

Judicial Terms in Panama's New Code of Civil Procedure: Innovations and Challenges.

In Panama's civil procedural system, terms are an essential pillar for ensuring the speed of the process and fairness between the parties, all with a view to the practical realization of the right to judicial protection. The new Code of Civil Procedure (C.P.C.) devotes Chapter III to the regulation of time limits, establishing precise rules on their calculation, suspension, interruption, and duration, in line with the philosophy behind this reform: to promote more agile and efficient proceedings, capable of delivering judicial decisions within a reasonable time, without undermining the rights of the parties.

One of the most significant changes in the new Code is the incorporation of the rule regarding the judge's loss of jurisdiction. This provision establishes that if the judge does not issue a ruling within one year from the date of notification of the lawsuit, they lose jurisdiction and the case must be referred to the next judge in line, with all proceedings carried out after the expiration of that term becoming legally ineffective (Art. 202 C.P.C.). This rule aims to ensure adequate judicial protection by imposing specific consequences for failing to meet the deadline for issuing the respective judicial decision, thereby guaranteeing the speed of the proceedings as an essential component of the new model of justice. Comparative doctrine has emphasized that the reasonable duration of the process is an indispensable element of the right to adequate judicial protection, as it implies the requirement to obtain a decision within a reasonable timeframe. This justifies the Panamanian legislature's decision to establish maximum time limits and to sanction non-compliance, including the loss of jurisdiction.

Another substantial change is evident in the evidence. Unlike the previous model of justice, with the entry into force of the new Code of Civil Procedure, the parties will have the opportunity to present, propose, or even request the opposing party to present evidence from the filing of the complaint (Art. 386 C.P.C.) or the answer, and up to ten days before the preliminary hearing (Art. 315 C.P.C.). Likewise, the possibility of presenting counterevidence is granted up to five days before said proceeding (Art. 618 CPC). As for objections and challenges, these are discussed and resolved at the preliminary hearing itself (Art. 255 CPC). All of this is directly linked to the philosophical pillar of the Code, which involves the introduction of shorter trials aimed at harmonizing procedural speed with the principles of immediacy and concentration, while ensuring the adequate protection of the parties' rights to defense and contradiction.

It is also important to emphasize that this new model of judicial management aligns with current technological trends, introducing specific rules for the Electronic Judicial File (Article



172, C.P.C.). Thus, the submission of briefs through the Automated Judicial Management System will be considered timely if entered into the electronic file by 11:59:59 p.m. on the last day designated for the expiration of the respective term (Art. 181 C.P.C.). This adjustment represents a significant step toward the digitization of justice, facilitating access and streamlining procedural management.

In conclusion, the new regime on judicial deadlines is not limited to introducing empty reforms. Instead, it implements substantial changes that reinforce the philosophy of this new legislation, aimed at ensuring shorter trials without undermining the rights of the parties. This consolidates terms as accurate instruments of procedural speed and balance between litigants, while technological modernization is incorporated as an essential axis of contemporary civil justice.

At Alcogal, we continuously monitor these changes to ensure that our clients' cases are handled promptly, with strategy and complete knowledge of the current judicial framework.



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