

THE SUPREME COURT ALLOWS REVIEW IN INDIRECT AMPARO AFTER FINAL JUDGMENT DUE TO ERROR

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Executive Summary:

- The First Chamber of the Supreme Court of Justice of the Nation ("SCJN"), in Amparo en Revisión 298/2024, ruled that it is admissible to file a review in an indirect amparo even after the judgment has become final ("causado ejecutoria"), provided the petitioner demonstrates they were not the one who initiated the constitutional suit.
- This decision reinforces the individual's right to access justice and effective judicial protection, even when procedural errors are attributable to third parties.

In a landmark ruling, the First Chamber of the SCJN recognized that if a person neither filed nor signed the indirect amparo petition, the filing of a review remains permissible—even after the judgment has become final. This interpretation remedies procedural errors caused by confusion or third-party negligence, reaffirming the importance of safeguarding legal security and certainty through timely judicial intervention.

The significance of this ruling lies in its emphasis on the principle of effective judicial protection. It enables correction of formal errors that could otherwise bar access to justice. However, courts must exercise caution to ensure this mechanism is not misused as a procedural tactic to delay or obstruct case resolution. Excessive or strategic invocation of this remedy could lead to procedural abuses intended solely to "buy time" and undermine the constitutional mandate for prompt justice.

In practice, this ruling requires law firms, authorities, and courts to scrutinize initial amparo filings more

closely. For authorities, it means safeguarding the fairness of proceedings in cases of genuine procedural error, while also preventing strategic misuse aimed at delaying matters. For litigants, it offers a second chance when they were not responsible for the procedural fault. For legal departments, it underscores the need to strengthen internal controls, verify who signs or files petitions, and reserve this remedy for cases involving authentic external procedural mistakes.

We recommend reviewing internal amparo filing procedures to identify and correct representation or signing errors. It is equally important to communicate this precedent across legal teams so that reviews may be filed—when legitimately justified—even after final judgment. Monitoring further guidance from the First Chamber will also be key to adapting to this new procedural pathway, while maintaining safeguards against abuse.

In sum, this SCJN ruling is a significant step toward enhancing protection for litigants facing procedural

mistakes. Nonetheless, its potential to expand access to justice must be balanced with measures to prevent procedural abuse that could compromise judicial efficiency and timeliness.