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GORCHES Y PEÑALOSA**CONSTITUTIONAL. THE FIRST CHAMBER OF THE MEXICAN SUPREME COURT OF JUSTICE DETERMINED THAT RETIREMENT PENSIONS MERIT THE SAME LEGAL PROTECTION AS SALARIES**[More Information...](#)

The First Chamber of the Mexican Supreme Court of Justice ("SCJN") resolved the constitutional appeal number 1875/2022 and determined that retirement mechanisms -especially for older persons-, represent a realization of the right to have a minimum subsistence income and respect for human dignity, which is why they deserve special state protection to identify and address possible situations of vulnerability. Likewise, retirement pensions or old-age severance pensions are an extension of the right to receive a salary and, therefore, should receive the same constitutional protections, consequently, retirements, pensions and retirement benefits must be exempt from seizures, compensations, or discounts, and may not be subject to any affectations not provided for by law or by judicial resolution. Furthermore, any discounts or seizures must be made through a weighted evaluation to ensure that retired workers can maintain their minimum standard of living, as any restriction could arbitrarily affect their ability to satisfy their basic needs and those of their families.

As justification, the SCJN pointed out that in terms of Articles 1 and 123 of the Constitution and in accordance with the Inter-American Convention on the Protection of the Human Rights of Older Persons, older persons should lead a dignified life and have specific rights to effective enjoyment of life and to live with dignity in old age. The right to a minimum standard of living is crucial as it seeks to guarantee the basic means for survival and promotes substantive equality among individuals. It also safeguards workers from undesignated deductions and withholdings, along with their right to lead a dignified life in old age.

For more information:

<https://sjf2.scjn.gob.mx/detalle/tesis/2027307>,  
<https://sjf2.scjn.gob.mx/detalle/tesis/2027325>,  
<https://sjf2.scjn.gob.mx/detalle/tesis/2027326>.

**CONSTITUTIONAL/JUSTIFIED PREVENTIVE DETENTION. CIRCUIT COURT DETERMINED THAT IN AN AMPARO CLAIM FILED AGAINST A RESOLUTION CONFIRMING JUSTIFIED PREVENTIVE DETENTION, CONSTITUTIONAL PROTECTION MUST BE GRANTED TO SCHEDULE A NEW HEARING WHERE THIS PREVENTIVE MEASURE IS ANNULLED AND A DIFFERENT ONE THAT THE JUDGE DEEMS REASONABLY APPROPRIATE IS ESTABLISHED**[More Information...](#)

The First Circuit Court in Nayarit ("1st CC") resolved in the constitutional appeal number 177/2022 that it is admissible to grant constitutional protection against the second-instance resolution that confirms the subsistence of justified preventive detention. This implies that the supervisory judge must schedule a new hearing to review the preventive measure, and instead of maintaining justified preventive detention, he should impose a different measure that is considered reasonably appropriate according to the applicable legal, conventional, and constitutional standards.

In this regard, this case derived from an amparo claim submitted against the second instance resolution issued in the hearing for review of the preventive measure, in which the imposition of the justified preventive detention determined by the supervisory judge was confirmed.

This decision is based on the obligation of Mexican courts to observe and apply the jurisprudence of the Inter-American Court of Human Rights. The aforementioned is reflected in the jurisprudence P./J. 21/2014 (10a.), where the Plenary of the Mexican Supreme Court of Justice established that international jurisprudence is binding on national judges and should be considered in cases related to human rights.

In this context, there have been resolutions that question the legality of justified preventive detention referred to in Article 19 of the Federal Constitution. Therefore, the international norm prohibiting justified preventive detention must be applied since it is more favorable in terms of human rights. The granting of amparo claim implies the modification of the preventive measure in order to comply with relevant legal and conventional standards.

**AMPARO CLAIM. A CIRCUIT COURT ("CC") DETERMINED THAT THE RIGHT TO HONOR AND PRESUMPTION OF INNOCENCE MUST PREVAIL OVER STATEMENTS, DECLARATIONS, OR COMMENTS MADE BY AN AUTHORITY THROUGH THEIR SOCIAL MEDIA THAT IMPLY ACCUSATIONS OF POSSIBLE ACTS OF CORRUPTION OR ILLEGAL ACTS**[More Information...](#)

The Eleventh Circuit Court of Administrative Matters in Mexico City ("11 CC") determined in final ruling of amparo claim number 167/2023, that statements affecting the honor and presumption of innocence of a person made on social media by authorities while performing their duties constitute official acts for the purposes of an amparo claim since it modifies the opinion held with respect to the person in question. Furthermore, when an authority makes such statements, they are responsible for demonstrating the truth of the information disseminated, at least with a reasonably accurate approximation to reality, through pertinent evidence such as investigations, data, reports, or official statistics. This is based on the notion that the party in a better position to provide evidence should do so, considering availability and ease.

Also determined that the decision to disseminate certain information must meet the following requirements: (i) it must be of public relevance or general interest; (ii) it must be true; and (iii) it must be objective and impartial. Therefore, if an authority on their social media accuses a person of corruption, it goes beyond the bounds of providing access to public information and informing the public. This is because it subjectively attributes acts that damage their honor and presumption of innocence.

**AMPARO CLAIM. CIRCUIT COURT DETERMINED THAT THE REQUEST FOR CLARIFICATION OF AN AMPARO CLAIM IS APPLICABLE STRICTLY WITH REGARD TO THE ASSUMPTIONS PROVIDED IN ARTICLE 114 OF THE AMPARO LAW**[More Information...](#)

The Twentieth Circuit Court in Administrative Matters in Mexico City ("20 CC") in resolving the appeal number Q.A.14/2023, determined that the District Judge exceeds its faculties by requiring additional information from the plaintiff beyond the precision of the challenged acts and the responsible authorities, since this is not supported by Article 114 of the amparo Law.

In this regard, the aforementioned appeal derived from an amparo claim submitted against the District Judge who requested the plaintiff several times to specify the challenged acts and the authorities to whom they were attributed, in addition to several questions regarding the background of the acts and the effects for which he requested the suspension.

As justification, the 20 CC pointed out that the amparo Law stipulates that if the District Judge detects any irregularity in the amparo claim, such as the omission of legal requirements, the lack of documentation of the plaintiff's identity, or the lack of precision in the challenged acts, they must notify the plaintiff and provide an opportunity to correct these deficiencies within five days. This is done to ensure that the legal proceedings are conducted efficiently and to prevent any of the parties, particularly the plaintiff, from being in a position of defenselessness. Any additional request not related to these irregularities would be excessive and lack legal basis.

**CONTACT**

[esteban.gorches@mgps.com.mx](mailto:esteban.gorches@mgps.com.mx)

[juan.blanco@mgps.com.mx](mailto:juan.blanco@mgps.com.mx)

[fernando.sanchez@mgps.com.mx](mailto:fernando.sanchez@mgps.com.mx)

[jose.navarro@mgps.com.mx](mailto:jose.navarro@mgps.com.mx)

[maria.castro@mgps.com.mx](mailto:maria.castro@mgps.com.mx)

+52 (55) 52 46 34 00

[Info@mgps.com.mx](mailto:Info@mgps.com.mx)

[www.mgps.com.mx](http://www.mgps.com.mx)

Paseo de los Tamarindos 90 Torre I  
Piso 8, Bosques de las Lomas  
C.P. 05120  
Ciudad de México, México