

CONSTITUTIONAL DOCUMENTS AVAILABLE for
THE REPUBLIC OF HONDURAS

[Introductory and Comparative Notes](#)

[Constitution of the Republic of Honduras, 1982 \(as Amended to 1991\)](#)

CONSTITUTION OF THE REPUBLIC OF HONDURAS
1982

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**Decree No. 131 of January 11, 1982
as amended to
Decree No. 5-91 of January 30, 1991**

**DECREE NO. 131
PREAMBLE**

We, the representatives elected by the sovereign will of the Honduran people, meeting in the National Constituent Assembly, invoking the protection of God and the example of our founding fathers, placing our faith in the restoration of the Central American union and faithfully interpreting the aspirations of the people who conferred upon us their mandate, hereby decree and sanction this Constitution so as to strengthen and perpetuate a rule of law which ensures a politically, economically and socially just society which affirms our nationality and establishes the conditions for the full realization of man as a human being, within a context of justice, liberty, security, stability, pluralism, peace, representative democracy and the common good.

CONSTITUTION OF THE REPUBLIC

TITLE I THE STATE

CHAPTER I The Organization of the State

Article 1

Honduras is a State of law, sovereign, constituted as a free, democratic and independent republic to ensure its inhabitants the enjoyment of justice, liberty, culture, and social and economic well-being.

Article 2

Sovereignty corresponds to the people, from whom emanates all the powers of the State, which are exercised through representation.

The supplanting of popular sovereignty and the usurping of the constituted powers shall be considered crimes of treason against the Fatherland. Responsibility in these cases shall be imprescriptible and an action may be initiated by the competent organ on its own motion or by petition of any citizen.

Article 3

No one owes obedience to a usurping government nor to those who assume office or public service by force of arms or by using means or procedures which violate or ignore the provisions established by this Constitution and other laws. The acts adopted by such authorities are null. The people have the right to resort to insurrection in defense of the constitutional order.

Article 4

The form of government is republican, democratic and representative. It is exercised by three powers: Legislative, Executive and Judicial, which are complementary, independent, and not subordinate to each other.

Alternation in the exercise of the Presidency of the Republic is obligatory.

Violation of this norm constitutes a crime of treason against the Fatherland.

Article 5

The government must be founded on the principle of democratic participation from which stems national integration. This implies participation by all political sectors in public administration, in order to ensure and strengthen the progress of Honduras, based upon political stability and national conciliation.

Article 6

The official language of Honduras is Spanish. The State shall protect its purity and increase its learning.

Article 7

The national symbols are: the flag, the coat of arms and the national anthem.

The law shall establish their characteristics and shall regulate their use.

Article 8

The cities of Tegucigalpa and Comayagüela, jointly, constitute the capital of the Republic.

CHAPTER II

The Territory

Article 9

The territory of Honduras is situated between the Pacific and Atlantic Oceans and the republics of Guatemala, El Salvador and Nicaragua. Its boundaries with these republic are:

1. With the Republic of Guatemala, those established by the arbitral award issued in Washington, D.C., United States of America, on January 23, 1933.
2. With the Republic of Nicaragua, those established by the Mixed Honduran-Nicaraguan Boundary Commission, in 1900 and 1901, according to the description of the first section of the dividing line, contained in the second act of June 12, 1900, and in later acts, to Portillo de Teotecacinte, and from that place to the Atlantic Ocean, in accordance with the arbitral award handed down by His Majesty the King of Spain, Alfonso XIII, on December 23, 1906, and declared valid by the International Court of Justice on November 18, 1960.
3. With the Republic of El Salvador, those established in Articles 16 and 17 of the General Peace Treaty signed in Lima, Peru, on October 30, 1980, whose instruments of ratification were exchanged in Tegucigalpa, Central District, Honduras, on December 10, 1980. In the sections pending delimitation the provisions of the pertinent articles of the above-mentioned Treaty shall be applied.

Article 10

The territories located on the mainland within its territorial limits, its inland waters and its islands, islets, and the cays in the Gulf of Fonseca which historically, geographically and legally belong to it, are part of Honduras. So are the Bay Islands, the Swan Islands, also known as Santanilla or Santillana, Viciosas, Misteriosas; and the cays Zapotillos, Cochinos, Vivorillos, Seal or Foca (or Becerro), Caratasca, Cajones or Hobbies, Mayores de Cabo Falso, Cocorocuma, Palo e Campeche, Los Bajos Pichones, Media Luna, Gorda and Los Bancos Salmedina, Providencia, De Coral, Cabo Falso, Rosalinda and Serranilla, and all others located in the Atlantic that historically, geographically and juridically belong to it.

The Gulf of Fonseca may be put under a special regime.

Article 11

The following also belong to the State of Honduras.

1. The territorial sea to a distance of twelve nautical miles, measured from the baseline of the lowest tide along the entire coast;
2. The zone contiguous to its territorial sea, which extends up to twenty-four nautical miles, measured from the baseline from which the breadth of the territorial sea is measured;
3. The exclusive economic zone, which extends up to a distance of two hundred nautical miles, measured from the baseline from which the breadth of the territorial sea is measured;
4. The continental shelf, which includes the bed and the subsoil of the submarine platform, which extends beyond its territorial sea and along the entire length of the natural extension of its territory to the outer limits of its continental border, or instead to a distance of two hundred nautical miles from the baseline from which the breadth of the territorial sea is measured in those cases in which the outer limits of the continental border does not reach that distance; and
5. Concerning the Pacific Ocean, the previous measures shall be taken from the line of the closure of the mouth of the Gulf of Fonseca, out to the high seas.

Article 12

The State exercises sovereignty and jurisdiction over the air space, and the subsoil of its continental and insular territory, its territorial sea, its contiguous zone, its exclusive economic zone, and its continental shelf.

This declaration of sovereignty does not ignore similar legitimate rights of other States on a basis of reciprocity, and it neither affects the rights of free navigation of all nations, in accordance with international law, nor compliance with those treaties or conventions ratified by the Republic.

Article 13

In those cases referred to in the preceding articles, the domain of the State is inalienable and imprescriptible.

Article 14

Foreign States may only acquire, in the territory of the Republic, on a basis of reciprocity, such real estate as may be necessary for the seat of their diplomatic mission, without prejudice to the provisions of international treaties.

CHAPTER III Treaties

Article 15

Honduras supports the principles and practices of international law, that promote the solidarity and self-determination of peoples, nonintervention and the strengthening of universal peace and democracy.

Honduras proclaims as ineludible the validity and obligatory execution of arbitral and judicial awards of an international character.

Article 16

All international treaties must be approved by the National Congress before their ratification by the Executive Power.

International treaties entered into by Honduras with other States form part of the domestic law as soon as they enter into force.

Article 17

When an international treaty affects a constitutional provision, it must be approved through the same procedure that governs reform of the Constitution before being ratified by the Executive Power.

Article 18

In case of conflict between the treaty or convention, and the Law, the former shall prevail.

Article 19

No authority may enter into or ratify treaties or grant concessions that damage [*lesionen*] the territorial integrity, the sovereignty or the independence of the Republic.

Anyone who does so shall be tried for the crime of treason to the Fatherland. Responsibility in such a case is imprescriptible.

Article 20

Any treaty or convention entered into by the Executive Power, relating to the national territory, shall require approval by the National Congress by a vote of not less than three-fourths of the total of its members.

Article 21

The Executive Power may, in matters of its exclusive competence, enter into, or ratify or adhere to international conventions with foreign states or international organizations without the previous requirement of approval by congress, whom it must inform immediately.

TITLE II NATIONALITY AND CITIZENSHIP

CHAPTER I Hondurans

Article 22

Honduran nationality is acquired by birth or by naturalization.

Article 23

The following are Hondurans by birth:

1. Those born within the national territory with the exception of the children of diplomatic agents;
2. Those born abroad of a Honduran father or mother by birth;
3. Those born on board Honduran vessels or aircraft of war, and those born on merchant vessels while they are in Honduran territorial waters; and
4. The infant of unknown parents found on the territory of Honduras.

Article 24

The following are Honduran by naturalization:

1. Central Americans by birth who have resided in the country for one year;
2. Spaniards and Ibero-Americans by birth who have resided in the country two consecutive years;
3. Those other foreigners who have resided in the country more than three consecutive years;
4. Those who have obtained naturalization papers decreed by the National Congress for extraordinary services rendered to Honduras;
5. Those immigrants that formed part of selected groups brought in by the government for scientific, agricultural or industrial purposes, who after one year of residence in the country fulfill the requirements of the Law; and
6. The foreign person married to a Honduran by birth.

In the cases referred to numbers 1, 2, 3, 5, and 6, the applicant must previously renounce his nationality and indicate his desire to obtain Honduran nationality before the competent authority.

Where there exists a treaty on dual nationality, the Honduran seeking to obtain foreign nationality shall not lose his Honduran [nationality].

In equal circumstances, the foreigner shall not be required to renounce his nationality of origin.

Article 25

While he resides in the territory of Honduras, no Honduran by birth may invoke any distinct nationality from Honduran.

Article 26

No naturalized Honduran may hold in his country of origin official functions in representation of Honduras.

Article 27

Neither marriage nor its dissolution shall affect the nationality of the spouses or their children.

Article 28

Honduran nationality is lost:

1. By naturalization in a foreign country; and
2. By cancellation of the naturalization papers in accordance with the Law.

Article 29

Honduran nationality by birth is recovered when the person who had lost it becomes domiciled in the territory of the Republic and declares his intention to recover it.

CHAPTER II

Foreigners

Article 30

Foreigners are obligated from the time they enter the National territory to respect the authorities and comply with the laws.

Article 31

Foreigners enjoy all of the same civil rights of Hondurans with the restrictions established by the laws for qualified reasons of public policy, security, national interest or convenience.

Foreigners are also subject to the same ordinary and extraordinary taxes of a general character to which Hondurans are obligated, in accordance with the Law.

Article 32

Foreigners may not engage in political activities of national or international character in the country, under penalty under penalty of the sanctions in accordance with the Law.

Article 33

Foreigners may not file claims nor demand indemnity of any kind from the State, except in the form and in the cases in which Hondurans may do so.

They may not resort to diplomatic channels except in cases of denial of justice. For such purposes a decision that is unfavorable to the claimant is not to be taken as a denigration of justice. Persons who contravene this provision shall lose their right to reside in the country.

Article 34

Within the limits established by the Law, foreigners may only hold positions in teaching the sciences and the arts or render technical or advisory services to the State, when there are no Hondurans who can fill these positions or render such services.

Article 35

Immigration shall be conditioned by the social, political, economic, and demographic interests of the country.

The Law shall establish the requirements, quotas and conditions for the entrance of immigrants into the country, as well as the prohibitions, limitations and penalties to which foreigners shall be subject.

CHAPTER III Citizens

Article 36

All Hondurans over eighteen years of age are citizens.

Article 37

The following are rights of citizens:

1. To vote and be elected;
2. To be a candidate for public office;
3. To form political parties; to join or renounce membership from them; and
4. Those others recognized by this Constitution and the laws.

Citizens on active duty in the Armed Forces and Security Forces of the State may not exercise suffrage, but may be elected to office in cases not prohibited by law.

Article 38

Every Honduran is obligated to defend the Fatherland, to respect the authorities and to contribute to the moral and material sustenance of the nation.

Article 39

Every Honduran must be registered in the National Registry of Persons.

Article 40

The following are duties of citizens:

1. To obey, defend, and observe compliance with the Constitution and the laws;
2. To obtain an Identity Card;
3. To exercise suffrage;
4. To discharge, except when excused or upon resignation for justified cause, the duties of popularly elected office;
5. To render military service; and
6. The others established by the Constitution and the laws.

Article 41

Citizenship is suspended:

1. By commitment to jail decreed for a felony;
2. By a firm condemnatory sentence, dictated for cause of crimes; and
3. By judicial interdiction.

Article 42

Citizenship is lost:

1. For rendering service in time of war to enemies of Honduras or to their allies;
2. For aiding, against the State of Honduras, a foreigner or foreign government in any diplomatic claim to or before an international tribunal;
3. For holding employment in the country, without permission of the National Congress, of a military or political character for a foreign nation;
4. For restricting the right of suffrage, falsifying electoral documents, or using fraudulent means to defeat the popular will;
5. For inciting, promoting, or abetting the continuation in office or the reelection of the President of the Republic; and
6. In the case of naturalized Hondurans, for residing outside the country for more than two consecutive years without prior authorization by the Executive Power.

In the cases referred to by numbers (1) and (2), the declaration of the loss of citizenship shall be made by the National Congress on the detailed record prepared for such a case. For the

cases of numbers (3) and (6), the declaration shall be made by the Executive Power through a governmental resolution; and for cases (4) and (5) the declaration shall also be made by a governmental resolution, based on a prior condemnatory sentence dictated by the competent tribunals.

Article 43

Citizenship is restored:

1. By confirmed dismissal of the charges.
2. By final judgment of acquittal;
3. By amnesty or by pardon; and
4. By serving the sentence.

CHAPTER IV

Suffrage and Political Parties

Article 44

Suffrage is a right and a public function.

The vote is universal, obligatory, egalitarian, direct, free and secret.

Article 45

Every act whereby participation of the citizen in the political life of the country is prohibited or limited is declared punishable.

Article 46

The system of proportional or majority representation in those cases determined by Law shall be adopted to declare elected for service those candidates chosen by popular election.

Article 47

Legally registered political parties are institutions of public law, whose existence and free functioning are guaranteed by this Constitution and the Law, in order to achieve the effective political participation of the citizens.

Article 48

Attempts against the republican, democratic and representative system of government by political parties is prohibited.

Article 49

The State shall contribute to financing the outlays [*gastos*] of the political parties, in accordance with the Law.

Article 50

Political parties may not receive contributions or subsidies from foreign governments, organizations, or institutions.

CHAPTER V Electoral Function

Article 51

There shall be a National Tribunal of Elections to handle all matters relating to electoral acts and procedures, autonomous and independent, with jurisdiction and competence throughout the Republic, whose organization and functioning shall be established by this Constitution and the Law, which will also determine equally the matters relating to the other electoral organisms.

Article 52

The composition of the National Tribunal of Elections shall be determined by appointment by the Executive Power through the Secretary of the Government and Justice, in the following manner:

1. One principal member and one alternate proposed by the Supreme Court of Justice.
2. One principal and one alternate proposed by each of the legally registered political parties.

If due to a change of the number of parties with the right to propose a member for the National Tribunal of Elections, the full body is constituted by an even number, the Executive Power, upon the prior designation by the Supreme Court of Justice, shall immediately appoint an additional member, in such a way that the total of the numbers shall always remain uneven.

Article 53

The Presidency of the National Tribunal of Elections will be exercised for one year, in rotating form, by each of the principal members that compose it.

Article 54

The National Registry of Persons as an organ of the State is hereby created, with its seat located in the capital of the Republic, jurisdiction over all the national territory, [a] dependency of the National Tribunal of Elections, which shall appoint its Director and Sub-Director.

Article 55

In addition to the functions determined by the Special Law, the National Registry of Persons shall be the state organism in charge of the Civil Registry, of issuing the exclusive Identity

Cards to all Hondurans, and of preparing ex officio and in exclusive form the National Electoral Census.

Article 56

The National Electoral Census is public, permanent, and unalterable. The registration of citizens, as well as modifications due to death, change of address, suspension, loss or restoration of citizenship, shall be made within the time and with the modalities determined by the Law.

Article 57

Penal action for electoral offenses established by the Law is public and prescribes in four years.

Article 58

The ordinary justice, without distinction of courts, will deal with electoral crimes and misdemeanors [*faltas*].

TITLE III

DECLARATIONS, RIGHTS, AND GUARANTEES

CHAPTER I

Declarations

Article 59

The human person is the supreme end of society and of the State. Everyone has the obligation to respect and protect the person.

The dignity of the human being is inviolable.

Article 60

All men are born free and equal in rights. There are no privileged classes in Honduras. All Hondurans are equal before the law.

All forms of discrimination on account of sex, race, class, or any other reason prejudicial to human dignity shall be punishable.

The law shall establish the crimes and penalties for violators of this provision.

Article 61

The Constitution guarantees to all Hondurans and to foreigners residing in the country the right to the inviolability of life, and to individual safety, freedom, equality before the law, and property.

Article 62

The rights of every man are limited by the rights of all others, by collective security, and by the just demands of the general welfare and democratic development.

Article 63

The declarations, rights and guarantees enumerated in this Constitution shall not be construed as a denial of other declarations, rights and guarantees not specified that spring from the national sovereignty, from the democratic and representative form of government, and from the dignity of man.

Article 64

Laws and governmental provisions or any other provisions that regulate the exercise of declarations, rights and guarantees recognized by this Constitution shall not be enforced if they diminish, restrict, or evade such rights and guarantees.

CHAPTER II Individual Rights

Article 65

The right to life is inviolable.

Article 66

The death penalty is abolished.

Article 67

The unborn shall be considered as born for all rights accorded within the limits established by law.

Article 68

Every person has the right to have his physical, mental, and moral integrity respected.

No one shall be subjected to torture, or to cruel, inhuman, or degrading punishment or treatment.

Every person deprived of his liberty shall be treated with respect for the inherent dignity of the human person.

Article 69

Personal freedom is inviolable and may be restricted or temporarily suspended only according to law.

Article 70

All Hondurans have the right to do that which is not harmful to others; likewise, no one shall be obliged to do that which is not legally prescribed nor shall be prevented from doing that which the Law does not prohibit.

No one may take justice into his own hands, nor exercise violence to claim his rights.

No personal service may be exacted, nor must it be rendered gratuitously, except by virtue of the Law or by a sentence based on the Law.

Article 71

No one may be detained nor held incommunicado for longer than twenty-four hours, without being placed at the disposal of the competent authorities for trial.

Judicial detention for investigation may not exceed six days from the moment of such detention.

Article 72

Expression of thought shall be free, and may be expressed through any means of dissemination, without prior censorship. Those who abuse this right, and those who by direct or indirect methods restrict or limit the communication and circulation of ideas and opinions shall be liable before the law.

Article 73

Printing shops, radio broadcasting, television stations, and any other means of broadcast and dissemination of information, as well as their machinery and equipment, may not be seized or confiscated nor may their work be closed down or interrupted by reason of an offense or misdemeanor relating to the dissemination of thoughts and ideas, without prejudice to the liabilities incurred by these reasons in accordance with the law.

No enterprise for the dissemination of thought may receive subsidies from foreign governments or political parties. The Law shall establish the corresponding penalty for violations of this provision.

The control of newspapers, of radio, and television newscasts, and the intellectual, political and administrative orientation thereof shall be exercised exclusively by Hondurans by birth.

Article 74

The right to freedom of thought and expression may not be restricted by indirect means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information.

Article 75

The law which regulates the expression of thought, may establish prior censorship to protect the ethical and cultural values of the society, as well as the rights of persons, especially those of childhood, adolescence and youth.

The commercial advertising of alcoholic beverages and tobacco consumption shall be regulated by law.

Article 76

The right to honor, to personal privacy, to a family, and to one's dignity [*propia imagen*] is guaranteed.

Article 77

The free exercise of all religions and cults is guaranteed without preeminence, provided they do not violate the law and public policy.

Ministers of the various religions may not hold public office or engage in any form of political propaganda, invoking religious motives or, as a means to such end, thus taking advantage of the religious beliefs of the people.

Article 78

Freedom of association and assembly is guaranteed provided its exercise is not contrary to the public policy or to good morals.

Article 79

Everyone has the right of peaceful assembly, without arms, in a public demonstration or temporary assembly, in connection with their common interests of whatever nature, without the need of notice or special permission.

Outdoor meetings and those of a political character may be subject to a regime of special permission, with the sole purpose of ensuring public order.

Article 80

Every person or association of persons has the right to present petitions to the authorities, for reasons of either particular or general interest, and to obtain a prompt reply within the legal time.

Article 81

Every person has the right to circulate freely within the national territory, as well as leave, enter and remain in it.

No one may be obligated to change his domicile or residence, except in special cases and in accordance with the Law.

Article 82

The right of defense is inviolable.

The inhabitants of the Republic have free access to the tribunals for the exercise of their actions in accordance with the laws.

Article 83

The State shall appoint procurators to defend indigents and to protect the persons and interests of minors and the incapacitated. They shall give legal assistance to them and represent them judicially in defense of their individual liberty and other rights.

Article 84

No one may be arrested or detained except by virtue of a written mandate from a competent authority, issued in accordance with the legal formalities and for reasons previously established in the Law.

Notwithstanding, a person in flagrante delicto may be apprehended by any person, for the sole purpose of being handed over to the authority.

The arrested or detained must be informed upon arrest and with total clarity of his rights and the charges against him; and furthermore, the authorities must permit him to report his detention to a relative or to a person of his choice.

Article 85

No one may be detained or imprisoned in places other than those established by the Law.

Article 86

Any persons subject to criminal prosecution shall, while in detention, have the right to be segregated from convicted persons.

Article 87

Prisons are establishments for security and social defense. They shall be used in an effort to bring about the social rehabilitation of prisoners, and their training for work.

Article 88

Duress or coercion of any type to obtain confessions, are absolutely forbidden.

No one may be obligated, in penal, disciplinary or police matters, to testify against himself, against his spouse or household companion, nor against his relatives within the fourth degree of consanguinity or second degree of affinity.

Testimony given only in the presence of competent judge shall be valid evidence.

Testimony obtained in violation of any of these provisions shall be null, and those responsible shall incur the penalties established by Law.

Article 89

Every person shall be presumed innocent so long as his guilt has not been proven according to law.

Article 90

No person may be tried except by a competent judge or tribunal, with the formalities, rights and guarantees established by the Law.

Military courts are recognized for crimes and misdemeanors [*faltas*] of a military order. Military tribunals may in no case extend their jurisdiction to persons who are not on active duty with the Armed Forces;

Article 91

If an crime or misdemeanor of a military order implicates a civilian or a discharged soldier, the case shall be tried by the competent authority of the regular courts.

Article 92

No formal charges shall be brought except when sustained upon convincing evidence that a crime or mere offense punishable by deprivation of liberty has been committed, and without reasonable indication of who the perpetrator is.

Arraignments shall be made in the same manner.

Article 93

No one may be committed to jail, even by a bill of indictment, nor detailed therein, if he furnished sufficient bail in accordance with the Law.

Article 94

No one may be punished without having been heard and convicted in a trial, and without final sentence executed by a Judge or competent authority.

In cases of contempt of court, and other measures of a similar nature in civil or labor matters, as well as in cases involving fines or arrest in police matters, the defendant shall always be heard.

Article 95

No person shall be punished with penalty not previously established by the Law, nor be tried a second time for the same punishable acts for which a previous trial was held.

Article 96

No law has retroactive effect, except in criminal matters when the new law favors the defendant.

Article 97

Perpetual, infamous, proscriptive and confiscatory punishment is forbidden.

Sentences to imprisonment may not exceed twenty years and those accumulated for several crimes may not exceed thirty years.

Article 98

No person may be detained, arrested or imprisoned for debts or obligations which do not arise from crimes or offenses [*faltas*].

Article 99

The domicile is inviolable. No entrance or search may be made without the consent of the occupant or without order from a competent authority. Nevertheless, it may be searched, in case of urgency, to prevent the commission or impunity of crimes, or to avoid grave injury to the person or to the property.

Except in cases of urgency, search of the home may not take place between seven o'clock in the evening and six o'clock in the morning, without incurring responsibility.

The Law shall determine the requirements and formalities regarding the manner in which the entrance, inspection or search may be carried out, as well as the responsibilities that may be incurred by the authority carrying it out.

Article 100

Every person has the right to the inviolability and secrecy of correspondence, especially mail, telegrams and telephone, except by judicial order.

Books and papers [*comprobantes*] of merchants and their personal documents shall be subject only to inspection and supervision by the competent authority, in accordance with the Law.

The correspondence, books, papers and documents referred to in this article, that are violated or seized, shall not serve as evidence in a trial.

In any case, the secrecy of strictly private matters which have no bearing on the matter of the action taken shall be maintained.

Article 101

Honduras recognizes the right of asylum in the form and conditions established by law.

When asylum is revoked or denied in accordance with the law, in no case shall the persecuted or the asylee be expelled to the territory of the State that may claim him.

The State shall not authorize the extradition of persons accused of committing political crimes or related common offenses.

Article 102

No Honduran may be expatriated nor handed over to the authorities of a foreign State.

Article 103

The State recognizes, promotes and guarantees the existence of private property in its broadest concept as a social function and without further limitations than those established by the Law for reasons of necessity or public interest.

Article 104

The right to ownership shall not prejudice the right of eminent domain of the State.

Article 105

Confiscation of property is prohibited.

Property may not be limited in any form for reasons of political crimes.

The right to recover confiscated property is imprescriptible.

Article 106

No one may be deprived of his property except by reason of public necessity or interest defined by the law or a decision based on Law, and shall not take place without assessed prior indemnification.

In the event of war or internal disorder [*conmoción*], it is not necessary that the indemnification be paid in advance; however, the corresponding payment shall be made not later than two years after the termination of the state of emergency.

Article 107

State lands, municipal lands [*ejidales*], community property, or private property located in zones adjacent to boundaries with neighboring states, land located along the shores of the two oceans, to a width of forty kilometers towards the interior of the country, and land situated on islands, cays, reefs, cliffs, rocks, shoals and sand banks may be acquired, possessed or occupied under any title only by native-born Hondurans, by companies composed entirely of Honduran members, and by institutions of State, under penalty of nullification of the respective act or contract.

The acquisition of urban property, within the limits established in the previous paragraph, shall be the object of a special legislation.

Registrars of property are prohibited from recording documents that violate this provision.

Article 108

Every author, inventor, producer or merchant shall enjoy the exclusive ownership of his work, invention, trademark, or tradename, according to law.

Article 109

Taxes shall not be confiscatory.

No one shall be obliged to pay taxes and other imposts which are not legally decreed by the National Congress in ordinary sessions.

No authority shall impose measures in contravention of this provision without incurring the responsibility established by the Law.

Article 110

No natural person who freely administers his property may be deprived of the right to discharge his civil affairs by transaction or arbitration.

CHAPTER III Social Rights

Article 111

The family, marriage, motherhood and childhood are under the protection of the State.

Article 112

The right of a man and a woman to contract marriage is recognized, as well as the legal equality of spouses.

Only a civil marriage performed by competent officials and under the conditions established by the Law is valid.

De facto union between persons having the legal capacity to marry is recognized. The Law shall indicate the conditions under which it shall have the effect of a civil marriage.

Article 113

Divorce as a means of dissolving the matrimonial bond is recognized.

The Law shall regulate the grounds for divorce and its effects.

Article 114

All children have the same rights and duties.

Qualifications concerning the nature of filiation are not recognized. No statement of any kind as to differentiations in births or the marital status of the parents shall be contained in any birth registrations or in any document relating to filiation.

Article 115

Investigation of paternity is authorized. The procedure shall be determined by the Law.

Article 116

The right of adoption is recognized. The Law shall regulate this institution.

Article 117

The aged merit the special protection of the State.

Article 118

The homestead shall be the subject of special legislation designed to protect and further it.

CHAPTER IV Rights of the Child

Article 119

The State has the duty to protect children.

Children shall enjoy the protection afforded to them in international treaties which look after their rights.

Child protection laws are matters of public policy, and the official establishments [*establecimientos*] serving this purpose shall have the status of social welfare centers.

Article 120

Physically or mentally handicapped minors, those with abnormal behavior, orphans, and abandoned children shall be subject to special legislation for their rehabilitation, supervision, and protection as the case may be.

Article 121

Parents are under obligation to feed, assist, and educate their children during their minority, and beyond in those cases established by law.

The State shall provide special protection for minors whose parents or guardians are economically unable to do so, to provide for their care and education.

Under circumstances of equal qualifications, these needy parents and guardians shall be given preference in filling public positions.

Article 122

The Law shall establish the jurisdiction and the special tribunals which shall hear family and juvenile matters.

No one under eighteen years of age shall be permitted to be confined in a jail or prison.

Article 123

All children shall enjoy the benefits of social security and education.

Every child shall have the right to grow and develop in good health, for whom special care shall be given during the prenatal period, as much for the child as for the mother, both being entitled to food, housing, education, recreation, exercise and adequate medical services.

Article 124

Every child must be protected against every form of abandonment, cruelty and exploitation. No child shall be the object of any type of bondage.

No child shall work before reaching an adequate minimum age, nor shall he be permitted to dedicate himself to any occupation or employment that may be prejudicial to his health, education, or serve as an impediment to his physical, mental, or moral development.

The use of minors by their parents or other persons for the purpose of begging is prohibited.

The Law shall establish the applicable penalties for those who violate this provision.

Article 125

The communications media shall cooperate in the training and education of children.

Article 126

Every child, regardless of circumstances, shall be among the first to receive aid, protection, and assistance.

CHAPTER V Labor

Article 127

Every person has the right to work under equitable and satisfactory working conditions, to choose his occupation freely and to give it up, and to protection against unemployment.

Article 128

Laws governing the relations between employers and workers are matters of public policy. All acts, stipulations or agreements that involve the waiver, diminution or restriction or evasion of the following guarantees shall be void:

1. Regular day work shall not exceed eight hours a day, nor forty-hours a week.

Regular night work shall not exceed six hours a day or thirty-six hours a week.

Regular combined work shall not exceed seven hours a day or forty-two hours a week.

All work shall be paid for at a rate equivalent to forty-eight hours a week. Overtime work shall be paid for in the manner specified by the Law.

These provisions shall not apply in those well-defined exceptional cases indicated by the Law.

2. No worker shall be required to perform work which covers more than twelve hours in any period of twenty-four consecutive hours, except in those cases specified by the Law.

3. Equal work shall receive equal pay without discrimination, provided that the position, the working hours, the conditions of efficiency and the time of service are also equal.

Wages must be paid in legal tender.

4. The amount of wages, indemnity compensation, and social benefits shall constitute a preferred credit in accordance with the Law.

5. Every worker is entitled to minimum wages fixed periodically by participation of the State, employers and workers, sufficient to meet the normal material, moral and cultural needs of his household, in accordance with the standards of each kind of work, the conditions peculiar to each region and type of work, the cost of living, the relative skill of workers, and the pay systems of the enterprises.

A minimum occupational wage shall also be fixed for those activities not wage regulated by a collective contract or agreement.

The minimum wage shall be exempt from attachment, compensation or discount except as prescribed by law governing family and trade union obligations.

6. In the facilities of his establishments, the employer must observe and enforce the legal provisions concerning hygiene and health and adopt adequate safety measures in work, which help to prevent occupational hazards and ensure the physical and mental integrity of workers.

Employers in agricultural enterprises are also subject to the same security system. Special protection shall be given to women and minors.

7. Minors under sixteen years of age and those above that age who are subject to mandatory education by virtue of national legislation may not be employed in any kind of work.

The labor authorities may authorize their employment when they deem it indispensable for their own support or for the support of their parents or brothers and sisters provided that their working does not hinder their compliance with the requirements of mandatory education.

For minors under seventeen years of age the work period, which must be daytime, may not exceed six hours a day or thirty hours a week, for any kind of work.

8. A worker shall be entitled to annual paid vacations. The duration and time of which shall be regulated by Law.

In any event, a worker shall be entitled to a cash payment for vacations already earned and for proportional vacations corresponding to the period worked.

Vacations may not be compensated by a cash payment, nor accumulated, and the employer shall be obliged to give them to the worker and the worker must take them.

9. Workers shall be entitled to leave with pay for holidays specified by the Law. [The Law] shall also specify what kind of work shall not be governed by this provision, but in such cases workers shall be entitled to overtime.

10. The right of workers to receive payment for a seventh day is hereby recognized; permanent workers shall receive, in addition, payment for a thirteenth month as a Christmas bonus. The Law shall regulate the terms and manner of application of this provision.

11. A woman is entitled to leave before and after childbirth, without loss of employment or wages. During the nursing period she shall be entitled to a rest period each day for nursing her child. The employer may not terminate the employment contract of a pregnant woman, even after childbirth, except for justifiable cause shown before a competent judge, in the cases and conditions indicated by the Law.

12. Employers shall be required to indemnify their workers for work injuries and occupational diseases, according to the Law.

13. The right to strike or to lockout is recognized. The Law shall regulate its exercise and may subject it to special restrictions in specified public services.

14. Workers and employers shall be entitled to associate freely for purposes exclusively related to their economic and social activities, by forming trade unions or professional associations, according to law.

15. The State shall protect individual and collective contracts between employers and workers.

Article 129

The Law guarantees stability for workers in their jobs, in accordance with the characteristics of industries and professions, and just causes of severance. Whenever an unjustifiable discharge occurs upon final judgment, the worker shall be entitled at his option to compensation for unpaid wages damages, and to the legal indemnity as well as the indemnity agreed to, or else to be reinstated with recognition of unpaid wages, as actual and consequential damages.

Article 130

Homeworkers shall have a juridical situation analogous to that of other workers, with due consideration for the peculiarities of their work.

Article 131

Domestics shall be protected by social legislation. Persons rendering domestic services in industrial, commercial, and social enterprises and in others of a similar nature shall be considered manual workers and have the rights granted to them.

Article 132

The Law shall regulate the hiring of: agricultural, livestock, and forestry workers; land, air, sea, inland waterborne and railway transportation workers; mining and petroleum workers; business employees, and all other employees hired under special conditions.

Article 133

Independent intellectual workers and the product of their work must be covered by protecting legislation.

Article 134

All disputes arising from relations between employers and workers shall be subject to the labor jurisdiction. The Law shall establish the corresponding rules governing this jurisdiction and the institutions entrusted with their application.

Article 135

Labor laws shall be based on harmony between capital and labor, as the factors of production.

The State must protect the rights of workers while also protecting capital and employers.

Article 136

The worker may participate in the utilities [*utilidades*] or benefits of employers, but may never assume their risks or losses.

Article 137

Under equal conditions Honduran workers shall be given preference over foreign workers.

It is prohibited for employers to hire less than 90 percent of Honduran workers and to pay them less than 85 percent of the total amount of the salaries paid in the respective enterprise. Those percentages may be modified in exceptional cases specified by the Law.

Article 138

In order to enforce these guarantees and labor laws, the State shall supervise and inspect enterprises, and, when necessary, impose the penalties established by the Law.

Article 139

The State has an obligation to promote, organize and regulate conciliation and arbitration procedures for the peaceful settlement of labor disputes.

Article 140

The State shall promote the vocational and technical training of workers.

Article 141

The Law shall determine which employers, according to their capital and the total number of workers, shall be required to provide them and their families with educational, health, housing and other services.

CHAPTER VI Social Security

Article 142

Every person is entitled to that security of his economic means of support in the event of work disability or inability to obtain remunerated employment. Social Security services shall be furnished and administrated by the Honduran Social Security Institute and shall cover cases of sickness, maternity, family allowance, old-age, orphanhood, lockout, work injury, involuntary unemployment; occupational disease, and other contingencies affecting the capacity to produce.

The State shall establish social welfare institutions which shall function as a unit in a single state system with the contribution of all interested parties and the State.

Article 143

The State, employers and workers are required to contribute to the financing, improvement and expansion of social security. The social security system shall be established in a gradual and progressive way, both as to the type of contingencies covered as well as the geographic zones and the categories of protected workers.

Article 144

It shall be considered in the public interest to expand the social security system to urban and rural workers.

CHAPTER VII Health

Article 145

The right to the protection of one's health is hereby recognized.

It is everyone's duty to participate in the promotion and preservation of individual and community health.

The State shall maintain a satisfactory environment for the protection of everyone's health.

Article 146

It is the duty of the State to regulate, supervise and control all food, chemical, pharmaceutical and biological products through its duly constituted agencies and institutions.

Article 147

The Law shall regulate the production, traffic, possession, donation, use and marketing of psychotropic drugs which may be destined only for health services and scientific experimentation under the supervision of a competent authority.

Article 148

The Honduran Institute for the Prevention of Alcoholism, Drug Addiction, and Drug Dependency is hereby created. It shall be governed by a special law.

Article 149

The Executive Power, through the Ministry of Public Health and Social Welfare, shall coordinate all public activities of the centralized and decentralized institutions of that field, by means of a national health plan, which shall assign priority to the neediest groups.

It is the responsibility of the State to supervise private health activities according to the Law.

Article 150

The Executive Power shall promote integrated programs for the improvement of the nutritional level of all Hondurans.

CHAPTER VII Education and Culture

Article 151

Education is an essential function of the State for the preservation, development, and dissemination of culture, which must extend its benefits to society without discrimination of any kind.

Public education shall be secular and shall be based on fundamental principles of democracy. It shall instill and promote in all students a deep feeling of Honduran patriotism and shall be directly connected with the economic and social development process of the country.

Article 152

Parents have a preferential right to choose the type of education they wish to give their children.

Article 153

The State has the obligation to promote the basic education of the people, creating for that purpose the necessary administrative and technical institutions which shall be directly dependent on the Secretariat of State in the Office of Public Education.

Article 154

The elimination of illiteracy is a primary task of the State. It is the duty of all Hondurans to cooperate in order to achieve this objective.

Article 155

The State recognizes and protects freedom of investigation, of education and of teaching.

Article 156

The levels of formal education shall be determined by law, except for higher education which is the exclusive competence of the National Autonomous University of Honduras.

Article 157

Education at all levels of the formal educational system, except at the higher levels, shall be authorized, organized, directed and supervised exclusively by the Executive Power through the Secretariat of Public Education, which shall administer all the establishments of the system that are entirely financed by public funds.

Article 158

No educational establishment may provide education of a quality below the level established by the Law.

Article 159

The Secretariat of Public Education and the National Autonomous University of Honduras, without impairing their respective competence, shall adopt the necessary measures so that the general curricula of public education are integrated in a coherent system, in order that all students satisfactorily meet the requirements of higher education.

Article 160

The National Autonomous University of Honduras is an autonomous institution of the State, with juridical personality. It has the exclusive privilege of organizing, directing, and developing higher and professional education. It shall contribute to scientific, humanistic and technological research, to the general dissemination of culture, and to the study of national problems. It shall program its participation in the transformation of Honduran society.

The Law and the bylaws [*estatutos*] of the University shall determine its organization, functioning, and attributes.

For the creation and functioning of private universities, a special law shall be enacted in accordance with the principles established by this Constitution.

The only academic degrees having official validity shall be those granted by the National Autonomous University of Honduras, as well as those granted by private and foreign universities which are recognized by the National Autonomous University of Honduras.

The National Autonomous University of Honduras is the only institution authorized to determine the incorporation of professionals who are graduates of foreign universities.

Only persons who hold a valid degree may engage in professional activities.

Non-university degrees granted by the Executive Power shall have legal validity.

Article 161

The State shall contribute to the maintenance, development and enlargement of the National Autonomous University of Honduras, with a required annual appropriation of not less than six percent of the budget of net revenues of the Republic, the amounts of loans and donations excluded.

The National Autonomous University is exempt from any form of taxes or contributions.

Article 162

Due to its informational and educational nature, teaching has a social and human function which determines for the educator scientific and moral responsibilities toward his students, the institution in which he works, and toward society.

Article 163

The training of teachers is an exclusive function and responsibility of the State. A teacher is anyone who administers, organizes, directs, imparts or supervises educational work and whose profession is that of teaching.

Article 164

Elementary schoolteachers shall be exempt from all taxes on their salaries and on the amounts they receive as pensions.

Article 165

The Law guarantees to teachers work stability, a standard of living in accordance with their high mission, and an adequate pension.

A Honduran Teachers Statute shall be enacted.

Article 166

All natural and juridical persons have the right to establish educational centers with due compliance with this Constitution and other laws.

Working relations between teachers and owners of such private institutions shall be governed by the educational laws, without prejudice to the benefits that may originate in the labor legislation.

Article 167

Owners of farms, factories and other production centers located in the rural areas are obliged to establish and maintain schools of basic education for the benefit of the children of their permanent workers, as long as the number of children of school age exceeds thirty, and in border areas when it exceeds twenty.

Article 168

The teaching of the Constitution of the Republic and the history and geography of Honduras, is compulsory and shall be entrusted to Honduras teachers.

Article 169

The State shall support and promote the education of handicapped persons.

Article 170

The State shall promote the development of extracurricular education by means of libraries, cultural centers and all forms of dissemination.

Article 171

Public education shall be free, and basic education shall also be compulsory and completely at the expense of the State. The State shall set up the necessary compulsory mechanisms accordingly to make these provisions effective.

Article 172

All the anthropological, archeological, historical and artistic wealth of Honduras forms part of the cultural heritage of the nation.

The Law shall establish the norms that will serve as the basis for its preservation, restoration, maintenance and restitution, as the case may be.

It is the duty of all Hondurans to safeguard their heritage and prevent its unlawful removal.

All sites of natural beauty monuments and reserved zones shall be under the protection of the State.

Article 173

The State shall preserve and promote all native cultures as well as authentic expressions of national folklore, popular art and handicrafts.

Article 174

The State shall promote an enthusiasm for and the practice of physical culture and sports.

Article 175

The State shall promote and support the dissemination of works of national and foreign authors that contribute to national development because they are legitimate, philosophical, scientific or literary creations.

Article 176

The mass media of the State shall be at the service of education and culture. Private media must collaborate in the achievement of that purpose.

Article 177

Compulsory membership in professional associations is established. Its organization and functioning shall be regulated by the Law.

CHAPTER IX

Housing

Article 178

All Hondurans have the right to decent housing. The State shall design and implement housing programs of social interest.

The Law shall regulate the leasing of housing and premises, the use of urban soil and construction, in accordance with the public interest.

Article 179

The State shall promote, support and regulate the creation of systems and mechanisms for the utilization of internal and external resources to be used for solving the housing problem.

Article 180

All internal or external credits and loans obtained by the State for housing shall be regulated by law for the benefit of the ultimate user of the credit.

Article 181

The Social Fund for Housing is hereby created. Its purpose shall be to develop housing in urban and rural areas. A special law shall regulate its organization and functioning.

TITLE IV

CONSTITUTIONAL GUARANTEES

CHAPTER I

Habeas Corpus and Amparo

Article 182

The State recognizes the writ of Habeas Corpus or Personal Appearance [*Exhibición Personal*]. Consequently, every aggrieved person, or any other in his behalf, has the right to file the petition:

1. When he is imprisoned or detained illegally or restrained in any way in the enjoyment of his personal freedom; and

2. When during his lawful imprisonment or detention, the imprisoned or detained person is subjected to torment, torture, harassment, illegal demands, or any other coercion, restriction, or molestation that is unnecessary for his safety or for the order of the prison.

An action of Habeas Corpus may be exercised without any special power or any formality, either orally or in writing, using any means of communication, at any time during working or non-working days and free of charge.

Judges or other authorities may not dismiss an action of Habeas Corpus and have the ineludible obligation of proceeding immediately to put an end to the violation of personal liberty or security.

The Tribunals that fail to admit these actions shall incur the corresponding penal and administrative responsibility.

The authorities who order, or agents who execute, the concealment of the detained person, or who in any other way violate this guarantee, shall incur the crime of illegal detention.

Article 183

The State recognizes the guarantee of Amparo.

Consequently, every aggrieved person, or any other in his behalf, has the right to interpose the recourse of Amparo:

1. To have the enjoyment of his rights and guarantees under the Constitution maintained or restored; and
2. For a declaratory judgment in particular cases that a law or resolution or act of authority does not bind the petitioner, and is not applicable because it contravenes, limits or restricts any of the rights recognized by this Constitution.

The Recourse of Amparo shall be interposed in accordance with the Law.

CHAPTER II Unconstitutionality and Review

Article 184

The Laws may be declared unconstitutional by reason of form or content.

The Supreme Court of Justice has original and exclusive competence over hearing and deciding such matters, and must render its decisions with the requirements of definitive sentences

Article 185

A declaration of unconstitutionality of a law and its inapplicability may be petitioned by anyone who considers himself injured in his direct, personal, and legitimate interest:

1. By way of an action, to be filed before the Supreme Court of Justice;
2. By way of exception which may be asserted in any judicial proceeding; and
3. A Judge or Tribunal during any judicial proceeding may directly request a declaration as to the unconstitutionality of a law and its inapplicability before rendering a resolution.

In this case and as provided in the preceding item, the proceedings shall be stayed and the case transmitted to the Supreme Court of Justice.

Article 186

No power or authority may enjoin causes of action pending in other courts or reopen cases already adjudged, except that criminal and civil cases already decided may be reviewed at any time in behalf of the persons convicted, on their own request or the request of any other person, or of the Public Ministry, or ex officio.

The recourse shall be interposed with the Supreme Court of Justice. The Law shall regulate the cases and the manner of review.

CHAPTER III

Restriction or Suspension of Rights

Article 187

The exercise of the rights established in Articles 69, 71, 72, 78, 81, 84, 93, 99 and 103 may be suspended in the event of invasion of the national territory, serious disturbance of the peace, an epidemic, or other general disaster, or by the President of the Republic in agreement with the Council of Ministers, by means of a decree that shall contain:

1. The reasons justifying the suspension;
2. The guarantee or guarantees that are restricted;
3. The territory to be affected by the restriction; and
4. The duration of the restriction. In addition, Congress shall be convened by the same decree in order that, within a period of thirty days, it may take cognizance of the decree and ratify, modify, or reject it.

In the event that Congress is in session, it shall take immediate cognizance of the decree.

The restriction of guarantees shall not exceed a period of forty-five days for each time it is decreed.

If before the expiration of the period set for the restriction the causes underlying the decree have disappeared, it shall cease to be effective and, in this case, every citizen shall have the right to urge its revision. Upon expiration of the period of forty-five days, the guarantees shall be restored automatically unless a new restriction has been decreed.

Restriction of guarantees decreed shall in no way affect the functioning of the State organisms, whose members shall always enjoy the immunities and privileges granted by the Law.

Article 188

The territory in which the guarantees mentioned in the preceding article are suspended shall be governed during the suspension, by the Law of the State of Siege, but neither that law nor any other may provide for the suspension of any guarantees other than those already mentioned.

Likewise, during the suspension no new offenses may be established or penalties imposed other than those established by laws in force at the time the suspension was decreed.

TITLE V THE POWERS OF THE STATE

CHAPTER I Legislative Power

Article 189

The Legislative Power is exercised by a Congress of Deputies, who shall be elected by direct suffrage. It shall convene in the capital of the Republic in ordinary sessions on the twenty-fifth of January of each year without the necessity of convocation and shall adjourn on the thirty-first of October of the same year.

The sessions may be extended for such time as may be necessary, by a resolution of Congress, at the initiative of one or more of its members, or at the request of the Executive Power.

The recesses of Congress shall be determined by its Internal Regulation.

Article 190

The National Congress shall also hold extraordinary sessions:

1. At the request of the Executive Power;
2. When convoked by its Permanent Commission; and
3. Whenever half plus one of its members so agree.

In such cases it shall deal only with matters stated in the respective Decree of convocation.

Article 191

Five or more deputies may convoke the National Congress into extraordinary session anywhere in the Republic whenever the Executive, another authority, force majeure or an act of God prevent its installation or the holding of its sessions.

Article 192

For the installation of the National Congress and the holding of its sessions half plus one of its members shall be sufficient.

Article 193

Neither the Congress itself, nor any other authority of the State or private, may prevent the installation of Congress, the holding of its sessions or decree its dissolution.

The contravention of this provision constitutes a crime against the powers of the State.

Article 194

On January 21st the deputies shall meet in preparatory groups [*juntas*], and with the concurrence of at least five members, the Provisional Directorate [*Directiva Provisional*] shall be organized.

Article 195

On January 23 the deputies shall hold their final preparatory session to elect the Permanent Directorate [*Directiva en propiedad*].

The President of the National Congress exercises his functions for a term of four years and shall be President over the Permanent Commission.

The rest of the Directorate shall remain in their functions two years.

Article 196

Deputies shall be elected for a term of four years, from the date on which the National Congress is formally installed. In the event of the absolute incapacity [*falta*] of a deputy, the alternate called by the National Congress shall complete his term.

Article 197

Deputies are under obligation to meet in Assembly on the dates indicated in this Constitution, and to attend all sessions of the National Congress except in case of duly proven incapacity.

Deputies whose inattendance or unjustified abandonment of the sessions cause a lack or a break of quorum shall be expelled from Congress and shall lose the right to run for public office for ten years.

Article 198

To be elected Deputy, the following is required:

1. To be Honduran by birth;
2. To be at last twenty-one years of age;

3. To be in the exercise of the rights of citizenship;
4. To be a layman, and
5. To have been born in the department for which he is running for office or to have resided therein for at least the last five years prior to the date of convocation of the elections.

Article 199

The following may not be elected deputies:

1. The President of the Republic;
2. Magistrates of the Supreme Court;
3. Secretaries and Sub-secretaries of State;
4. Military heads [*jefes*] with national jurisdiction;
5. Holders of high office in the superior organs of management, government and administration of the decentralized institutions of the State;
6. Members of the military service on active duty and members of security forces or of any other armed force;
7. All other public functionaries or employees of the Executive Power and the Judicial Power as established by the Law, except those who hold a teaching or health-care position;
8. Members of the National Tribunal of Elections;
9. The Procurator General and Sub-Procurator General of the Republic, Comptroller and Sub-Comptroller General of the Republic and the Director and Sub-Director of Administrative Probity;
10. The spouse and relatives within the fourth degree of consanguinity or second degree of affinity of those cited in numbers 1, 2, 4, 8, and 9 above, and of the Secretaries and Sub-Secretaries of State in the Departments [*Dispachos*] of Defense and Public Security.
11. The spouse and relatives of the chiefs [*jefes*] of military regions, commanders of military units, departmental or sectional military delegates, and delegates of security forces or of other armed force, within the fourth degree of consanguinity or second of affinity, when they are candidates in the department where they exercise jurisdiction;
12. Holders of concessions of State for the exploitation of national resources or contractors for public services and works paid for with funds of the State and who have accounts pending with it;
13. Delinquent debtors of the National Treasury.

These incompatibilities and disabilities shall affect those holding one of the above-mentioned positions six months prior to the election.

Article 200

Beginning on the day they are declared elected, deputies shall be entitled to the following prerogatives:

1. Personal immunity against the search of their person or their home, being arrested, accused, or tried, even during a state of siege, unless the National Congress has not previously declared that there is probable cause for a trial;
2. Not to be obligated to conscripted military service;
3. Not to be responsible at any time for their initiatives of Law nor for their opinions expressed during their term of office;
4. Exemption from civil suit during the period covered by fifteen days before and fifteen days after a ordinary or extraordinary session of Congress, except as to counterclaims; and,
5. Exemption from testifying concerning information that a third party has entrusted to them by virtue of their office.

Likewise, candidates for deputy shall enjoy the prerogatives set forth in paragraphs 1 and 2 of this article, from the day on which they are nominated by their respective political parties.

Those who violate these provisions shall incur penal liability.

Article 201

Buildings and facilities of the National Congress are inviolable. It is the duty of the President of the Directorate or of the Permanent Committee to authorize the entrance of members of the public security forces when circumstances so require.

Article 202

The National Congress shall be made up of a fixed number of one hundred and twenty-eight (128) Proprietary Deputies and their respective Substitutes, who shall be elected in accordance with the Constitution and the Law. The Deputies shall be representatives of the People, their departmental distribution shall be made on the basis of the popular requirement indicated by the National Tribunal of Elections in accordance with the Electoral Law and [the Law] of Political Organizations. In those Departments that have a population less than the requirement indicated by the National Tribunal of Elections, one Proprietary Deputy and his respective Substitute shall be elected.

Article 203

Deputies in office may not obtain remunerated public positions during the term for which they have been elected, except teaching and cultural positions and professional services related to social welfare.

They may, however, be Secretaries or Sub-Secretaries of State, President or Manager of decentralized entities, Chief of Diplomatic or Consular missions, or serve in Ad Hoc Diplomatic Missions. In such cases they will be reinstated in the National Congress upon the termination of these functions.

Alternates may hold public positions or employment without losing their status as alternates.

Article 204

No deputy may hold property of the State as a lessee directly or indirectly, or obtain contracts or concessions of any kind from it.

The acts of contravention of this provision will produce absolute nullity of plain right.

Article 205

The National Congress shall have the following powers:

1. To make, enact, interpret, amend, and repeal the laws;
2. To convoke, suspend and close its sessions;
3. To adopt its Internal Regulations and impose the sanctions established therein for those who infringe them;
4. To convoke extraordinary sessions in accordance with this Constitution;
5. To incorporate its members in accordance with their credentials and to receive the constitutional oath [from them];
6. To call the alternate deputies, in case of absolute or temporary incapacity [*falta*] or legitimate impediment of the principals, or when those refuse to attend;
7. To count the votes and declare the election of the President, Designates of the Presidency, and Deputies to the National Congress, whenever the National Tribunal of Elections has not done so.

If the same citizen has been elected to different offices, he shall be declared elected for only one of them, in accordance with the following order of preference:

- a. President of the Republic;
 - b. Designate of the Presidency of the Republic;
 - c. Deputy to the National Congress; and
 - d. Member of the Municipal Corporation.
8. To accept or no the resignation of deputies for justified cause;

9. To elect for the constitutional term, nine principal magistrates and seven alternates of the Supreme Court of Justice and to elect its President;
10. To elect the Commander-in-Chief of the Armed Forces;
11. To elect the Comptroller and Sub-Comptroller General, the Procurator and Sub-Procurator General of the Republic, Director and Sub-Director of Administrative Probity;
12. To receive the constitutional oath of the President and Designates of the Presidency declared elected, and of any other functionaries it elects; to grant them leave of absence, and accept or refuse to accept their resignations; and to fill vacancies in case of the permanent incapacity [*falta*] of any of them;
13. To grant or deny permission to the President and Designates of the Presidency to leave the country for more than fifteen days;
14. To move the seat of the Powers of State for grave causes.
15. To declare whether or not there are grounds for impeachment of the President, Designates of the Presidency, Deputies to the National Congress, Magistrates of the Supreme Court of Justice, Members of the National Tribunal of Elections, Commander-in-Chief of the Armed Forces, Secretaries and Sub-Secretaries of State; Chiefs of Diplomatic Missions, the Comptroller and Sub-Comptroller General, the Procurator and Sub-Procurator General of the Republic, and Director and Sub-Director of Administrative Probity;
16. To grant amnesty for political offenses or related common offenses, except in such cases the National Congress may not make decisions on pardons;
17. To grant or deny permission to Hondurans to accept employment or decorations from another State;
18. To award prizes and grant temporary privileges to authors and inventors and to those who have introduced new industries of general utility or have improved those existing;
19. To approve or disapprove contracts that involve fiscal exemptions, incentives, and concessions, or any other contract that is to produce or continue its effect in the following term of the Government of the Republic;
20. To approve or disapprove the administrative conduct of the Executive Power, the Judicial Power and the National Tribunal of Elections, the Comptroller General of the Republic, the Office of the Procurator General of the Republic and the decentralized institutions;
21. To appoint special commissions for the investigation of matters of national interest. The summons of such commissions shall be compulsory under penalty of contempt similar to that observed in the judicial procedure;
22. To interpellate Secretaries of State and other functionaries of the central government, decentralized organisms, state enterprises and any other entity in which the State has an interest, concerning matters related to the public administration;

23. To declare the restriction or suspension of rights in accordance with that provided in the Constitution, and to ratify, modify, or disapprove the restriction or suspension that has been enacted by the Executive Power in accordance with the Law;
24. To confer all ranks from Major to General, at the proposal of the Commander-in-Chief of the Armed Forces, by the initiative of the President of the Republic;
25. To fix the number of permanent members of the Armed Forces;
26. To authorize or deny the transit of foreign troops through the territory of the country;
27. To authorize the Executive Power to order troops of the Armed Forces to serve in foreign territory, in accordance with international treaties and conventions;
28. To declare war and to make peace;
29. To authorize the reception of foreign military missions of technical assistance or cooperation in Honduras;
30. To approve or disapprove international treaties signed [*celebrar*] by the Executive Power;
31. To create and abolish posts and to award honors and pensions for significant services to the Fatherland;
32. To approve annually the General Budget of Revenues and Expenditures, on the basis of the proposal presented [*remita*] by the Executive Power, duly itemized and to decide on its modification;
33. To approve annually the duly itemized Budget of Revenues and Expenditures of decentralized Institutions;
34. To determine the weight, fineness, and rate of the national currency and the standard of weight and measures;
35. To establish taxes and assessments, and other public charges;
36. To approve or disapprove loans and similar agreements related to the public credit, entered into [*celebrado*] by the Executive Power.

In order to effect the contract of foreign loans, or loans that although contracted in the country must be financed with foreign capital, it is required [*preciso*] that the respective project be approved by the National Congress;

37. To establish by way of a Law, those cases in which subsidies and aid may be granted for purposes of public benefit or as an instrument of economic and social development;
38. To finally approve or disapprove the accounts of public expenditures, on the basis of reports submitted [*rinda*] by the office of the Comptroller General of the Republic and the observations thereto made by the Executive Power;

39. To regulate the payment of the national debt, at the initiative of the Executive Power;
40. To exercise control of the public revenues;
41. To authorize to the Executive Power the alienation of national property or its application to public use;
42. To authorize ports; and establish and abolish customhouses and free zones, at the initiative of the Executive Power;
43. To regulate maritime, land and air commerce;
44. To establish the national symbols; and
45. To exercise any other powers [*atribuciones*] conferred upon it by this Constitution and the laws.

Article 206

The functions [*facultades*] of the Legislative Power are cannot be delegated except the taking of the constitutional oath of office of high officials of the Government, in accordance with this Constitution.

Article 207

The Directorate of the National Congress, before closing its sessions, shall appoint nine proprietary members and their respective alternates to form the Permanent Commission during the recess of the National Congress.

Article 208

The powers [*atribuciones*] of the Permanent Commission are the following:

1. To adopt [*emitir*] its internal regulations;
2. To adopt opinions and complete action on pending business, to be considered at the next legislative session;
3. To prepare, for presentation to the consideration of the National Congress, bills of reforms to the laws that in its opinion the needs of the country may demand;
4. To receive from the Executive Power the decrees adopted in the last ten days of the sessions of the National Congress, duly sanctioned;
5. To receive complaints of violations of this Constitution;
6. To keep in its custody its responsibility the archive of the National Congress;
7. To publish an edition of all decrees and resolutions adopted by the National Congress at its previous sessions, within three months following its adjournment;

8. To convoke the National Congress for extraordinary sessions, at the request [*excitativa*] of the Executive Power or when the circumstances so require;
9. To receive from the Executive Power the documentation and information relative to economic agreements, credit operations, or loans that that Power plans to enter into, authorize, or contract, in order to give detailed information to the National Congress at its next sessions;
10. To present to the National Congress a detailed report of its work during its term of functioning [*gestió*];
11. To elect *ad interim*, in case of absolute incapacity, the substitutes for functionaries who must be appointed by the National Congress;
12. To call in other deputies as members, to fill vacancies in the membership of the Committee;
13. To grant or deny permission to the President and Designates of the Presidency of the Republic to leave the national territory for more than fifteen days;
14. To appoint the special Commissions that shall be necessary; and composed of Members of the National Congress.
15. The others that the Constitution confers on it.

Article 209

The Special Disbursement Office of the Legislative Power is created to attend to the payment of all expenditures of the Branch [*Ramo*].

Article 210

The Special Disbursement Office of the Legislative Power shall be immediately dependent to the Directorate of the National Congress, or in such case to the Permanent Commission.

The Directorate of the National Congress is responsible for appointing the Paymaster [*Pagador*], who must furnish bond in accordance with the Law.

Article 211

The Executive Power shall include in the General Budget of Expenditures and Revenue of the Republic the funds budgeted by the Legislative Power for its functioning.

Article 212

The General Treasury of the Republic shall make advance quarterly authorization of the funds necessary to meet the expenditures of the National Congress.

CHAPTER II

Enactment, Sanction and Promulgation of the Law

Article 213

Deputies to the National Congress, the President of the Republic, through the Secretaries of State, as well as the Supreme Court of Justice and the National Tribunal of Elections, in matters within their competence, hold exclusively the initiative of Law.

Article 214

No Bill of Law shall be finally voted upon until after it has been debated on three different days, except in case of urgency determined by a simple majority of the deputies present.

Article 215

Every Bill of Law that has been passed by Congress shall, within three days after being voted upon, be sent to the Executive Power so that it may sanction it and order it promulgated as law.

The sanction of Law has the formulation: "Let it therefore be executed."

Article 216

Should the Executive Power find impediments to the sanction of the Bill of Law, it shall return it to the National Congress within ten days with the formulation: "Return to Congress", and shall explain the grounds on which disapproval is based.

If it does not object it within the period indicated, it shall be considered sanctioned and shall be promulgated as Law.

Whenever the Executive returns a Bill of Law, it shall again be debated in the National Congress, and if it is ratified by a two-thirds vote, it shall again be sent to the Executive Power, with this formulation: "Constitutionally ratified" and the Executive Power shall publish it forthwith.

If the grounds for the veto are that the Bill of Law is unconstitutional, it may not be submitted to a new debate until the opinion of the Supreme Court of Justice has been obtained; it shall issue its opinion within such period as the National Congress shall specify [*le señale*].

Article 217

When the National Congress passes a Bill of Law at the conclusion of its sessions and the Executive finds impediments to sanction it, it is obligatory to give immediate notice so that it may remain in session for another ten days, calculated from the date on which Congress received the bill, and if it does not do so, it shall return it within the first eight days of the subsequent Congress.

Article 218

Sanction shall not be necessary for, nor shall the Executive Power be entitled to veto, in the following cases and resolutions:

1. Elections that the National Congress orders or announces, or resignations that it accepts or disapproves;
2. Declarations that there are or are not grounds for impeachment;
3. Decrees that relate to the conduct of the Executive Power;
4. Regulations that it issues for its internal regime;
5. Decrees it approves to temporarily transfer its seat to another place in the territory of Honduras or to suspend its sessions or to convene extraordinary sessions;
6. The Law of the Budget;
7. Treaties or contracts rejected by the National Congress; and
8. Amendments to the Constitution of the Republic.

In these cases the Executive shall promulgate the Law with the formulation: “Now therefore let it be published.”

Article 219

Whenever a Bill of Law, that was not introduced by the Supreme Court of Justice, is intended to amend or repeal any provision contained in the codes of the Republic, it may not be debated without hearing the opinion of that Tribunal.

The Court shall issue its report within the period specified by the National Congress.

This provision does not apply to laws of a political, economic or administrative nature.

Article 220

No Bill of Law rejected wholly or partially may be debated again in the legislature.

Article 221

A law is obligatory by virtue of its promulgation and after twenty days have elapsed following completion of its publication in the Official Journal *La Gaceta*. Nevertheless, the period mentioned in this article may be reduced or extended in the Law itself and, in special cases, another method of promulgation may be ordered.

CHAPTER III

The Office of the Comptroller General of the Republic

Article 222

The office of the Comptroller General of the Republic is an auxiliary agency of the Legislative Power and is functionally and administratively independent, exclusively

responsible of the post-auditing of the Public Treasury, and has among others the following powers [*atribuciones*]:

1. To verify the administration of public funds and properties and to audit the accounts of the functionaries and employees that manage them;
2. To audit the financial operations of the dependencies of the Public Administration, decentralized institutions, including the municipalities, government establishments, and entities that are financed with funds from the national treasury or receive a subsidy or subvention from it;
3. To examine the books of the State and the accounts rendered by the Executive Power to the National Congress on the operations of the Public Treasury and to present to it the corresponding report; and
4. To exercise any other functions that the Organic Law assigns to it.

Article 223

The office of the Comptroller General shall be in the charge of a Comptroller and a Sub-Comptroller elected by the National Congress, both of whom shall have the same qualifications and shall enjoy the same prerogatives as the Magistrates of the Supreme Court of Justice.

To be the Comptroller or Sub-Comptroller requires:

1. He is a Honduran national by birth;
2. He is over 25 years of age;
3. He is a citizen in the full exercise of his rights;
4. He is of recognized honesty and competence; and
5. He holds a university degree in Juridical Sciences, Economics, Public Administration, Auditing and Public Accounting or is a qualified accountant or Public Accountant.

The Comptroller and Sub-Comptroller shall be elected for a term of five years and may not be reelected for the subsequent term.

Article 224

The Comptroller and Sub-Deputy Comptroller shall be responsible before the National Congress for acts done in the exercise of their functions and may only be removed by the Congress when there is proof of the commission of grave irregularities or crimes.

Article 225

The post-auditing of the Central Bank of Honduras, as it relates to the management of State funds shall be effected by the office of the Comptroller General of the Republic which shall submit reports on such audit to the National Congress.

The post-auditing of other credit institutions that receive State funds, as it relates to the use of such funds in strictly banking operations or business, shall be carried out by the office of the Superintendent of Banks and, in other cases, by the office of the Comptroller General of the Republic.

Article 226

The office of the Comptroller General must submit to the National Congress, within the first forty days after the close of the fiscal year, a report on the work done during that year, together with a statement of opinions and suggestions deemed necessary to achieve greater efficiency in the management and control of public funds and properties.

This report, a copy of which shall be simultaneously sent to the President of the Republic, shall be published by the office of the Comptroller General in full or in summary form, with the exception of matters relating to classified military information and others that may affect national security.

The foregoing does not preclude the office of the Comptroller General from presenting special reports to the National Congress and, in specified cases, also simultaneously, to the President of the Republic.

Article 227

All aspects relating to the organization and operation of the office of the Comptroller General of the Republic shall be determined by the Law.

CHAPTER IV

Office of the Procurator General of the Republic

Article 228

The Office of the Procurator General of the Republic shall be the legal representative of the State, its organization and functioning shall be determined by the Law.

Article 229

The Procurator General and the Sub-Procurator General of the Republic shall be elected by the National Congress for four years and they may not be reelected for a subsequent term; they must have the same qualifications and shall have the same prerogatives and qualifications as established in this Constitution for Magistrates of the Supreme Court of Justice.

Article 230

Civil and criminal actions resulting from the audits of the office of the Comptroller General of the Republic shall be instituted by the Procurator General, excepting those relating to the

municipalities, which shall continue to be the responsibility of functionaries that the laws indicate.

Article 231

The State shall appropriate such funds as may be necessary for the adequate organization and functioning of the Office of the Procurator General of the Republic.

The organisms of the Public Administration shall cooperate with the Procurator General of the Republic in performing his functions [*atribuciones*] in the manner that the Law determines.

CHAPTER V

Directorate of Administrative Probity

Article 232

The Directorate of Administrative Probity shall be an auxiliary control agency of the Legislative Power and shall be functionally and administratively independent.

The Law regulates organization, powers [*atribuciones*] and functioning.

Article 233

Unlawful enrichment is presumed whenever the increase in the capital of a public functionary or employee, from the date on which he took office until the date on which he left it, is notably higher than that which he could have normally obtained from salaries and emoluments legally received and from increases of his capital or his income from any other lawful source.

Unlawful enrichment shall also be presumed when a public servant does not authorize an investigation of his bank deposits or business in the country or abroad.

To determine the increase referred to in the first paragraph of this article, the capital and income of the functionary or employee, his spouse and his children shall be considered jointly.

The declaration of property of public functionaries and employees shall be made according to the Law.

When a public servant has been found innocent, he shall be entitled to resume his post.

Article 234

The Director and Sub-Director General of Administrative Probity shall be elected by the National Congress for a term of five years and must have the same qualifications as specified for the posts of Comptroller and Sub-Comptroller of the Republic.

CHAPTER VI

THE EXECUTIVE POWER

Article 235

The President of the Republic shall exercise the Executive Power on behalf and for the benefit of the people.

Article 236

The President of the Republic and three Designates of the Presidency shall be elected jointly and directly by the people, by a simple majority of votes. The election shall be declared by the National Tribunal of Elections and, in default thereof, by the National Congress or by the Supreme Court of Justice in such case.

Article 237

The presidential term shall be four years and shall begin on the 27th day of January following the date on which the election was held.

Article 238

To be President of the Republic or Designate of the Presidency requires:

1. He is a Honduran by birth;
2. He is over 30 years of age;
3. He is in the enjoyment of the rights of citizenship; and
4. He is a layman.

Article 239

A citizen who has held the title of the Executive Power may not be President or a Designate.

He that violates this provision or advocates its amendment, as well as those that directly or indirectly support him, shall immediately cease to hold their respective offices and shall be disqualified for ten years from exercising any public function.

Article 240

The following may not be elected President of the Republic:

1. The Designates of the Presidency of the Republic, Secretaries and Sub-Secretaries of State, Members of the National Tribunal of Elections, Magistrates and Judges of the Judicial Power, Presidents, Vice Presidents, Managers, Sub-Managers, Directors, Sub-Directors, Executive Secretaries of decentralized institutions, the Comptroller and Sub-Comptroller General of the Republic, the Procurator and Sub-Procurator General of the Republic, the Director and Sub-Director of Administrative Probity, who have exercised their functions during the six months prior to the date of election of the President of the Republic.

2. Commanders [*oficiales jefes*] and general officers [*oficiales generales*] of the Armed Forces;
3. Superior officers [*jefes superiores*] of the Armed Forces and the Police Forces [*Cuerpos de Policía*] or [Forces] of the Security of the State;
4. Servicemen on active duty and members of any other armed body that have exercised their functions during the previous twelve months prior to the date of the election;
5. The spouse and the relatives of military commanders [*jefes militares*], members of the High Council of the Armed Forces, within the fourth degree of consanguinity or the second degree of affinity;
6. Relatives of the President and Designates that have exercised the Presidency in the year preceding the election, within the fourth degree of consanguinity or the second degree of affinity;
7. Representatives or agents [*apoderados*] of enterprises that are concession holders of the State, the concession holders of the State for the exploitation [*exportación*] of natural resources or contractors for services or public works that are financed with national funds and who for those reasons have outstanding accounts with the State.

Article 241

The President of the Republic, or whoever is exercising his functions, may not leave the national territory for more than fifteen days without permission of the National Congress or of its Permanent Commission.

Article 242

If the incapacity [*falta*] of the President is permanent, the Designates elected to that effect by the National Congress shall exercise the Executive Power for the time that remains for completion of the constitutional term. But if the three designates are also incapacitated in an absolute manner, the Executive Power shall be exercised by the President of the National Congress or, in the incapacity of this, ultimately by the President of the Supreme Court of Justice for the time that remains for completion of the constitutional period.

During his temporary absences, the President may call upon one of the designates to substitute him.

If the election of the President and the Designate should not be declared one day before the 27th of January, the Executive Power shall be exercised exceptionally by the Council of Ministers, which must convoke elections of the supreme authorities within fifteen days subsequent to that date.

These elections shall take place within a period of not less than four or more than six months from the date of the convocation. Once the elections have been held, the National Tribunal of Elections or, in default [*defecto*] thereof, the National Congress or the Supreme Court of Justice, as the case may be, shall make the corresponding declaration, within the twenty days

subsequent to the date of the election, and those elected shall immediately take possession of office until the corresponding constitutional period is completed.

While the newly elected supreme authorities take possession of their respective offices, the Deputies to the National Congress and the Magistrates of the Supreme Court of Justice shall continue in the interim to perform their functions.

Article 243

If, at the beginning of the constitutional period for which he has been elected, the President does not take office [*se presentare*], until he does so the Designate of the Presidency elected by the National Congress shall exercise the Executive Power.

Article 244

The Oath of Law of the President of the Republic or his legal substitute shall be administered before the President of the National Congress, if it is in session, or, in default [*defecto*] thereof, before the President of the Supreme Court of Justice.

Should it not be possible to administer the oath before the above-mentioned functionaries, it may be administered before any Judge of Letters [*juez de letras*] or of the Peace of the Republic.

Article 245

The President of the Republic shall be responsible for the general administration of the State; his powers [*atribuciones*]:

1. To comply with and enforce [*hacer cumplir*] the Constitution, treaties and conventions, laws and other legal provisions;
2. To direct the general policy of the State and to represent it;
3. To safeguard [*mantener incólume*] the independence and honor of the Republic [and] the integrity and inviolability of the national territory;
4. To maintain the peace and internal security of the Republic and to repel every external attack or aggression;
5. To freely appoint and dismiss the Secretaries and Sub-secretaries of State and other functionaries and employees whose appointment is not attributed to other authorities.
6. To convene [*excitar*] the National Congress in extraordinary sessions through the Permanent Commission or to propose the continuance of ordinary [sessions];
7. To restrict or suspend the exercise of rights, in agreement with the Council of Ministers, subject to that established in this Constitution;
8. To send messages to the National Congress at any time, and obligatorily by personal appearance and in writing when each ordinary legislature is installed;

9. To participate in the enactment of the laws by introducing bills in the National Congress through the Secretaries of State;
10. To give the Legislative and Judicial Powers and the National Tribunal of Elections such assistance and forces that are necessary to make their resolutions effective;
11. To issue directives and decrees and to issue regulations and resolutions according to the Law;
12. To direct foreign policy and relations;
13. To conclude [*celebrar*] treaties and agreements and to ratify, following approval by the National Congress, International Treaties of a political and military character, those relating to the national territory, sovereignty and concessions, those entailing financial obligations for the Public Treasury, or those requiring amendment or repeal of any constitutional or legal provision, and those needing legislative measures for their execution;
14. To appoint, in accordance with the Law of the Foreign Service to be issued, the heads of diplomatic and consular missions who shall be Honduran nationals by birth except in the case of honorary posts or joint representations of Honduras with other States;
15. To receive the heads of foreign diplomatic missions and representatives of international organizations; to issue the Exequatur to and withdraw it from Consuls of other States;
16. To exercise command as Head of the Armed Forces in the character of Commander General [*Comandante General*] and to adopt the necessary measures for the defense of the Republic;
17. To declare war and make peace during a recess of the National Congress, which must be convened forthwith;
18. Generally to watch over the official conduct of public functionaries and employees for the security and prestige of the Government and of the State;
19. To administer the Public Treasury;
20. To adopt extraordinary economic and financial measures when the national interest so requires, and to give an account thereof to the National Congress;
21. To negotiate loans and effect contracts therefor following approval by the National Congress when that corresponds to it;
22. To formulate the National Development Plan, discuss it in the Council of Ministers, present it to the National Congress for approval, direct it and execute it;
23. To regulate customs tariffs according to the Law;
24. To pardon and commute sentences according to the Law;
25. To confer declarations according to the Law;

26. To see to it that the revenues of the State are collected and to regulate their investment according to the Law;
27. To publish each trimester a Statement of Income and Expenditure of Public Revenue;
28. To organize, direct, orient and promote public education, eradicate illiteracy, and disseminate and improve technical education;
29. To adopt measures for the promotion, recovery and rehabilitation of the health of the population;
30. To direct the economic and financial policy of the State;
31. To exercise supervision and control of banking institutions, insurance companies, and investment houses through the National Banking and Insurance Commission, whose composition and functioning shall be governed by a special law, and to appoint the president and vice presidents of the Banks of the State according to the Law;
32. To prescribe such measures and provisions as may be feasible to promote the rapid execution of the Agrarian Reform and the development of production and productivity in rural areas [*el agro*];
33. To sanction, veto, promulgate and publish any laws approved by the National Congress;
34. To direct and support the policy of Economic and Social Integration, both national and international, aimed at improving the living conditions of the Honduran people;
35. To create, maintain, and suppress [*suprimir*] public services and take such measures as may be necessary for the efficient operation thereof;
36. To confer military ranks from Sub-lieutenant to Captain, inclusive;
37. To ensure [*velar*] that the Armed Forces [*Fuerzas Armadas*] are apolitical, essentially professional, obedient and non-deliberative;
38. To issue and cancel naturalization papers, authorized by the Executive Power according to the Law;
39. To award pensions, bonuses, and allowances according to the Law;
40. To confer juridical personality on civil associations according to the Law;
41. To ensure [*velar*] harmony between capital and labor;
42. To revise and fix the minimum wage according to law;
43. To permit or deny, following authorization by the National Congress, the transit through Honduran territory of troops of another country;

44. To permit, following authorization by the National Congress, the departure of Honduran troops to render services in foreign territory, in accordance with international treaties and conventions for operations for the maintenance of peace; and

45. Such others as are conferred on him by the Constitution and the laws.

CHAPTER VII

The Secretaries of State

Article 246

The Secretaries of State are organs of the general administration of the country, and depend directly on the President of the Republic. The Law determines their number, organization, competence and functioning, as well as also the organization, competence and functioning of the Council of Ministers.

Article 247

The Secretaries of State shall collaborate with the President of the Republic in the orientation, coordination, direction and supervision of the organs and entities of the national public administration in the areas of their competence.

Article 248

The decrees, regulations, directives, orders and executive acts [*providencias*] of the President of the Republic must be authorized by the Secretaries of State in their respective areas [*ramos*] or by the Sub-Secretaries, as the case may be. Without this requirement they shall not have legal force.

The Secretaries of State and the Sub-Secretaries shall be jointly responsible with the President of the Republic for the acts they authorize.

For decisions taken in the Council of Ministers, the Ministers present shall be responsible unless they have given grounds for their dissenting votes.

Article 249

No person may be Secretary or Sub-Secretary unless he meets the same requirements as to be President of the Republic.

The Sub-Secretaries shall replace the Secretaries by operation [*ministerio*] of Law.

Article 250

The following may not be Secretaries of State:

1. The relatives of the President of the Republic within the fourth degree of consanguinity and the second degree of affinity;

2. Persons who have administered or collected public securities until the solvency of their account has been settled;
3. Delinquent debtors to the public treasury;
4. Concession holders of the State, their agents or representatives for the exploitation of natural resources or contractors of any services and public works that are financed with State funds and who for those reasons have accounts pending with it.

Article 251

The National Congress may summon the Secretaries of State and these must answer any questions put to them concerning matters relating to public administration.

Article 252

The President of the Republic convokes and presides over the Council of Ministers. All decisions of the Council shall be taken by simple majority and, in the event of a tie, the President shall have a casting vote [*doble voto*].

The Council shall meet at the initiative of the President to take decisions on any matters he may deem to be of national importance and to consider such cases as are specified by the Law.

The Secretary of State in the Office of the Presidency shall act as Secretary of the Council.

Article 253

The holding of another public post is incompatible with the function of Secretary of State except when the laws assign him other functions. The rules, prohibitions and penalties established in articles 203 and 204 are applicable to the Secretaries of State where appropriate.

Article 254

The Secretaries of State must submit annually to the National Congress within the first fifteen day of its installation, a report on the work done in their respective departments [*despachos*].

Article 255

The administrative acts of any organ of the State that are to produce juridical effects of a general character shall be published in the official journal *La Gaceta* and their validity shall be regulated in accordance with the provisions of this Constitution for the coming into force of the Law.

CHAPTER VIII The Civil Service

Article 256

The Regime of the Civil Service regulates the employment and public service function established between the State and its servants, based on the principles of competence, efficiency and honesty. Personnel administration shall be subject to scientific methods based on the merit system.

The State shall protect its servants within the administrative career.

Article 257

The Law shall regulate the Civil Service and in particular conditions for entering the public administration; promotions and advancement based on merit and qualifications; job security, transfers, suspensions and guarantees; the duties of public servants and reviewability against decisions that affect them.

Article 258

Both in the Central Government and in any of the decentralized agencies of the State, no person may hold at the same time two or more remunerated public offices except those rendering medical care or educational services.

No functionary, employee or public worker that receives a regular salary shall receive a per diem allowance for the provision of a service in performance of his duties.

Article 259

The provisions of this Chapter shall apply to functionaries and employees of decentralized and Municipal institutions.

CHAPTER IX Decentralized Institutions

Article 260

Decentralized institutions may be established only by special law, provided the following are guaranteed:

1. Greater efficiency in the administration of the national interests;
2. The satisfaction of mass public service needs on a nonprofit basis;
3. Greater effectiveness in achieving the purposes of the public administration.
4. Economic and administrative justification of the cost of their operation, of the expected yield or benefit or, where appropriate, of the expected savings;
5. Exclusiveness of the field, so that their establishment does not entail duplication with other already existing organs of the public administration;

6. The development and exploitation of properties or resources belonging to the State; the participation of the State in those areas of economic activities that it considers necessary and advisable for achieving its purposes of social progress and general welfare; and

7. The general legal regime of the decentralized institutions will be established by the means of the general law of public administration to be issued.

Article 261

To establish or suppress a decentralized agency the National Congress shall decide by the vote of two-thirds of its members.

Prior to the issuance of laws relating to decentralized institutions, the National Congress must seek the opinion of the Executive Power.

Article 262

The decentralized institutions enjoy functional and administrative independence and for that purpose may issue such regulations as are necessary according to law.

The decentralized institutions shall operate under the direction and supervision of the State and their chairmen, directors or managers shall be accountable for their activities. The law shall stipulate the necessary mechanisms for the control of decentralized institutions.

Article 263

The following may not be Presidents, General Managers, or Directors General of the Decentralized Institutions:

1. The relatives of the President of the Republic and the Designates within the fourth degree of consanguinity or the second degree of affinity.

Article 264

The chairmen, directors general and managers of decentralized agencies of the State shall have a term of office of four years and their mode of appointment and removal shall be in accordance with the respective laws establishing them.

Article 265

Functionaries who in any capacity exercise directive functions of decentralized agencies shall be officials of trust of the Executive Power but the employment relations of the other employees of these institutions shall be regulated by the juridical regime applicable to workers in general. The modalities, content and scope of these regimes shall be normalized by the pertinent laws, regulations and collective agreements.

Article 266

The decentralized institutions shall submit to the Central Government the Plan of Operations [*Plano Operativo*] for the corresponding fiscal year, accompanied by a descriptive and

analytical report of each of the basic specific activities to be carried out, together with a comprehensive budget for the execution of the plan concerned.

The Secretary of State in the Departments of Finance and Public Credit and the Superior Council for Economic Planning shall separately prepare opinions for the purpose of determining the consistency of such documents with the development plans approved.

Once they are approved by the President of the Republic, the opinions shall be sent to the decentralized institutions concerned.

The directive organs of the decentralized institutions shall not approve the plan or the annual budget until the changes proposed in the opinion concerned have been incorporated into them.

Article 267

The decentralized organisms of the State shall send to the Legislative Power, within the first fifteen days of the month of September of each year the respective annual itemized preliminary draft budgets for approval.

Article 268

The decentralized institutions must present to the Central Government a detailed report on the net results of the financial activities of their prior fiscal year.

Likewise, they must present a report on the physical and financial progress of all the programs and projects being executed.

The Secretary of State in the Department of Finance and Public Credit and the Superior Council for Economic Planning shall evaluate the results of the work of each decentralized entity and shall make pertinent observations and recommendations.

Article 269

The Executive Power may, through the corresponding channel [*medio del conducto*], dispose of the net profits of the decentralized [institutions] that carry on economic activities, when they do not affect the development of those [institutions] or the execution of their priority programs or projects.

Article 270

The Law shall specify the contracts that must be submitted to public bidding by decentralized institutions.

Article 271

Any substantial change in the Plan of Operations and the budget of a decentralized institution shall previously require a favorable opinion from the Superior Council for Economic Planning and from the Secretary of State in the Department of Finance and Public Credit.

CHAPTER X The Armed Forces

Article 272

The Armed Forces of Honduras are a National Institution of permanent and essentially professional, apolitical, obedient and non-deliberative character.

They are established to defend the territorial integrity and sovereignty of the Republic, to maintain peace, public order and the rule of the Constitution, the principles of free suffrage and alternation in the exercise of the Presidency of the Republic.

Article 273

The Armed Forces shall comprise the High Command, Army, Air Force, Navy, Public Security Force, the organisms and dependencies determined by the Constitutive Law.

Article 274

The Armed Forces shall be subject to the provisions of the Constitutive Laws and of the other laws and regulations governing their functioning. They shall cooperate with the Executive Power in the tasks of literacy training, education, agriculture, conservation of national resources, highways, communications, health, agrarian reform and in emergency situations.

Article 275

A special law shall regulate the functioning of the Military Tribunals.

Article 276

Military service is obligatory for all citizens between the ages of 18 and 30. A special law shall regulate its operation.

In the event of an international war, all Hondurans capable of rendering service, without discrimination, shall be soldiers.

Article 277

The Armed Forces shall be under the direct command of the Commander-in-Chief of the Armed Forces [*Jefe de las Fuerzas Armadas*]; through him, the President of the Republic shall perform his constitutional function relating to them, in accordance with the Constitutive Law of the Armed Forces.

Article 278

Orders given by the President of the Republic to the Armed Forces, through the Commander-in-Chief of the Armed Forces, must be obeyed [*actada*] and executed.

Article 279

The Commander-in-Chief of the Armed Forces must be a General [*General*] or Superior Officer [*Superior*] with the rank of Colonel of the Army or its equivalent, on active service, a Honduran by birth, and shall be elected by the National Congress from a list of three proposed by the Superior Council of the Armed Forces.

His term of office shall be three years and he may be removed from his office by the National Congress only when ground for impeachment has been declared by a two-thirds vote of its members; and in the other cases provided for by the Law Establishing the Armed Forces.

No relative of the President of the Republic or of his legal substitutes within the fourth degree of consanguinity or the second degree of affinity may be elected Commander-in-Chief of the Armed Forces.

Article 280

On taking office the Commander-in-Chief of the Armed Forces shall take before the National Congress the legal oath for every public functionary.

Article 281

In the event of temporary absence of the Commander-in-Chief of the Armed Forces, the Chief of the General Staff of the Armed Forces [*Jefe del Estado Mayor Conjunto*] shall perform his functions. In the event of permanent absence, the Superior Council of the Armed Forces shall propose, within the following fifteen days, a list of three candidates so that the National Congress may elect the one to fill the vacancy for the remainder of the period for which he had been elected. Until the election takes place, the Chief of the General Staff of the Armed Forces shall fill the vacant post.

Article 282

The Commander-in-Chief of the Armed Forces shall appoint the personnel of the Armed Forces through the Office of the Secretary of National Defense and Public Security.

Article 283

The General Staff [*Estado Mayor General*] of the Armed Forces is a dependent organism of the office of the Commander-in-Chief [*Comando en Jefe*] thereof and shall have such functions as the Law specifies.

Article 284

The territory of the Republic shall be divided into military regions for reasons of national security and each shall be in the charge of a Chief of the Military Region [*Jefe de Región Militar*]. Each region shall operate in accordance with the provisions of the respective laws and may be divided into districts and sections in accordance with the orders of the Commander-in-Chief of the Armed Forces.

Article 285

The Superior Council of the Armed Forces is the consultative organ in all matters relating to that Institution.

It shall act as the decision-making organ in matters within its competence and as the Superior Tribunal of the Armed Forces in matters submitted to its cognizance.

Article 286

The Superior Council of the Armed Forces will be presided over by the Commander-in-Chief of the Armed Forces and will be composed as specified in the Constitutive Law of the same.

Article 287

The National Council on Defense and Security is hereby created; a special law shall regulate its organization and functioning.

Article 288

Candidates for commissions in the Armed Forces shall be educated in military training centers. Training centers shall be organized for the arms and services in accordance with the needs of the Institution.

Article 289

The College of National Defense is established as the highest center of learning of the Armed Forces, responsible for the training of select military and civilian personnel so that they may participate jointly in the national strategic planning in the political, economic, social and military fields.

Article 290

Military ranks are acquired only by strict promotion in accordance with the respective law. Military personnel may not be deprived of their ranks, honors or pensions except as provided for by Law. Promotions from Sub-Lieutenant to Captain, inclusive, shall be conferred by the President of the Republic on the proposal of the Commander-in-Chief of the Armed Forces; promotions from Major to Major General, inclusive, shall be conferred by the National Congress on the joint proposal of the President of the Republic and the Commander-in-Chief of the Armed Forces. The General Staff of the Armed Forces shall make a report on each promotion requested.

Article 291

For the protection, welfare and social security of all the members of the Armed Forces, the Institute of Military Welfare shall function in accordance with the corresponding law.

Article 292

The manufacture, import, distribution and sale of arms, ammunition and similar articles is reserved as an exclusive faculty of the Armed Forces.

Article 293

The administration of the funds appropriated for the department [*ramo*] of Defense shall be the responsibility of the general Disbursement Office of the Armed Forces [*Pagaduría General*], which shall receive from the Secretariat of Finance and Public Credit quarterly advances of the funds appropriated in the General Budget of Incomes and Expenditures of the Republic.

CHAPTER XI

The Departmental and Municipal Regime

Article 294

The national territory shall be divided into departments. Their establishment and boundaries shall be determined by the National Congress.

The departments shall be divided into autonomous municipalities administered by corporations elected by the people, according to the Law.

Article 295

The Central District consists of a single municipality made up of the former municipalities of Tegucigalpa and Comayagüela.

Article 296

The Law shall establish the organization and functioning of the municipalities and the requirements for being a municipal official or employee.

Article 297

The municipalities shall freely appoint the employees under their dependency including the police officers paid with their own funds.

Article 298

In the exercise of their private functions and provided they are not contrary to the laws, the Municipal Corporations shall be independent of the Powers of State and shall be accountable to the tribunals of justice for abuses committed individually or collectively, without prejudice to administrative liability.

Article 299

The economic and social development of the municipalities must form part of Programs of the National Development.

Article 300

Every municipality shall have sufficient communal land [*tierras ejidales*] to ensure its existence and normal development.

Article 301

Taxes and contributions levied on income derived from investments made in the respective municipality, as well as the participation incumbent upon it for the exploitation or processing of the natural resources located in its municipal jurisdiction, shall be paid into the Municipal Treasury, except where reasons of national convenience require them to be used for other purposes.

Article 302

For the exclusive purposes of ensuring the improvement and development of the communities, citizens shall have the right to freely associate themselves in civic associations, to establish Federations or Confederations. The law shall regulate this right.

CHAPTER XII

The Judicial Power

Article 303

The power to dispense justice emanates from the people and is administered free of charge on behalf of the State by independent magistrates and judges. The Judicial Power consists of a Supreme Court of Justice, the Courts of Appeals, and the Courts established by the Law.

The Supreme Court of Justice shall have its seat in the Capital of the Republic, shall be composed of nine principal magistrates and seven alternates, elected by the National Congress, and shall be divided into chambers [*salas*], in accordance with the provisions of the Internal Regulations of that Court.

Article 304

The President of the Supreme Court of Justice shall be elected by the National Congress for a term of four years.

Article 305

The term of Magistrates of the Supreme Court of Justice shall be four years and they may be reelected.

The vacancies shall be filled for the remainder of the term.

Article 306

The Judicial Power shall receive an annual appropriation of not less than 3 percent of the Budget of the Net Income of the Republic, excluding loans and grants.

Article 307

No person shall be a Magistrate of the Supreme Court of Justice unless: he is a citizen in the enjoyment of his rights, a Honduran national by birth, a lawyer before the Tribunals of the Republic, a member of the Bar Association, more than thirty-five years of age, a layman and

has held the post of Judge of Letters [*Juez de Letras*] or Magistrate of the Court of Appeals, or has exercised the profession, for at least five years.

Article 308

The following persons may not be elected justices of the Supreme Court of Justice:

1. Those who have any of the disqualifications to be a Secretary of State; and
2. Relatives within the fourth degree of consanguinity or the second degree of affinity.

The provisions of number 1 above apply to the appointment of magistrates of the Courts of Appeals; and the disqualifications mentioned in number 2 above apply to the appointment of magistrates of the same Courts of Appeals.

Article 309

Judges and magistrates may not be removed, suspended, transferred or retired, except for the causes and with the guarantees provided in the Law.

The Law shall regulate the judicial career and matters relating to ensuring the competence, stability or independence of the judges, in addition to establishing norms relating to competence, organization and functioning of the Tribunals, when not otherwise provided for in this Constitution.

Article 310

No judgment shall have more than two instances; the judge or magistrate who has exercised jurisdiction in one of them may not try the other, nor in cassation, on the same matter without incurring responsibility.

Nor may relatives within the fourth degree of consanguinity or the second degree of affinity participate as judges in the same case.

Article 311

The position of serving [*calidada*] as judge or justice is incompatible with the free exercise of the legal profession and of a functionary or employee of other public powers except that of teacher or Diplomat ad hoc.

Judges or Magistrates in service may not take part for any reason in partisan political activities of any kind except that of casting their personal vote, nor may they join a union or go on strike.

Article 312

The magistrates, judges, agents of the public ministry and officials of justice may not be obligated to undergo military service, or to attend military exercises or drills.

Article 313

The Tribunals of Justice shall request the assistance of the Police Force in the enforcement of their resolutions; if it is denied to them or is not available, they shall require it from the citizens.

He who without reason refuses to give assistance shall incur responsibility.

Article 314

It is the private faculty of the Tribunals of Justice to judge and execute judgment. They are responsible for the application of the laws in specific cases.

Article 315

In cases of incompatibility between a constitutional norm and a rule of ordinary law, a Judge shall apply the former.

Likewise, he shall apply a legal norm over all other subordinate norms.

Article 316

The Law shall regulate the organization and functioning of the Tribunals, Jurisdictions [*Juzgados*] and the Public Ministry.

Article 317

Without detriment to the independence of judges and magistrates, the law shall prescribe what is necessary to ensure the proper and correct functioning of the Tribunals of Justice and shall provide effective means of meeting their functional and administrative needs, as well as the organization of the auxiliary services.

Article 318

The contentious-administrative jurisdiction is hereby created. The Law shall establish the competence of the tribunals as well as their organization and functioning.

Article 319

The Supreme Court of Justice shall have the following powers [*atribuciones*]:

1. To enact its Internal Regulation;
2. To try official and common crimes of high functionaries of the Republic, when the National Congress has declared that there are grounds for impeachment;
3. To try in second instance all cases that the Courts of Appeals have heard in first instance;
4. To confer the title of Lawyer and authorize those who have obtained it to exercise the profession of Notary;

5. To declare whether or not there are grounds for trial of such functionaries and employees that the Law determines;
6. To try cases of extradition and such others as are to be judged in accordance with International Law;
7. To take cognizance of recourses of cassation according to the Law;
8. To hear cases of the recourses of amparo and revision according to the Law;
9. To appoint magistrates, judges, public prosecutors [*fiscales*] and other functionaries and employees, according to the Law;
10. To publish the *Gaceta Judicial*;
11. To accept or refuse to accept the resignation of functionaries appointed by it and to grant leave to them and to its own members;
12. To declare laws to be unconstitutional in the manner and cases provided in this Constitution;
13. To prepare the Proposed Budget of the Judicial Power and to present it to the Executive Power for inclusion in the General Budget of Revenues and Expenditures; and
14. Such other s as are conferred upon it by this Constitution and the laws.

Article 320

The Special Disbursements Office [*Pagaduría Especial*] of the Judicial Power shall pay the salaries of functionaries and employees of the administration of justice and its expenses.

The General Treasury of the Republic shall pay quarterly in advance the necessary funds for making these payments.

The Special Disbursement Office of the Judicial Power shall be a dependency of the Supreme Court of Justice.

The Supreme Court of Justice is responsible for the appointment of the Disbursements Officer [*Pagador*]. He shall post a bond according to the Law.

CHAPTER XIII

The Responsibility of the State and of its Servants

Article 321

The servants of the State shall have no faculties other than those expressly conferred on them by the Law. Any act they execute outside the law is null and void and implies responsibility.

Article 322

On taking up his post a public functionary shall take the following legal oath: "I promise to be faithful to the Republic, to comply with and enforce the Constitution and the laws."

Article 323

The functionaries are the repositories of authority, legally responsible for their official conduct, subject to the law and never superior to it.

No functionary or employee, civil or military, is obligated to comply with unlawful orders or orders that imply the commission of a crime.

Article 324

If in the performance of his duties a public servant infringes the law to the detriment of private individuals, he shall be civilly and jointly responsible together with the State and the State institution in whose service he is working, without prejudice to the action of repetition [*acción de repetición*] that these may exercise against the servant responsible, in cases of negligence or fraud.

Civil responsibility does not exclude the institution of administrative and penal responsibility proceedings against the offender.

Article 325

Civil responsibility proceedings against servants of the State prescribe in a period of ten years; penal responsibility proceedings, in twice the time indicated by the penal law.

In both cases, the period of prescription shall run from the date on which the public servant has ceased to perform the duties of the post in which he incurred responsibility.

There is no period of limitation in cases in which the death of one or more persons was caused by willful act or omission and for political reasons.

Article 326

The action to prosecute violators of the rights or guarantees established in this Constitution may be instituted by any person without bond or any formality and by simple denunciation.

Article 327

The Law shall regulate the civil liability of the State, as well as the joint civil, penal and administrative liability of servants of the State.

TITLE VI THE ECONOMIC REGIME

CHAPTER I The Economic System

Article 328

The economic system of Honduras is based on the principles of efficiency in production and social justice in the distribution of wealth and national income, as well as on the harmonious coexistence of the factors of production that make it possible to dignify labor as the principal source of wealth and as a means of fulfillment of the human person.

Article 329

The State promotes economic and social development, which will be subject to appropriate planning. The Law shall regulate the system and process of planning with the participation of the Powers of State, and political, economic and social organizations shall be duly represented.

Article 330

The national economy is based on the democratic and harmonious coexistence of various forms of ownership and enterprise.

Article 331

The State recognizes, guarantees and promotes freedom of consumption, savings, investment, employment, initiative, commerce, industry, contract, business and any others that flow from the principles that underlie this Constitution. However, the exercise of these freedoms may not be contrary to the social interest nor harmful to morals, health, or public security.

Article 332

The practice of economic activities primarily belongs to individuals. However, the State, for reasons of public policy or social interest, may reserve to itself the operation of specified basic industries, ventures, and services affected by a public interest and issue economic, fiscal and public security measures and laws to channel, stimulate, supervise, orient and supplement private initiative on the basis of a rational and planned economic policy.

Article 333

The basis of the intervention of the State in the economy shall be the public and social interest, and its limits shall be rights and liberties recognized by this Constitution.

Article 334

Commercial companies shall be subject to the control and supervision of an office of the Superintendent of Companies, whose organization and operation shall be determined by law.

Cooperatives shall be answerable to the agency and in the form and to the extent established by the pertinent laws.

Article 335

The State shall order its external economic relations on the basis of fair international cooperation, Central American economic integration, and respect for the treaties and agreements it signs, insofar as they are not opposed to the national interest.

Article 336

Foreign investment shall be authorized, registered and supervised by the State. It shall supplement and never substitute for national investment.

Foreign enterprises shall be subject to the laws of the Republic.

Article 337

Small-scale industry and commerce is the patrimony of Honduran nationals and its protection shall be the subject matter of a Law.

Article 338

The Law shall regulate and promote the organization of cooperatives of all kinds, without the basic economic and social principles of this Constitution being altered or eluded.

Article 339

Monopolies, monopsonies [*monosonias*], oligopolies [*oligopolios*], hoarding and similar practices in industrial and commercial activity are prohibited.

The temporary privileges granted to inventors, discoverers or authors as scientific, literary, artistic or commercial property, patents of inventions or trademarks are not considered private monopolies.

Article 340

The technical and rational exploitation of the natural resources of the Nation is declared to be of public utility and necessity.

The State shall regulate their development in accordance with the social interest and shall establish the conditions for their grant to individuals.

The reforestation of the country and the conservation of forests are declared to be of national convenience and collective interest.

Article 341

The Law may establish restrictions, modalities or prohibitions for the acquisition, transfer, use and enjoyment of State and municipal property, for reasons of public policy, social interest or national convenience.

CHAPTER II

Currency and Banking

Article 342

The issue of currency is the exclusive power of the State, which shall exercise it through the Central Bank of Honduras.

The banking, currency and credit regime shall be regulated by the Law.

The State, through the Central Bank of Honduras, shall be responsible for the formulation and development of the monetary, credit and exchange policy of the country, duly coordinated with the planned economic policy.

Article 343

The Central Bank of Honduras shall regulate and approve the granting of loans, discounts, guarantees and other credit operations; commissions, allowances or bonuses of any kind that banking, financing, or insurance institutions grant to shareholders that hold a majority interest, directors, and officers.

In addition, it shall regulate and approve the granting of loans, discount, guarantees and other credit operations to companies in which the shareholders hold a majority interest.

Any violation of the provisions of this article shall be punished in accordance with such regulations as the Central Bank may issue, without prejudice to any civil or penal actions of responsibility resulting therefrom.

CHAPTER III Agrarian Reform

Article 344

The Agrarian Reform is a comprehensive process and an instrument for the transformation of the agrarian structure of the country, aimed at replacing latifundia and minifundia by a system of ownership, tenure, and use of the land that guarantees social justice in rural areas and increases the production and productivity of the agricultural sector.

The implementation of the Agrarian Reform is declared to be of public necessity and utility.

Article 345

The Agrarian Reform is an essential part of the overall development strategy of the Nation and therefore any other economic and social policies that the Government may approve shall be formulated and executed in harmony with it, especially those related, among others, to education, housing, employment, infrastructure, marketing and technical and credit assistance.

The Agrarian Reform shall be implemented in such a way as to ensure the effective participation of agricultural workers in conditions of equality with other sectors of production, in the process of economic, social and political development of the Nation.

Article 346

It is the duty of the State to adopt measures to protect the rights and interests of the indigenous communities in the country, especially of the lands and forests in which they are settled.

Article 347

Agricultural production must be preferably aimed at satisfying the food requirements of the Honduran population, within the framework of a policy of adequate supply and fair prices for the producer and the consumer.

Article 348

The agrarian reform plans of the National Agrarian Institute and the other decisions of the State in agrarian matters shall be formulated and implemented with the effective participation of legally recognized organizations of agricultural workers, farmers, and stockraisers.

Article 349

The expropriation of property for the purpose of agrarian reform or for developing and improving communities, or for any other purposes of national interest determined by the Law, shall be carried out on the basis of just compensation by cash payments and, where appropriate, agrarian debt bonds. These bonds shall be obligatorily acceptable, shall enjoy sufficient guarantees by the State, and shall have such nominal values, redemption periods, interest rates and other requirements as the Law of Agrarian Reform determines.

Article 350

The properties that may be expropriated for the purposes of the Agrarian Reform or the development and improvement of communities are exclusively rural holdings and the useful and necessary improvements attached to them whose severance may be detrimental to the economic production unit.

CHAPTER IV Financial Regime

Article 351

The tax system shall be governed by the principles of legality, proportionality, generality and equity, in accordance with the economic capacity of the taxpayer.

CHAPTER V Public Wealth

Article 352

The public wealth comprises:

1. All movable and immovable properties of the State;
2. All its active credits; and
3. Its net available funds.

Article 353

The financial obligations of the State are:

1. Debts legally incurred for current expenditure or investment outlays originating in the execution of the Budget of General Revenues and Expenditures; and
2. Other debts legally recognized by the State.

Article 354

Fiscal or public properties may be awarded or transferred only to the persons and in the manner and under the conditions determined by law.

The State reserves itself the power to establish or modify the demarcation of areas for the control and protection of natural resources in the national territory.

Article 355

The administration of public funds corresponds to the Executive Power.

For the collection, custody and expenditure of these funds, there shall be a general treasury service.

However, the Executive Power may delegate the functions of collector and depository to the Central Bank.

In addition, the Law may establish special disbursement services.

Article 356

The State guarantees the payment of the public debt incurred only by constitutional governments, in accordance with this Constitution and the Laws.

Any norm or act that contravenes the provisions of this Article shall incur the civil, penal and administrative responsibility of the offenders, which shall be imprescriptible.

Article 357

The authorizations of external or internal indebtedness of the central government, decentralized organisms and municipal governments, which include State guarantees or endorsements [*avales*], shall be regulated by the Law.

Article 358

Local governments may undertake domestic credit operations under their exclusive responsibility, but they shall require the authorizations specified by special laws.

Article 359

Public taxation, expenditure and indebtedness shall be proportionate to the gross domestic product, according to the Law.

Article 360

The contracts which the State enters into for the construction of public works, procurement of supplies and services, purchase or rental of goods, must be executed following a public bidding, competition or auction, according to the Law.

Excepted are the contracts whose purpose is to meet the necessities occasioned by a state of emergency and those which by their nature can be entered into only with a specified person.

CHAPTER VI Budget

Article 361

The financial resources of the State are:

1. Revenues received from taxes, fees, contributions, royalties, grants or under any other handling;
2. Revenues derived from State enterprises, mixed-capital enterprises, or those in which the State has an equity participation; and
3. Special revenue derived from public credit or any other sources.

Article 362

All fiscal revenues and expenditures shall appear in the General Budget of the Republic, which shall be voted annually in accordance with planned economic policy and with the annual plans of operations approved by the Government.

Article 363

All regular fiscal revenues shall constitute a single fund.

No revenue may be created designated for a specific end. Nevertheless, the law may specify [*afectar*] revenue for the service of the public debt and order that the proceeds of specified taxes and general contributions be divided between the National Treasury and those of the municipalities in predetermined proportions or amounts.

In addition, the Law may, in accordance with the planned policy, authorize specified State enterprises or mixed economy enterprises to collect, administer, or invest financial resources derived from the performance of the economic activities which correspond to them.

Article 364

No commitment may be made and no payment may be effected that exceeds the appropriations voted in the Budget or violates the budgetary rules.

The offenders shall be civilly, penally and administratively responsible.

Article 365

The Executive Power, under its responsibility and provided the National Congress is not in session, may incur loans, change the purpose of an authorized item, or open additional credits for satisfying urgent or unforeseen necessities in the event of war, internal disturbance or public calamity, or for meeting international commitments, all of which are to be accounted for in detail to the National Congress at the subsequent legislature.

The same procedure shall be followed in the case of obligations of the State arising from final judgments for the payment of employment benefits when no budgetary item exists or when such item has been exhausted.

Article 366

The Budget shall be voted by the Legislative Power on the basis of the proposal submitted by the Executive Power.

Article 367

The Bill of the Budget shall be submitted by the Executive Power to the National Congress within the first fifteen days of the month of September of each year.

Article 368

The Organic Law of the Budget shall establish all matters relating to the preparation, calculation, execution and liquidation of the budget. When the budget for a new fiscal year has not been voted at the end of the fiscal year, the one corresponding to the previous period shall continue in effect.

Article 369

The Law shall determine the organization and functioning of the General Supply Office [*Proveeduría General*] of the Republic.

Article 370

For the control and supervision of movable and immovable State property, there shall be an office for the administration of national property. The Law shall determine its organization and functioning.

Article 371

The preventive inspection of the execution of the Budget of General Revenues and Expenditures of the Republic shall be the responsibility of the Executive Power which must especially:

1. Verify the collection and supervise the custody, commitment and outlay of public funds; and
2. Approve all outlays of public funds, in accordance with the Budget.

The law shall establish the procedures and scope of this inspection.

Article 372

The preventive inspection of decentralized institutions and municipalities shall be carried out in accordance with the provisions of the respective laws.

TITLE VII

AMENDMENT AND INVIOABILITY OF THE CONSTITUTION

CHAPTER I

Amendment of the Constitution

Article 373

The amendment of this Constitution may be decreed by the National Congress, in ordinary sessions, with two-thirds of the votes of all its members. The Decree shall specify for that purpose the article or articles that are to be amended, which must be ratified by the subsequent ordinary legislature, by the same number of votes, in order to take effect.

Article 374

The foregoing article, this article, the articles of the Constitution relating to the form of government, national territory, the presidential term, the prohibition from reelection to President of the Republic, the citizen who has served as President under any title, and to persons who may not be President of the Republic for the subsequent period may not be amended.

CHAPTER II

The Inviolability of the Constitution

Article 375

This Constitution does not cease to be in effect nor does it cease to be in force by act of force or when it is allegedly repealed or amended by any means or procedure other than that which it itself provides. In these cases, every citizen, whether or not invested with authority, has the duty to cooperate in maintaining or reestablishing its effectiveness.

Persons responsible for the events specified in the first part of the foregoing paragraph, as well as the principal functionaries of governments that may subsequently be organized, shall be tried in accordance with this Constitution and the laws issued in conformity therewith, if they have not assisted in immediately reestablishing the rule of this Constitution and the authorities constituted in accordance therewith. The Congress may, by a vote of an absolute majority of its members, decree the forfeiture of all or part of the property of those persons and of others who have enriched themselves by supplanting the sovereignty of the people or by usurping the public powers, to compensate the Republic for any losses incurred on account of them.

TITLE VIII

TRANSITORY PROVISIONS AND THE ENTRY INTO FORCE OF THE CONSTITUTION

CHAPTER I
Transitory Provisions

Article 376

All laws, decree-laws, decrees, regulations, orders and other provisions that were in effect at the time this Constitution was promulgated shall continue to be observed insofar as they are not in conflict with it or until they have been legally repealed or amended.

Article 377

The three percent of the net income budget, excluding loans and grants, that is appropriated to the Judicial Power shall be granted gradually in each annual budgetary period until that percentage is reached.

Article 378

The Constitution issued by the Constituent National Assembly on the third day of June, one thousand nine hundred and seventy-five, is repealed by this Constitution.

CHAPTER II
The Entry into Force of the Constitution

Article 379

This Constitution shall be sworn in a public and solemn session and shall enter into force on the twentieth day of January nineteen hundred and eighty-two.

Done in the hall of sessions of the National Constituent Assembly, in the city of Tegucigalpa, Central District, on the eleventh day of January one thousand nine hundred and eighty-two.