

U. S. SUPREME COURT OF THE UNITED STATES

~~19-5203~~  
IN RE ANGEL RUIZ RIVERA

V.

THE FEDERAL JUDGES OF THE U.S. COURT OF APPEALS FOR THE FIRST  
CIRCUIT

FEDERAL JUDGE FRANCISCO BESOSA OF THE U.S. DISTRICT COURT FOR  
THE DISTRICT OF P.R.

FEDERAL JUDGE LAURA TAYLOR SWINE OF THE SOUTHERN DISTRICT OF  
N.Y. ACTING IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF P.R. BY  
SPECIAL APPOINTMENT OF THE CHIEF JUSTICE OF THIS SUPREME  
COURT OF THE U.S. IN IN RE COMMONWEALTH OF P.R. 17-BK-03283-LTS

THE JUDGES OF THE SUPREME TRIBUNAL OF P.R.

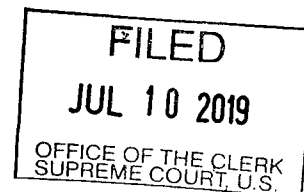
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PETITION FOR A WRIT OF MANDAMUS

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ORIGINAL

**QUESTION PRESENTED FOR REVIEW**

**IS JOINT RESOLUTION 87-121 OF AUGUST 3, 1961 BY THE U.S. CONGRESS  
AND THE AMENDMENT TO THE CONSTITUTION OF P.R. APPROVED  
THEREIN AND RATIFIED BY 82 % OF THE PEOPLE OF P.R. IN A  
REFERENDUM INCLUDED AS SECTION 2 OF ARTICLE VI, ~~THE APPLICABLE~~  
AND CONTROLLING LAWS GOVERNING THE ISSUANCE OF THE DEBT OF  
THE GOVERNMENT OF P.R.?**

**DO JUDGES HAVE THE AUTHORITY AND DISCRETION TO LOOK THE  
~~OTHER WAY AND TOTALLY IGNORE~~ AND DENY THE EVIDENTLY OBVIOUS  
APPLICABILITY OF THIS FEDERAL LAW AND CONSTITUTIONAL  
AMENDMENT TO THE ISSUANCE OF THE DEBT OF THE GOVERNMENT OF  
P.R.?**

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**CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF THE  
OPINIONS AND ORDERS ENTERED IN THE CASE BY COURTS.**

**SEE APPENDIX E**

Honorable Supreme Court of the U.S.: (17-8486) (17-8487); (17-8480).

U.S. District Court of P.R.: [16-01037(FAB)], [16-02374(FAB)], [17-03283(LTS)].

U.S. Court of Appeals for the First Circuit: (16-2208), (17-1337), (17-1743).

Puerto Rican courts of First Instance: [KDP2015-1158(808-TPI-SJ)].

Appeals Tribunal: KLAN2016-00523(TA-SJ).

Supreme Tribunal of P.R.: MD-2016-0002; MD-2016-0003; MD-2017-0005.

**CONCISE STATEMENT OF THE BASIS OF JURISDICTION OF THIS COURT**

29 U.S.C. 1291; 28 U.S.C. 1651; SUPREME COURT RULE 20; Kerr v. United States District Court, 426 U.S. 394, (1976).

The fait accompli that all the Respondents have looked the other way and heretofore failed to judicially declare that Federal Law 87-121 of August 3, 1961 and Section 2 of Clause VI of the Constitution of P.R. are applicable, binding and legally controlling over all the \$73 billion dollars of the debt issued by the Government of P.R., and ergo, that the portion of same debt issued in excess of the limits contained in the applicable Federal Law and the Constitution of P.R. are void and null ab initio and as such they must be accounted for and discounted from the net balance owed outstanding, are exceptional circumstances that warrant the exercise of the Court's discretionary powers.

Adequate relief cannot be obtained in any other form or from any other court. See my timely motions to intervene and to request declaratory judgments in the U.S. District Court for the District of P.R., [16-01037-(FAB)], [16-02374-(FAB)], [17-03283(LTS)]; my timely filed appeals before the U.S. Court of Appeals for the First Circuit; (16-2208), (17-1337), (17-1743;) and my petitions for certiorari before this own Honorable Supreme Court of the U.S., (17-8486) (17-8487); (17-8480).

**THE CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES  
AND REGULATIONS INVOLVED IN THE CASE**

1. JOINT RESOLUTION 87-121 AUG.3, 1961
2. SECTION 2 ARTICLE VI CONSTITUTION OF P.R.

## CONCISE STATEMENT OF THE CASE

The Puerto Rico Federal Relations Act of 1950 (Pub. L. 81-600) was an Act of Congress of the 81st United States Congress signed by President Harry Truman in July 3, 1950. The act was enacted in order to enable the people of Puerto Rico to organize a local government pursuant to a constitution of their own, comparable to those of other territories and states of the United States. From its enactment until this day, the act has served as the organic law for the government of Puerto Rico and its relation with the United States as a whole.

The act was submitted for rejection or approval to the people of Puerto Rico in a referendum held in 1951 where it was approved by voters. As enacted by the act, such approval automatically authorized the Legislative Assembly of Puerto Rico to call for a constitutional convention in order to draft a constitution for Puerto Rico. Once assembled, this convention prepared a draft for a new constitution that was ultimately approved in a referendum held in March 3, 1952. That constitution was then ratified by the 82nd United States Congress with a few amendments. This amended constitution was then officially proclaimed on July 25, 1952, immediately going into effect until this very day.

On August 3, 1961, the U.S. Congress approved Joint Resolution 87-121 authorizing, approving, delegating and mandating upon the People of P.R, the amendment of section 3 of the Puerto Rico Federal Relations Act, "in lieu of the provisions of the Puerto Rican Federal Relations Act specified herein' limiting the debt-incurring capacity of the Commonwealth and of its municipalities."

Public Law 87-121 JOINT RESOLUTION August 3. 1961 To provide for amending section 3 of the Puerto Rican Federal Relations Act (64 Stat. 319), as amended (64 Stat. 458). Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Puerto Rican Federal Relations Act (64 Stat. 319), as amended (64 Stat. 458), Act, amendment, is amended by deleting therefrom the following language: "'Provided, however, That no public indebtedness of Puerto Rico and the municipalities of San Juan, Ponce, Arecibo, Rio Piedras, and Mayaguez shall be allowed in excess of 10 per centum of the aggregate tax valuation of its property, and no public indebtedness of any other subdivision or municipality of Puerto Rico shall hereafter be allowed in excess of 5 per centum of the aggregate tax valuation of the property in any such subdivision or municipality," and "In computing the indebtedness of the people of Puerto Rico, municipal bonds for the payment of interest and principal of which the good faith of the people of Puerto Rico has heretofore been pledged and bonds issued by the people of Puerto Rico secured by bonds to an equivalent amount of bonds of municipal corporations or school boards of Puerto Rico shall not be counted but all bonds hereafter issued by any municipality or subdivision within the 5 per centum hereby authorized for which the good faith of the people of Puerto Rico is pledged shall be counted."

SEC. 2. Section 1 of this Act shall take effect upon a majority of the qualified electors of Puerto Rico having voted in a referendum pursuant to section 1 of article VII of the constitution of the Commonwealth of Puerto Rico, to include provisions in the Commonwealth constitution, in lieu of the provisions of section 3 of the Puerto Rican Federal Relations Act specified herein, limiting the debt-incurring capacity of the Commonwealth and of its municipalities (as proposed in the concurrent resolution of the legislative assembly of the Commonwealth). Approved August 3, 1961.

On September 29, 1961 the Legislature of P.R. approved a law authorizing the referendum mentioned in the above cited Federal Law and same took place on December 10, 1961 with about 82 % of the voters in favor.

As a result of this December 10, 1961 referendum, the following section two (2) of Article VI of the Constitution of P.R. amended the 1952 Constitution by way and as a result of the previous Federal Law cited.

*Article VI. General Dispositions*

*Section 2. Power to impose contributions (taxes); to contract debts.*

“... but no direct obligation of the Free Associated State of Puerto Rico for money borrowed directly by the Free Associated State of Puerto Rico evidenced through bonds or promissory notes for which obligations the good faith and credit and the power to impose contributions of the Free Associated State were committed shall be issued by the Free Associated State of Puerto Rico if the total of (i) the amount for the concept of the principal and interests over those bonds and promissory notes over the totality of those bonds and promissory notes, until then issued by the Free Associated State and in circulation, payable in any fiscal year immediately preceding the current fiscal year and (ii) whatever amounts paid by the Free Associated State for the fiscal year immediately preceding the current for the concept of principal and interests corresponding to whatever obligations evidenced by bonds and promissory notes guaranteed by the Free Associated State, exceed 15% of the average of the total amount of the annual collections (“rentas”) obtained in accordance to the dispositions of the laws of the Free Associated State as income in the Treasure of Puerto Rico during the two years immediately preceding the current fiscal year;...”

As a result of the above legal background, all the debt issued ultra vires, or in excess of the limits prescribed in the Constitution of P.R. by way of federal law 87-121 of August 3, 1961 is a fortiori and ab initio, null and void and ergo it must be legally be declared and ruled as such by any and all competent courts of law considering and evaluating this issue of law.

Heretofore all the judges that have had this legal issue before their supposed consideration and evaluation have looked the other way and as its concomitant have failed to comply with their ethical, fiduciary and ministerial duties, by reiteratedly failing to apply the above cited evidently obvious applicable Federal law and Constitutional amendment to the debt of the Government of P.R., in all its impending related litigation reason why this Mandamus Petition is legally ripe and indispensable since time is of the essence.

This Petitioner was born and raised in P.R., and consequentially as a result of the Jones Act of 1917 of the U.S. Congress; is a U.S. Citizen, of legal age, and resident of Bayamon, P.R.. As resident of P.R., this Petitioner has been negatively affected by the unconstitutional and illegal ultra vires debt issued by the Defendants as timely denounced in my timely filed civil action in the Puerto Rican courts [KDF2015-1158(808-TPI-SJ); KLAN2016-00523(TA-SJ); MD-2016-0002(TSPR); MD-2016-0003 (TSPR); MD-2017-0005(TSPR)]; my timely filed motions to intervene and to request declaratory judgments in the U.S. District Court for the District of P.R., [16-01037-(FAB)], [16-02374-(FAB)], [17-03283(LTS)]; my timely filed appeals before the U.S. Court of Appeals for the First Circuit; (16-2208), (17-1337), (17-1743;) and my petitions for certiorari before this own U.S Supreme Court, (17-8486) (17-8487); (17-8480); since I have been paying as the rest of all the millions of people living in this archipelago, 11.5% of everything we buy, for the repayment of a debt that was issued against the Federal Law and the Constitution cited above. Some pre-negotiations with creditors have been made upon the proposition that this rate may go up to 20% for the next 40 years which in addition to the cuts in pensions and other hard fought and gained benefits from our seniors will leave us all in poverty and in most cases in a barely surviving mode, all due the lack of application of the above cited Federal law and Constitutional amendment to the debt of the Puerto Rican government as it should have and must inescapably be done.

Heretofore all the Respondents in the instant Mandamus Petition have looked the other way and ergo, failed to recognize that the above cited Federal Law and Constitutional amendment to the Constitution of P.R. are the applicable and controlling laws that should and must be applied to the debt of the Puerto Rican government since its enactment and inception in 1961 their express, explicit and specific purpose was to limit **“the debt incurring capacity of the Commonwealth...”**.

There are not any possible much less plausible reasons neither in law nor reason or logic for all the Respondents here to have looked the other way and denied that the above cited Federal Law and Constitutional Amendment are applicable and controlling over the issuance of the debt of the Government of P.R.. In unmistakable terms both as to letter and spirit the U.S. Congress preauthorized the People of P.R. through our legislature, to vote in a referendum to approve having the above cited amendment to our Constitution amend section 3 of the Federal Relations Act (“in lieu of the provisions of section 3 of the Puerto Rican Federal Relations Act specified herein, limiting the debt-incurring capacity of the Commonwealth.”)



All the Respondents here, have the ethical, fiduciary and ministerial duty to apply this Federal law and Constitutional Amendment to the issuance of the debt of the Government of P.R. under litigation unless a majority of this Supreme Court were to declare both legally invalid nunc pro tunc to 1961 which is a forensic improbability since such an scenario would obliterate the full faith and credit of the Great U.S. of A. and its Congress.

## **DIRECT AND CONCISE ARGUMENT AMPLIFYING THE REASONS RELIED ON FOR ALLOWANCE OF THE WRIT.**

This writ of mandamus should issue inasmuch the record proves that I have exhausted all legal avenues and I cannot get the remedy I need, want and deserve just as the millions of People living in the archipelago of P.R, of not been charged and having to pay at least a portion of a debt where all the ones who approved of same knew or should had known that it violated the Federal Law and Constitutional Amendment above cited.

Heretofore, incredibly enough, all the Respondents have given more legal weight ergo muster, to a legal opinion by a local Secretary of Justice in the early 1970's than to the above cited Federal Law and Constitutional Amendment. Incidentally, the wife of that Secretary of Justice is one of the local Supreme Tribunal judges Respondents here who ruled against applying the evidently obvious applicable and controlling Federal Law and Constitutional Amendment object of this Mandamus Petition ruling that her husband's legal opinion is what is applicable and controlling here.

Many judicial resources have been spent and many more are to be spent in one of the most complex litigations of all time and a lot of effort, money and unreasonable expectations can be saved if this Honorable Supreme Court acts now. Past history experience proves that waiting until the end to correct the course of this litigation will be more costly. See United States v. Winstar, 518 U.S. 839 (1996). EM Ltd. and NML, Ltd. v. Banco Central De La Republica Argentina, Republica Argentina, 13-3819, 2<sup>nd</sup>. Cir. 2015.

The millions of inhabitants of Puerto Rico and thousands of tens of billions of dollars creditors of the debt of the Government of P.R. are awaiting for your decision.

## **CONCLUSION**

**"By ensuring that no one in government has too much power, the Constitution helps protect ordinary Americans every day against abuse of power by those in authority".**  
**John Roberts.**

For the foregoing reasons, I pray that this Petition is granted and that consequentially this Honorable Supreme Court of the U.S. orders all the Respondents here to comply with their ethical, fiduciary and ministerial duties and judicially declare that Federal Law 87-121 of August 3, 1961 and Section 2 of Clause VI of the Constitution of P.R. are applicable, binding and legally controlling over all the debt issued by the Government of P.R., and ergo, that the portion of same debt issued in excess of the limits contained in the applicable Federal Law and the Constitution of P.R. is void and null ab initio and as such it must be accounted for and discounted from the net balance of the outstanding debt owed.

Respectfully submitted today July 9, 2019

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## Calle Santa Rita

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served on the Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N. W., Washington, DC 20530-0001. Proof

18-11-2015  
 NML Ltd v Banco Central De La Republica Argentina  
 2015 Civ 2015  
 3819

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## CONCLUSION

John Roberts

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