in labor and other in administrative that also decides other matters.

In 1st instance courts of judicial power are civil, penal and labor.

There are also special courts that do not form part of the Judiciary as the Tributary and Customs Courts, the Environmental Courts and Public Contraction.

These special courts that don´t belong to judicial power have autonomy but their decisions can be resource to the appeal court or even in certain cases to the Supreme Court.

**I- Programme of the exchange**

This exchange aimed was making contact with the organization of judicial power in a country so far that is recognized as one of the most developed of south America.

And I really noticed that the judicial power is organized in a very different way from Portugal and very developed in judicial procedures.

For example all de intervenients in courts since employers and judges have a double ecran that allows to see 2 documents at the same time.

All procedures in first instance are now digitals.

They also have in all courts computers so all persons can be informed about what is happening in a certain process.

They have a lot of preoccupation in transparency.

Despite the language barrier I could understand and be understood in managing the cases.

The international department of the Supreme Court organized a fantastic programme that allowed my access to the way the court functions and the organization of judicial power in Chile.

**II- The hosting institution**

The Supreme Court is made up of 20 members and a President, in its entirety 21.

It works with four sections of five members every day since Monday to Tuesday, as at Friday works full.

The first section is Civil, the second is Penal, the third is Administrative and the fourth Labor.

Judges can go on holidays when they want and there are recognized lawyers or appeal court judges that supply supreme court judges when they are on holidays or are sick or any reasons they are not at work.

There is a body the Administrative Corporation of the Judicial Power of Chile with legal personality, which depends exclusively on the Supreme Court, through which it exercises the administration of human, financial, technological and material resources for the functioning of the courts that are members of the Judicial Power.

This body, created in 1990 is composed of a Superior Council, a director, a deputy director, a chief of finance and budgets, a head of acquisitions and maintenance, a head of computing, a head of human resources and an internal controller.

The management of the Administrative Corporation of the Judicial Power of Chile corresponds to the Superior Council, which is composed of:

The President of the Supreme Court presides over it and the director of the Administrative Corporation acts as secretary of the Superior Council, with the right to speak at its meetings.

It´s function is the administration, acquisition, construction conditioning, maintenance and repair of movable and immovable property destined to the operation of the courts and of the judicial services or to fiscal housings for the judges, salaries, providing technical advice to the Supreme Court in the design and analysis of statistical information, in the development and application of computer systems and, in general, regarding the allocation, increase and administration of all resources of the Judicial Power, to obtain its use or optimal performance.

There are departments as information, natural ressources, aquisition and mantainement, and one that calls inovation.

Most of the persons that work there are management people and tecknics as informatics.

In each section called “room” of supreme court there are five judge that interview all of them in each case.

They meet and discuss and decide all together and only after the process is ditribuided and given for a judge in rotation with no distinction of matters.

But there 8 relators that really prepared the processes and in the oral hearing made a resume of it.

Only in that moment ministers take contact with process.

After oral lawers alegations the five judges decided.

Proceedings includes oral judgments only on matters of law. Both the parties and their lawyers are in a position to both question each other's claims and respond to them. There may also be added motivation additions at the oral trial hearing in which five judges rule as a rule. The date of the reading of the decision of the trial is scheduled.

The Supreme Court of Justice is in charge of the directive, correctional and economical superintendence of all the courts of the country, save the Constitutional Court, the National Board of Elections and the Regional Boards of Elections.

**III- The comparative law aspect in your exchange**

Comparing with Portugal and in addition to the differences already mentioned in previous items I think we in Supreme Court of Portugal spend much more time with each process, judges have much more material work and discuss much more but by other hand we have much less decisions.

**IV- Good Practice within the host jurisdiction.**

Although I thought it was an exaggerated poster, the oral hearing, when a question is only of law I realize a very positive value in practice when a relator tell the problems of the case, each lawyer oral alegations, and after 5 judges decide, the relater projects the decision and judge revise the projects and after all decide.

Decisions go so quickly.

And to receive the appeal is the same, the relator makes a resume and all 5 judges decide to admit or not.

This system makes decisions faster.

For five judges, that is a section in Supreme Court, there are 8 relators working.

I also think the Administrative Corporation of the Judicial Power of Chile and the really seems good ideas that function in practice.

**V- The benefits of the exchange**

The benefits of this program have resulted in being able to value our system and its way of functioning, realizing that there are always aspects that can be improved.

It was very interesting to realize how different can be the administrative system from Portugal.

**VI- Suggestions**

I do not have any suggestions for improving the program that was perfect for me.

I enjoyed very much and all my professional goals for the Exchange Program were fulfilled.