

ORIGINAL

24-6475

No. \_\_\_\_\_

FILED

DEC 30 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE  
UNITED STATES

CHARLENE A. GREENE-RODRIGUEZ,  
*PETITIONER(S)*

v.

DEPARTMENT OF EDUCATION FROM PUERTO RICO  
*RESPONDENT(S)*

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF PUERTO RICO

PETITION FOR A WRIT OF CERTIORARI

Charlene A. Greene-Rodríguez  
Pro SE  
PO BOX 446  
San Antonio, PR 00690  
greene\_louise@hotmail.com  
443-346-3994

### Questions Presented

This case presents unprecedented, critical, and recurring Fourteenth Amendment and Ninth Amendment issues with significant implications for public tenure service employees in education, as in the case of the petitioner and general. It is imperative that education rights are upheld, and the need for staff retention through tenure law is a pressing issue that cannot be violated by personnel in public trust positions. The education system, which impacts students of different ages and backgrounds, needs professionals in education who, based on data, are challenging to recruit. Ensuring these professionals, including the petitioner, a dignified life, as established in the Constitution of the United States of America, is of utmost importance.

This is a case where the petitioner, since the year 2014, has been rightfully requesting reinstatement to her tenured, permanent, career and property, position R-02120 as school principal at Salvador Fuentes Valentín High School in Aguadilla, Puerto Rico, a position from which she has been illegally deprived by the

former secretary of education, Rafael Román Meléndez. The petitioner was arbitrarily removed from her position contrary to the legal procedures and regulations and the Constitution of the United States of America and of the Commonwealth of Puerto Rico. The responder did not file a responsive pleading at the district court within the 60 non-extendable days established in the Rules of Civil Procedure from Puerto Rico of 2009, as amended. The Supreme Court of Puerto Rico, lacking reference to the Constitution of the United States, declined to address and chose not to consider the petitioner's appeal regarding her rights tied to her property and her career as a school principal tenured employee. For more than ten years, the petitioner has endured violations of her constitutional, statutory, civil, and human rights, which deserve urgent attention and remedy. The petitioner, whose reinstatement to her tenure job is of the utmost importance, seeks to have her job back so that she can live a dignified life as corresponds to all North American citizens and human beings. The questions presented are:

1. Can the Judiciary of Puerto Rico, its Supreme Court, deprive the petitioner, a U.S. citizen who has been rightfully requesting reinstatement to her tenured job, of due process of law by denying equal protection of the laws and issuing decisions in judgments and resolutions without basing them on the Constitution of the United States of America and the Ninth Amendment and Fourteenth Amendment Section One of the Bill of Rights of the Constitution of the United States of America, Title VII of the Civil Rights Act and the Constitution of the Commonwealth of Puerto Rico?
2. Does the Constitution of the United States of America, through the Ninth Amendment and Fourteenth Amendment Section One of the Bill of Rights, protects tenure law for school principals and teachers and solving the petitioner's conflict, granting the due process of law and be reinstated to her permanent and career position and property R-02120 as school principal at Salvador Fuentes Valentin High School in Aguadilla and that her benefits and record clearance are reinstated as they were before the transgressing of her constitutional rights, to receive duplicity of

her salary for the years waiting for her reinstallation as stipulated in the regulations of the Department of Education in the Commonwealth of Puerto Rico and any other benefit granted by the Department of Education since the year 2014 to the present as this is a matter in the Constitution of the United States of America?

## LIST OF PARTIES

       All parties appear in the caption of the case on the cover page.

**X** All parties do not appear in the caption of the case on the cover page. A list of all parties to proceedings in the court whose judgment in the subject of this petition is as follows:

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

Secretary of Justice of the Commonwealth of Puerto Rico  
Gobierno de Puerto Rico  
Departamento de Justicia  
Apartado 9020192  
San Juan, PR 00902-0192  
787-721-2900  
787-724-3380

Secretary of the Department of Education of the Commonwealth of Puerto Rico  
Departamento de Educación/ División Legal  
Lcdo. Nolan Portalatín Cepeda  
/Lcda. Abigail León Cruz  
PO BOX 190759  
Hato Rey, PR 00919-0759  
787-773-4021 / 773-4028

## RELATED CASES

*Brown v. Bd. of Education of Topeka*, 347 U.S. 483 (1954)

*Vergara v. State of California*, 246 Cal. App. 4th 619

Cal: Court of Appeal, 2nd Appellate Dist., 2nd Div.

2016

## TABLE OF CONTENTS

PETITION OF A WRIT OF CERTIORARI.....	1
OPINIONS BELOW.....	2
JURISDICTION.....	3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE.....	5
REASONS FOR GRANTING THE WRIT.....	22
CONCLUSION.....	36

## INDEX TO APPENDIXES

APPENDIX A—The Supreme Court Opinions.....	1-40
APPENDIX B—The Court of Appeals Opinions.....	41-141
APPENDIX C—The District Court.....	142-151

**APPENDIX D—Other Materials.....152-157**

**TABLE OF AUTHORITIES CITED**

<b>CASES</b>	<b>PAGE NUMBER</b>
Brown v. Bd. Of Education of Topeka	
<i>Brown v. Bd. of Education of Topeka,</i>	
347 U.S. 483 (1954).....25	
Vergara v. State of California	
<i>Vergara v. State of California</i> , 246 Cal. App. 4th 619	
Cal: Court of Appeal, 2nd Appellate Dist., 2nd Div.	
2016.....,.....30	

## STATUTES AND RULES

### Statute number or Rule number and citation

Civil Rights Act6 of 1964, Pub. L. No. 88-352, 78 Stat. 241  
(1064). <http://www.govinfo.gov/content/pkg/STATUTE-78-Pg241.pdf> .....25, 29

Rules of Civil Procedure of Puerto Rico, 32 P. R. C. § 1 (2009).  
.....4, 14, 15, 16 19

Ley 170 de 12 de agosto de 1988.....4

### Ley de Procedimiento Administrativo

Uniforme.....4

Ley 312 de 15 de mayo de 1938 Permanencia de los  
maestros.....4

### OTHER: Constitutional Provisions

CONST. EE. UU. amend. IX, X, XIV.....3, 4, 5, 12,  
23, 24, 32, 35

CONST. EE. UU. art. II.....31

CONST. PR art. II, § 7. ....4, 5, 11

CONST. PR art. II, § 16. ....4, 5

CONST. PR art II, § 1. ....4, 5

CONST. PR art II, § 8. ....4, 5

CONST. PR art II, § 4. .... 4

**Other:**

Civil Code of Puerto Rico..... 4

**SUPREME COURT OF THE UNITED STATES**

**PETITION OF A WRIT OF CERTIORARI**

Charlene A. Greene-Rodríguez respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court Judicial Branch/ Power of Puerto Rico in this case. The Supreme Court of Puerto Rico did not base its judgment on the United States Constitution and its Bill of Rights without providing the petitioner her right to equal law protections. Both parts of this case can never change two facts and will remain throughout history: that the petitioner has a permanent and career employment position from where she was arbitrarily summoned from her permanent and career employment by the former Secretary of Education, Rafael Román Meléndez, in the school year 2014. Notably, the petitioner did not violate the law as a school principal. The respondent did not make a responsive allegation in the 60 days that cannot be extended. It is not justified that the dispute is not concluded at present by returning the petitioner to her employment property and restoring her constitutional, civil,

and human rights for what she has been more than ten years requesting for justice and the judiciary powers in Puerto Rico denied solving the conflict even though the respondents did not make a responsive allegation in the 60 days that cannot be extended.

#### **OPINIONS BELOW**

For cases from states courts:

The courts' opinions denying the petitioner's petitions do not address the petitioner's rights to her tenure position or her reinstatement despite the responders failing to reply within the 60-day non-extendable period. The opinion of the highest state court, Supreme Court from Puerto Rico, to review the merits appears at appendix A (pp. 1-40) to the petition and is reported at AC-2024-003. The opinion of the Appellative court from Puerto Rico appears at appendix B (pp. 41- 141) to the petition and is reported at KLAN 2024-00070. The opinion of the district court, to review the merits appears at appendix C (p.142-151) to the petition and is reported at AG2020CV01011.

## **JURISDICTION**

**For cases from state courts:**

The date on which the highest state court decided my case was June 14, 2024. A copy of that decision appears at appendix A (pp. 18-20). A timely petition for rehearsing was thereafter denied on August 2, 2024 (pp. 8-10), and the second rehearsing, October 4, 2024 (pp. 1-2), and a copy of the order denying rehearing appears at appendix A. The jurisdiction of the U.S. Supreme Court is invoked under 28 U. S. C. 1257 (a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS**

### **INVOLVED**

The relevant provisions of the Constitution of the United States of America (U.S. CONST. amend. XIV, § 1),

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (U.S. CONST. amend. XIV, § 1)

(U.S. CONST. amend. IX),

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. (U.S. CONST. amend. IX)

(U.S. CONST. amend. X); Puerto Rico Commonwealth Constitution (P.R. Const. art. II, § 1), (P.R. Const. art. II, § 4), (P.R. Const. art. II, § 7), (P.R. Const. art. II, § 8), (P.R. Const. art. II, § 16), Rules of Civil Procedure from Puerto Rico Rules of Civil Procedure of Puerto Rico, 32 P. R. C. §§ 1, 4.4, 9.4. 10.1, 45, 45.1, 52.2, 37, 37.1, 37.2, 37.3, 37.4, 37.5(2009), as amended; Civil Code of Puerto Rico, (Civil Code of Puerto Rico COD. CIV. PR art. 31 L.P.R.A. § 5313 (2020), Laws and Rules from the Judiciary Power from Puerto Rico (Rules of the Supreme Court, 183 DPR 386 (2011), (Rules of Court of Appeals of Puerto Rico, 162 DPR 444 (2004), (Rules of Court of First Instance, § 32(B), 45 (1999) and Department of Education from Puerto Rico (Law 170), Law 312), and their descriptions appears in their corresponding websites.

<https://poderjudicial.pr/eng/community-services/laws-and-regulations/>

## STATEMENT OF THE CASE

This case has been characterized as arbitrary; a series of unjust actions against the petitioner's constitutional, civil, and human rights, as outlined by Constitution of the United States of America (U.S. CONST. amend. XIV, § 1) (U.S. CONST. amend. IX), (U.S. CONST. amend. X); and Puerto Rico Commonwealth Constitution (P.R. Const. art. II, § 1), (P.R. Const. art. II, § 4), (P.R. Const. art. II, § 7), (P.R. Const. art II, § 8), (P.R. Const. art. II, § 16), spanning over a decade. The petitioner, a Black woman and American citizen, was unjustly removed by the former secretary of education, Mr. Rafael Román Meléndez, from her permanent or tenured position as the principal of Salvador Fuentes High School in Aguadilla, Puerto Rico. She was fully qualified and competent for this permanent career position, and her removal was unrelated to her job performance or qualifications. The discriminatory action of removing the petitioner from her permanent or tenured job without protecting her right to equal protection by the law has denied the petitioner a transparent procedure of

justice as a United States of American citizen and a human being, just like everyone else.

When it comes to this Court, the case presents two fundamental questions concerning the Constitution of the United States of America; regardless of the Commonwealth of Puerto Rico Constitution, that was not, none of them were utilized by the Supreme Court of Puerto in their decisions necessary to allow the petitioner to recuperate a dignified life characterized by the acquisition of the transgress rights occur when the former secretary of education, Rafael Román Meléndez order the petitioner to resign to her permanent job without law procedures followed by his retaliation actions ending in removing the petitioner from her permanent job without the guidelines or procedures established by law and assigning her position to a man, while the petitioner has continued requiring to recover a dignified life, all human beings deserve to maintain by performing their career skills in their job as property and actively and productively participating from social life. The claim for justice is urgent, as

it is denied, not providing the petitioner a court in the Commonwealth of Puerto Rico to protect her rights through the Constitution of the United States of America. The truth is that for the past ten years, judges in the Commonwealth of Puerto Rico have not provided in the petitioner's case a solution to the conflict nor requested accountability for the former secretary of education, Rafael Román Meléndez, founded on the Constitution of the United States of America, even though the responders did not make responsive allegations in Court, admitting the petitioner's right in her property as a permanent school principal in Salvador Fuentes High School in Aguadilla where the petitioner needs to be reinstated.

1. Can the Judiciary of Puerto Rico, its Supreme Court, deprive the petitioner, a U.S. citizen who has been rightfully requesting reinstatement to her tenured job, of due process of law by denying equal protection of the laws and issuing decisions in judgments and resolutions without basing them on the Constitution of the United States of America and the Ninth Amendment and

**Fourteenth Amendment Section One of the Bill of Rights of the Constitution of the United States of America, Title VII of the Civil Rights Act and the Constitution of the Commonwealth of Puerto Rico?**

**2. Does the Constitution of the United States of America, through the Ninth Amendment and Fourteenth Amendment Section One of the Bill of Rights, protects tenure law for school principals and teachers and solving the petitioner's conflict, granting the due process of law and be reinstated to her permanent and career position and property R-02120 as school principal at Salvador Fuentes Valentin High School in Aguadilla and that her benefits and record clearance are reinstated as they were before the transgressing of her constitutional rights, to receive duplicity of her salary for the years waiting for her reinstallation as stipulated in the regulations of the Department of Education in the Commonwealth of Puerto Rico and any other benefit granted by the Department of Education since the year 2014 to the present as this is a matter in the Constitution of the United States of America?**

## **A. Background**

The petitioner, Charlene A. Greene-Rodríguez, an educator with over 25 years of experience, was removed from her permanent position as a school principal by the former Secretary of Education of the Department of Education of Puerto Rico, Mr. Rafael Román Meléndez. This removal occurred without any felony charges and for reasons unrelated to her job performance or qualifications. Additionally, her role was assigned to a male colleague without adhering to the laws and procedures in place to protect her rights. This action violated her constitutional, civil, and human rights. Despite the respondents failing to provide a responsive allegation within the required 60 days at the district court, Charlene's pursuit of justice has faced significant barriers from the three judiciary powers of the Government of Puerto Rico (The District, Appellate and Supreme Courts). For ten consecutive years, her efforts—including appeals to the Appellate Court and the Supreme Court of Puerto Rico—have been unsuccessful. The reasons for these setbacks are not addressed

in either the United States Constitution or the Constitution of the Commonwealth of Puerto Rico, rendering the Bill of Rights inconsequential to her case.

It is important to note that the former Secretary of Education, Mr. Rafael Román Meléndez, acted contrary to the United States Constitution, specifically the Ninth, Tenth, and Fourteenth Amendments Section One, as well as the Constitution of the Commonwealth of Puerto Rico. He utilized a federal proposal known as the "Flexibility Plan" without legal documentation or proper procedures to order the petitioner to resign from her permanent job. Because the petitioner did not resign, he arbitrarily removed her from her permanent position or job as a retaliation action. This Flexibility Plan served as a basis for ordering Charlene to resign from her permanent career, and property position as principal of Salvador Fuentes Valentin High School in Aguadilla, without due process of law. Consequently, she was fraudulently deprived of her position, threatening to withdraw her professional certifications, wages, and other benefits

entitled to her through her contract. This included the joy and satisfaction derived from her work, her right to retirement at the appropriate time (currently jeopardized by potential new laws), her social status, and interactions with family and friends, all due to deceit, abuse of authority, and illegal actions.

The primary objective of the Flexibility Plan was to extend the school schedule by incorporating additional hours for low-achieving students in schools classified as Priority Schools and Focus Schools. The plan proposed additional hours to help close the gaps evidenced by low scores on standardized tests.

Notably, participation in these extended hours program was voluntary for staff and was not meant to impact their regular teaching positions (CONST. PR art. II, § 7).

Without presenting any legal justification or documentation for the Flexibility Plan, the former Secretary of Education, Mr. Rafael Román Meléndez ordered petitioner to resign from her permanent position because her school was categorized as a priority school. This order of the petitioner resigning her

permanent job is unconstitutional since the proposal's creators did not identify the school with the Priority level but instead referenced it as Focus School as it appeared in the Flexibility Plan chart approved and signed by federal entities and did not require a principal, in this case, the petitioner Charlene A. Greene-Rodriguez, resigning her permanent job because it is against the Tenure law and the Constitution of the United States of America. (Appendix pp.154-157)

Given these circumstances, the order for the petitioner to resign lacks a legal basis and should not have been issued. Throughout this process, Charlene consistently requested to see the law and the Flexibility Plan to substantiate the necessity of the order. However, her requests were dismissed by the former Secretary of Education, Mr. Rafael Román Meléndez, who claimed that seeking this documentation was inappropriate. Despite her right to access such documentation, it was never provided. The petitioner invoked the Constitution of the United States (Amendments XIV, section I, X and IX). The unconstitutional motive or reason for ordering the

petitioner to resign her permanent, career and property position R02120 at Salvador Fuentes Valentín High School in Aguadilla does not comply with the parameters established in the Constitution of the United States of America. Therefore, the petitioner should not have received such a misleading order from the respondent. The petitioner, protected by her constitutional and statutory rights, did not resign from her permanent, career, and proprietary position R02120 as school principal III of Salvador Fuentes Valentín High School in Aguadilla. In response to the fact that the petitioner did not resign from her permanent position, the former Secretary of Education, Mr. Rafael Román Meléndez, relieved her, summarily suspended her, without any pleading or violations by the petitioner, managing to displace the petitioner from her permanent, career and property position R02120 of Salvador Fuentes Valentín High School in Aguadilla as school principal III from August 18, 2014 to the present thus breaking her constitutional, civil, human and statutory rights.

## **B. Procedural History**

The courts' opinions denying the petitioner's petitions do not address the petitioner's rights to her tenure position or her reinstatement despite the responders failing to reply within the 60-day non-extendable period. The Court of First Instance (CFI) - Aguadilla Region - has AG2020CV01011, a lawsuit filed by the petitioner on November 18, 2020. To this lawsuit, the CFI issued a judgment on March 8, 2021, without the CFI having served a summons to the petitioner to be served in violation of the petitioner's constitutional right, which was revoked by judgment KLAN202100232 issued by the Court of Appeals on September 17, 2021. After the petitioner complied with the subpoenas to the Department of Education and Justice and because the responders did not answer the allegations within the 60-day non-extendable term, the petitioner asked the district court to end the controversy as established in the Rules of Civil Procedure of Puerto Rico, 32 P. R. C. § 1 (2009); the CFI noted "No Ha Lugar" or No place or unacceptable to her request, which transgressed the

petitioner's right because she could now be at work and earning her salary and this has not happened. On the contrary, in another illegal action, the CFI granted an extension to the respondent of 30 days in addition to the non-extendable term of 60 days to respond to the summons after the petitioner issued her motion for default and summons for hearing. The petitioner again appealed to the Court of Appeals. The district court again succeeded in delaying the proceedings and violating the United States Constitution, constitutional rights of the petitioner and Rules 1, 10.1, and 45.1 of the Rules of Civil Procedure of Puerto Rico, 32 P. R. C. § 1 (2009), and having the effect that the petitioner, more than a year after requesting relief from the CFI, has not obtained the equal protection of the laws to reinstate her permanent and career position. The CFI did not comply with the Rules above nor Rule 4.4 of the Rules of Civil Procedure of Puerto Rico, 32 P. R. C. § 1 (2009), thus violating the constitutional and statutory rights of the petitioner. The petitioner appeals to the Supreme Court using certification to stop injustices and obtain justice under

the Constitution of the Commonwealth of Puerto Rico, which was not enforced in administrative forums or the Puerto Rico Judicial Branch. The Supreme Court answered with "No ha lugar," unacceptable the certification transgressing the equal protection of the law of the petitioner as outlined in the Constitution of the United States of America and the Constitution of the Commonwealth of Puerto Rico. On March 1, 2022, the petitioner issued a petition for Civil Certiorari KLCE202200236 to the Court of Appeals requesting revocation of notices of resolutions issued by the CFI in violation of Rules 1, 10.1, 45.1 of the Rules of Civil Procedure of Puerto Rico, 32 P. R. C. § 1 (2009), as amended. The genesis or origin of the controversy began on July 11, 2014, and the corresponding hearings at the level of the Department of Education, the judge did not hold the one corresponding to the appeal delivered on July 14, 2015, to the Public Service Appellate Commission (CASP) and transferred on March 4, 2019, to the Office of Education System Appeals (OASE) 2015-07-0039 were not held to perpetrate the purpose of displacing

the petitioner from her permanent position in property and career R02120 at Salvador Fuentes Valentin High School in Aguadilla and since then hindering, delaying and fulfilling the mission of never hearing the case and not returning the petitioner to her permanent position. The petitioner deserves to retain her salary and benefits, clear her record of any wrongdoing, and restore her name, which has been unjustly tarnished in the eyes of the school community, the public, and stakeholders. The need for justice is essential not only for the petitioner's personal and professional dignity but also to address the unjust advantages gained by the responder to this controversy and the individual currently filling her role. The constitutional and statutory rights of the petitioner have been and continue to be fully violated with the absence of remedies to put an end to the anti-democratic actions of the respondent, the System of Government itself, and the Judicial Branch whose decisions are not based on the Constitution of the United States of America nor the Constitution of the Commonwealth of Puerto Rico. The unlawful actions to which

the petitioner has been subjected for more than 10 years are indicative that, in this case, the decisions of the Supreme Court of Puerto Rico are not governed by the Constitution of the United States of America and do not provide equal protection of law to the petitioner. On January 12, 2024, the petitioner received a judgment from the CFI dismissing the complaint of November 18, 2020, noting that the respondent Department of Education did not file a responsive pleading either on its behalf or on behalf of its representative, the Department of Justice of Puerto Rico, and in violation of the Constitution of the United States of America, violating the petitioner's constitutional rights. The fact that the respondent Department of Education did not make a responsive pleading neither by themselves nor by their representative, the Department of Justice of Puerto Rico, and in violation of the Constitution of the United States of America, violating the constitutional, civil, and human rights of the petitioner in a case in which the restoration of the petitioner to her permanent, career and property position should have been

guaranteed by law at the time the other party did not make a responsive pleading as established by law. On January 22, 2024, the petitioner appealed to the Puerto Rico Court of Appeals using an appeal to the judgment issued by the CFI on January 12, 2024, because the decision to the judgment of the CFI is based on the premise of a judge in orders not signed and not delivered to the parties before the late judgment, violating the rights of the petitioner to appeal the orders in the Puerto Rico Court of Appeals and even in the Supreme Court of Puerto Rico. The late judgment transgresses the rights of the petitioner to appeal the orders in the Court of Appeals of Puerto Rico and even in the Supreme Court of Puerto Rico so that the judgment to a dismissal that does not proceed is not based on the Constitution of the United States of America, it is not based on the Constitution of the Commonwealth of Puerto Rico, it is not based on the Rules of Civil Procedure of Puerto Rico 2009, as amended, it is not based on the Rules of the Court of First Instance, it is not based on the regulations of the Department of Education, or it is a decision lacking

legality, sensibility and humanity. The Puerto Rico Appellate Court, contradicting its own rules where they cannot accept jurisdiction in minutes without the signature of lower court judges and not providing equal protection of law to the petitioner, denied the petitioner's appeal, accepting the illegal sentence of the trial court judge. In two subsequent reconsiderations, the Court of Appeals again disregarded the Constitution of the United States of America by not basing its decisions on the Constitution of the United States of America with the phrase "No ha lugar," or unacceptable which is used in cases lacking a constitutional basis and the petitioner's case is constitutional and the phrase also used by the Court of Appeals in the second reconsideration is "nada que proveer" (nothing to provide) it is also violating the petitioner's rights based on the Constitution of the United States of America. In other words, if to provide is to issue a judicial resolution, the Court of Appeals did the opposite of not issuing a judicial resolution, denying the constitutional rights of the petitioner to a judicial resolution based on the Constitution of the United

States and of the Commonwealth of Puerto Rico in violation of the petitioner's constitutional rights On May 22, 2024 the petitioner filed an appeal to the Supreme Court of Puerto Rico and even two reconsiderations because the Court of Appeals refused to issue a judicial resolution and the petitioner faced that the Supreme Court of Puerto Rico refused to make its decision based on the petitioner's appeal, to which its decisions were not based on the Constitution of the United States of America, leading to an arbitrary appropriation of the petitioner's property—precisely, the petitioner's permanent job position being the petitioner's permanent job position R02120 as a school principal in the Salvador Fuentes High School in Aguadilla. The case has been pending without a legal solution for more than 10 years and there is no legal forum to resolve the conflict in Puerto Rico based on the Constitution of the United States of America and the Constitution of the Commonwealth of Puerto Rico. (See appendixes A, B, C pp.1-151)

## **REASONS FOR GRANTING THE PETITION**

### **Introduction:**

The questions raised are of significant importance to citizens and professionals in the education sector and the petitioner, who must break the circle of poverty and marginalization against her constitutional, civil, and human rights suffered from the past ten years to the present. These concerns revolve around the potential for Puerto Rico Department of Education officials to take or improperly assign permanent jobs without following Tenure laws and procedures or accounting for the Constitution of the United States of America, as seen in the petitioner's case. The secretary of education, Mr. Rafael Román Meléndez, took and transferred the petitioner's permanent position to a man without any protection, defense, or acknowledgment of her constitutional rights as guaranteed by the Constitutions of the United States of America. The petitioner's case highlights the need for accountability not provided by the Justice Department and the Judicial Power in Puerto Rico. This scenario underscores the urgent call for the

United States Supreme Court for the petitioner to recover her permanent job guarantee in the United States Constitution. It's a crucial moment that demands their commitment to upholding justice and integrity!

The mechanism utilized by the respondent in taking the petitioner's permanent job turns out to be the petitioner's transgression of her constitutional, civil, and human rights and lack of equal protection of the law as established in the XIV amendment section 1 of the United States Constitution, as it will become essential for the Department of Education in Puerto Rico to stop transgressing educators and their staff constitutional rights.

The Constitutional Rights of the petitioner and all the citizens shall be unviolated. Because the responder violated the petitioner's constitutional right, the Supreme Court should review and correct the decision from the Supreme Court from Puerto Rico that has not applied to their decision on the Constitution of the United States of America protecting the constitutional, civil, and human rights,

reestablishing the petitioner to her permanent and career position and property R-02120 as school principal at Salvador Fuentes Valentin High School in Aguadilla. The Constitution is the Supreme law of the land, and it is essential for the functioning of the United States branches and territories. Judges from this United States Supreme Court shall defend the United States Constitution in all circumstances because they have sworn to protect it. Citizens, including the petitioner, must trust the Supreme Court of the United States of America to defend their constitutional rights. The petitioner has not found justice since 2014 and is reporting to the Supreme Court for justice. For more than ten years, from 2014 to the present of this Certiorari Writ to the Supreme Court of the United States of America, the petitioner has continuously fought, inspired by the foundational fathers and leaders who follow them, for her equal right to law that shall benefit all citizens in our Nation as stated in the XIV amendment section 1 of the Bill of Rights in the Constitution of the United States of America.

A. This Court Should Grant Review to Decide Can the Judiciary of Puerto Rico, its Supreme Court, deprive the petitioner, a U.S. citizen who has been rightfully requesting reinstatement to her tenured job of due process of law by denying equal protection of the laws and issuing decisions in judgments and resolutions without basing them on the Constitution of the United States of America and the Ninth Amendment and Fourteenth Amendment Section One of the Bill of Rights of the Constitution of the United States of America, Title VII of the Civil Rights Act and the Constitution of the Commonwealth of Puerto Rico? (Brown v. Bd. of Education of Topeka, 347 U.S. 483, 1954)

1. The petitioner demonstrate that her constitutional rights were violated in her employment situation through the documentation of her case compiled for more than ten years where the employer demands her to resign from her permanent position, relocate to the school selected by him, retaliatory actions and high discrimination because the

petitioner did not resign from her permanent position which was the purpose of the former secretary of education, Mr. Rafael Román Meléndez. (The extensive more than 10 years of documentation is in the District Court in Aguadilla, Puerto Rico (AG2020CV01011), the Appellate Court of Puerto Rico (KLAN2021-00232) (Certiorari KLCE202200236), (KLAN202400070). The Supreme Court of Puerto Rico (CT: 2022-0001) (AC-2024-0032), The Department of Education of Puerto Rico, and the Department of Justice of Puerto Rico)

2. Documentation of the complaint, motions, certifications, resolutions, rulings issued by the petitioner and the unconstitutional responses received, since the responses from the judiciary are not based on the Constitution of the United States of America. (See appendixes A, B, C)

3. The petitioner was treated differently from that stipulated in the tenure law protected by the Constitution of the United States of America when the former secretary of the agency, Department of Education, Mr. Rafael Román Meléndez, displaced her from her permanent and career position and

property to the owner to place a man in the petitioner's position without reason or convincing cause for his arbitrariness. The respondents did not file a responsive pleading before the Court of First Instance. They, therefore, did not present a reason or cause for having deprived the petitioner of her permanent position, thus demonstrating that the opposing party violated the petitioner's equal protection rights as established in the Constitution of the United States of America and resulting in the Supreme Court of Puerto Rico not basing its decision on the Constitution of the United States of America because if it had done so, the petitioner would not be obligated to advocate for her constitutional, civil and human rights before this court. Subsequently, the petitioner's procedural and substantive due process of law was violated because the Supreme Court of Puerto Rico refused to consider the case based on the Constitution of the United States of America, which violated the petitioner's right to due process of law. On the substantive side, the petitioner has not obtained a fair trial since the Supreme Court of Puerto Rico has refused

to afford the petitioner her due process of law by closing her access to the courts in Puerto Rico since the petitioner has not received justice for the past 10 years because she has not received the economic income that corresponds to her based on her permanent and career position, not exercised for the past 10 years. Since the beginning of the petitioner's conflict, which began with the violation of the tenure law, when the secretary of the Department of Education Regional Office from Mayaguez director informed the petitioner via telephone and outside of working hours that she must report to the Department of Education, central level, and while the petitioner is in a meeting, she is notified that she must report to the Mayagüez region to resign from her permanent position without the due process of law, and when the petitioner refused to resign from her permanent and career position, the former Secretary of Education, Rafael Román Meléndez, retaliated by displacing her from her job without due process of law until the present, evidencing that the Supreme Court of Puerto Rico, with detailed and absolute knowledge of the

conflict, violated the petitioner's constitutional rights, depriving her of her right to life, which transcends the deprivation of a dignified life, liberty or property, by not basing its decision on Section 1 of the Fourteenth Amendment of the Constitution of the United States of America and the Constitution of the United States of America.

4. Title VII of the Civil Rights Act applies to a woman, such as the petitioner, whose constitutional rights must be protected, to a person of race and color, such as the petitioner, whose constitutional rights must be protected, to a person of mature age such as the petitioner, whose constitutional rights have not been protected in a discriminatory or illegal manner, when it is the ministerial duty of the Supreme Court of Puerto Rico and the Judiciary, in general, to defend both the Constitution of the United States of America and the Constitution of the Commonwealth of Puerto Rico along with their respective bills of rights, essential components for the equal protection of U.S. citizens. As a U.S. citizen, the petitioner has been denied equal protection by the Supreme Court of the Commonwealth of

**Puerto Rico and its divisions within the Judiciary.**

**B. This Court Should Grant Review to Decide Does the Constitution of the United States of America, through the Ninth Amendment and Fourteenth Amendment Section One of the Bill of Rights, protects tenure law for school principals and teachers and solving the petitioner's conflict, granting the due process of law and be reinstated to her permanent and career position and property R-02120 as school principal at Salvador Fuentes Valentin High School in Aguadilla and that her benefits and record clearance are reinstated as they were before the transgressing of her constitutional rights, to receive duplicity of her salary for the years waiting for her reinstallation as stipulated in the regulations of the Department of Education in the Commonwealth of Puerto Rico and any other benefit granted by the Department of Education since the year 2014 to the present as this is a matter in the Constitution of the United States of America? (Vergara v. State of California, 246 Cal. App. 4th 619 - Cal: Court of Appeal, 2nd Appellate Dist., 2nd Div. 2016)**

1. Furthermore, the petitioner seeks to have the time during which the Judicial Power of Puerto Rico denied her reinstatement—over ten years of segregation and marginalization—added to her employment record. She is also demanding compensation, including duplicity of salary as provided by the regulations of the Department of Education for violations of ownership rights in permanent and career positions. Additionally, she wishes to restore her public image through the media, obtain the justice she rightfully deserves, and hold accountable any responder who contributed to the violation of her constitutional rights under both the United States Constitution -CONST. EE. UU. art. II and, if applicable, the Constitution of the Commonwealth of Puerto Rico.
2. The petitioner emphasizes that her removal from the position was arbitrary and contrary to legal procedures and regulations. The respondents did not file any responsive pleadings within the 60-day non-extendable period specified in the Rules of Civil Procedure of Puerto Rico 2009, as amended. This situation affects the petitioner and has implications for

other school principals with permanent or tenured positions, as well as public employees in the educational field and beyond.

3. It is crucial to examine whether the decisions made by the Supreme Court of Puerto Rico protect the petitioner's constitutional rights that should aligned and based on the United States Constitution, Tenure, and Civil Rights Laws. Ensuring this alignment and the petitioner's protection established in the Constitution of the United States of America is essential for upholding justice and protecting individual rights and the petitioner's constitutional, civil, and human rights as should be protected by Section 1 in the XIV amendment and the IX amendment from the Constitution of the United States of America.

**C. The Questions Presented Are Exceptionally Important**  
and Warrant Review In This Case, to restore the petitioner to her permanent job immediately and additionally restore the constitutional, civil, and human rights of the petitioner who was arbitrarily removed from her permanent job as a school

principal and which were taken away from her by the respondent and its legal representation and neither protected nor defended by the judiciary system of the Commonwealth of Puerto Rico including the Supreme Court of the Commonwealth of Puerto Rico in a framework far removed from the Constitution of the United States of America for more than ten years without respecting the petitioner's due process of law and equal protection law that all citizens must be guaranteed to have for their safe and peace. The fact that in ten years, the petitioner has not obtained justice reveals the absence of equal protection of the law to which the petitioner, a female citizen, is entitled, of race and color black and of mature age, is entitled to the same protection of laws as other citizens with U.S. citizenship. The petitioner is a victim of discrimination by not enjoying the rights under the Constitution of the United States of America that the foundational fathers established more than two hundred years ago and eventually extended by situations similar to the petitioner. The United States Supreme Court can confer the

citizens, including the petitioner, their constitutional rights, deciding whether the petitioner's rights were violated by the respondent and are protected by the Constitution of the United States of America. Recognizing the Constitution of the United States of America together with its bill of rights and equal protection of the law emanating from the founding fathers and that gender in both constitutional, civil, and human rights expanded as in this specific case that a woman should have full enjoyment of these rights, that persons of the black race and color such as the petitioner should have full enjoyment of these rights, that a person of mature age should have full enjoyment of these rights, rights to which about two hundred years previously the petitioner would not have been entitled and for the acquisition and enjoyment of equal protection of the laws and for years both the founding fathers of the Constitution and persons in civil movements worked for equal rights, it arises from the necessity of the petitioner and because it is in the public interest to end this controversy that in approximately 3, 665 days or the equivalent of more than ten years, has not

been resolved in any Administrative or Judicial Forum of the Commonwealth of Puerto Rico, continuing to violate or transgress the petitioner's civil, constitutional and statutory, civil and humanitarian rights by the respondent having unlawfully displaced her from her permanent position, R02120 as school principal III of Salvador Fuentes Valentín High School in Aguadilla began the fateful day of August 18, 2014, until the present, illustrates the petitioner's trust that the Supreme Court of the United States of America will decide based on the Constitution of the United States of America and provide equal protection of the law that responders and judges who intervene in the petitioner case in the Commonwealth of Puerto Rico snatched her permanent job and more than ten years of her professional career arbitrarily. The Supreme Court of the United States can fulfill the petitioner's need for justice in returning immediately to her permanent position, R02120, as school principal III of Salvador Fuentes Valentín High School in Aguadilla (U.S. CONST. amend. XIV, § 1) to emerge from a state of economic and moral poverty and

insecure dependence on a third party to an independently dignified life worthy of every U.S. citizen. This case restores the appellant's fundamental human, civil, and constitutional rights, protects other employees, and safeguards citizens from rights violations stemming from abuses of authority. It stands as a critical reminder that leaders must uphold the United States Constitution, particularly in U.S. territories like Puerto Rico.

## CONCLUSION

The petition for the writ of certiorari should be granted. The petitioner needs a life of dignity, given the restitution of her permanent job and the recuperation of her constitutional, civil, and human rights through equal legal protection. It is noted that the petitioner has survived under the protection of her mother, Mrs. Carmen L. Rodríguez Laguer de Greene, who passed away two years ago, and her second sister, Dr. Louise I. Greene-Rodríguez, both educators, not by herself, as every citizen who decides to use their profession and tenure job as a means of a dignified life because of people's constitutional, civil

and human rights.



Charlene A. Grene-Rodriguez

Date: December 29, 2024

No. \_\_\_\_\_