

**Thesis**

**Digital Registration:** 165726

**Instance:** Second Courthouse

**Ninth Epoch**

**Field(s):** Administrative

**Thesis:** 2a./J. 210/2009

**Source:** Federal Weekly Judiciary  
Gazette.

**Type:** Jurisprudence

Volume XXX, December 2009, page 306

PEMEX-REFINACIÓN. IT IS NOT AN AUTHORITY FOR THE PURPOSES OF THE AMPARO JUDGMENT WHEN IT TERMINATES FRANCHISE AGREEMENTS CONCLUDED WITH NATURAL OR MORAL PERSONS FOR THE FUELS SUPPLYING IN SERVICE STATIONS.

If it is taken into account that Pemex-Refinación is empowered to celebrate acts with natural or moral persons to fulfill its objective related to the industrial processes of refining, elaboration of petroleum products and petroleum derivatives that can serve as basic industrial raw materials, storage, transportation, distribution and marketing of the said derivative products, and that the franchise contracts concluded for the fuel supplying in service stations are subject at all times to compliance with the Law of Petróleos Mexicanos, its Regulations, legal provisions that correspond to the matter, decrees of the Federal Executive and determinations of the Ministry of Energy, together with the Ministry of the Environment and Natural Resources, it is clear that by terminating them, it does not act as an authority for the purposes of the amparo judgment only because it is a subsidiary decentralized body of Petróleos Mexicanos, since this action arises from the breach of the contract by the franchisee or supplier and constitutes one of the ways to terminate a voluntary legal and correspondence relationship between the interest of the subsidiary body and the natural or moral person that operates the service station, as individuals and not between the authority and a governed.

Contradiction of thesis 335/2009. Between those supported by the Second Collegiate Courts in Administrative and Labor Matters of the Sixteenth Circuit, First Collegiate Court of the Twenty-Second Circuit and Third Collegiate Court in Administrative Matters of the Sixth Circuit. November 4, 2009. Five votes. Speaker: Margarita Beatriz Luna Ramos. Secretary: Claudia Mendoza Polanco.

Jurisprudence thesis 210/2009. Approved by the Second Courthouse of this High Court, in private session of November eighteen, two thousand nine.