

placing the person sentenced on probation, may impose a fine, the amount of which shall be in the discretion of the Court; Provided, further, That the person placed on probation may be required, while on probation, to compensate the aggrieved party for the damages caused to him, or to assume the obligation of correcting the damage caused by his criminal act. Provided, further, that once on probation, the person shall remain under the legal custody of the Court until the expiration of the maximum term of his sentence.

In misdemeanors not arising from the same facts or from the same transaction which gave rise to a felony, the Court of First Instance may, likewise, suspend the effects of the sentence when the same is only imprisonment and shall direct that the person sentenced be placed on probation whenever, at the time said sentence is imposed, all the conditions hereinafter listed concur: (1) that prior to the date on which the sentence pronounced is to be suspended, said person has not been convicted, sentenced and imprisoned for any felony prior to the commission of the offense for which prosecuted, and to whom the effects of a previous sentence for a felony have not been suspended; (2) that the circumstances under which the offense was committed do not evince in the offender thereof a problem of behavior or character which requires the confinement of said person in any of the penal institutions of Puerto Rico for its favorable solution in the interest of the protection of the community; (3) that the trial judge has before him a report rendered to him by the Correctional Administrator, after the latter has thoroughly investigated the family background and social history of the person sentenced, and that, from the contents of this report, said trial judge may conclude that no aspect of that person's life evinces the need to have him confined in any of the penal institutions of Puerto Rico in order to attain his reform or rehabilitation intended by law as an adequate protective measure for the community. If the case for misdemeanor is heard in the District Court, the trial court shall request the Correctional Administrator to submit to it a report reflecting the family background and social history of the person sentenced. Prior to the date of the hearing to determine whether probation is to be granted or not, the District Court shall notify the prosecuting attorney of the corresponding Part of the Superior Court who may appear at said hearing, to set forth his objections to the granting of the privilege. Once probation is granted, the person shall remain under the legal custody of the Court until the expiration of the maximum term of his sentence.

In accordance with the above-mentioned provisions, the trial court may also suspend the effects of the sentence of imprisonment rendered in any case of involuntary manslaughter which has not been caused while driving a vehicle in a state of intoxication.

The Superior Court shall have original jurisdiction to hear felonies and misdemeanors arising from the same facts or from the same transaction, as previously provided."

Section 2.—This act shall take effect immediately after its approval.

Approved June 22, 1977.

Labor—Department of Labor and Human Resources; Renaming
(H.B. 328)

[No. 100]

[*Approved June 23, 1977*]

AN ACT

To redesignate the Department of Labor as "Department of Labor and Human Resources"; to attach the Right to Employment Administration thereto; to transfer functions related to Act No. 115 of June 21, 1968, as amended, and for other purposes.

STATEMENT OF MOTIVES

The Right to Employment Administration was created as an additional effort to fight the great problem of unemployment, through the creation of new employment opportunities in work and service projects of high social interest, to be defrayed as a whole or in part with public funds, and through the training and retraining of the unemployed, in order to enable them to occupy regular jobs which are vacant for lack of qualified personnel.

These aims, as expressed in the Statement of Motives of the act creating the Administration, are in harmony with some of the objectives and programs existing in the Department of Labor and which are part of the public policy framing the creation of said Department, which has as its principal objective the protection of the worker. This protective philosophy embraces the development of

human resources to the utmost capacity, so that the workers may perform adequately, in conformity with the training they may receive.

The existing efforts designed to fight unemployment must be integrated to achieve a better use of available manpower, so that the public policy on labor and human resources may flow in only one direction. By attaching the Right to Employment Administration to the Department of Labor, a more efficient and financially feasible coordination can be achieved in harmony with the spirit of newly-approved Act No. 71 of May 30, 1976, which provides for the Reorganization of the Executive Branch.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—

The Department of Labor of Puerto Rico, established under Section 6 of Article 4 of the Constitution of the Commonwealth of Puerto Rico, is hereby redesignated as "Department of Labor and Human Resources."

Section 2.—

The public corporation denominated Right to Employment Administration, created under Act No. 115 of June 21, 1968, amended,⁴⁹ is hereby attached to the Department of Labor and Human Resources. Likewise, all the functions, powers and duties vested in the Governor of Puerto Rico regarding the administration of said act are hereby transferred to the Secretary of said Department, who shall be known hereafter as Secretary of Labor and Human Resources.

Section 3.—

Notwithstanding the above provisions, the executive functions of the Right to Employment Administration shall be exercised by an Administrator appointed by the Governor, upon recommendation of the Secretary of Labor and Human Resources, and that Administrator shall hold said office for a period of four (4) years, until his successor is appointed and has taken office.

Section 4.—

Upon approval by the Governor of Puerto Rico, the Secretary of Labor and Human Resources is hereby empowered to transfer to the Right to Employment Administration the programs, activities and

⁴⁹ 29 L.P.R.A. § 1101 et seq.

functions related to said phase of human resources, in accordance with the purposes of this act.

Section 5.—

The Right to Employment Administration personnel shall retain all their rights or status pursuant to the laws, rules, regulations, and personnel classifications in effect on the date of approval of this act. Likewise, if such personnel were a beneficiary of any pension, retirement or savings and loan fund system, all rights, privileges, duties and status regarding the same that any act to that effect may provide for the personnel of the Department of Labor and Human Resources shall also be retained.

Section 6.—

The provisions of this act shall not be construed as to modify, alter, amend or invalidate any agreement, covenant, stipulation or contract executed or subscribed under the provisions of Act No. 115 of June 21, 1968, amended, which creates the Right to Employment Administration.

Section 7.—

Save for the modifications that are necessary to attach the Right to Employment Administration to the Department of Labor and Human Resources, the provisions of Act No. 115 of June 21, 1968, amended, shall continue in effect, except those in conflict with the purposes of this act which are hereby repealed.

Provided, further, that the rules, regulations or orders of such Administration, in effect on the date of approval of this act, shall continue in force until altered, modified, amended or repealed by the Secretary of Labor and Human Resources, in accordance with the purposes of this act.

Section 8.—This act shall take effect immediately after its approval.

Approved June 23, 1977.