

TRANSLATION

Digital Registration: 2021235

Instance: First Chamber of the Supreme Court of Justice of Mexico

Judicial Precedent: 1a/J. 87/2019 (10a)

"ARBITRAL AWARD. THE *AMPARO INDIRECTO* IS APPLICABLE AGAINST THE JUDICIAL DECISION ISSUED IN THE SPECIAL PROCEDURE IN WHICH THE NULLITY OR THE RECOGNITION AND ENFORCEMENT IS ELUCIDATED

The special procedure on commercial transactions and arbitration established in articles 1470 and 1471 of the Commerce Code, amended by decree published in the Federal Official Gazette on January 27, 2011, which is suitable to request the nullity of an arbitral award, as well as its recognition and enforcement, does not arise from the exercise of a civil action (personal, in rem, or of marital status). Hence, even if it culminates with a judicial decision against which there is no recourse, such decision may not be understood as a final ruling which terminates a judicial trial for purposes of the applicability of the *amparo directo*, pursuant to article 170 of the *Amparo* Law. The foregoing, because the *amparo directo* in civil and commercial matters, is only applicable when the act of complaint terminates the judicial proceeding in which certain claims were made under certain legal actions. Therefore, if the arbitral award is the culmination of a proceeding similar to a judicial trial, that is binding on the contending parties, who agreed in the exercise of their free will to be bound by the decision of a third party, and in the special procedure on commercial transactions and arbitration, only the nullity of the arbitral award, or its recognition and enforcement is elucidated; hence the judicial decision of the special procedure, which is applicable only to procedural issues, not the merits, issues that are established in the law in a limited manner, and which do not solve the merits of the dispute between the parties, the judicial decision of the special procedure may be challenged through a proceeding of *amparo indirecto*, according to the provision in section IV of article 107 of the *Amparo* Law. The foregoing because it is a judicial decision issued by a materially jurisdictional court, in a special procedure carried out after the main dispute has been concluded in the arbitration proceeding in which the claims of the interested parties were decided."

Contradiction of previous judicial precedents, and therefore binding.