



Resolution of the Incident of Incompetence by Declinatory

Federal Civil Ordinary Trial 75/2015

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Poder Judicial de la Federación

**Poza Rica de Hidalgo, Veracruz, on
September twenty-first, two thousand and
sixteen.**

SEEN to resolve in the notifications of the ordinary civil trial 75/2015, the incident of incompetence for declining due to the matter filed by the defendant Pemex Exploración y Producción, through its legal representative Ivonne Hernández Rubí; and [...]

EVIDENCE

Thus, the evidence offered by the plaintiff in the main Bisell Construcciones e Ingeniería Sociedad Anónima de Capital Variable, through its legal representative Raúl López Gallegos, consisting of the presumption of legal and human and public instrumental actions, is not enough to demonstrate his claim that this federal judge should hear the matter; This is so, since the assessment of the presumptive evidence must be limited by logic, experience and sound criticism, so that the judge's decision is a true expression of justice, that is, powerful enough to reject the claim, doubt and the margin of subjectivity of the Judge, for which one must have the figure known as "maxims of experience", which are the rules of life or common sense truths that contribute effectively to the formation of persuasion judicial.

Therefore, noting any action or proven fact that achieves the conviction of the undersigned to have the claim of the plaintiff in counterclaim proven, since there is no proof offered by it, to prove what is claimed in relation to the fact that this matter should be known to this Federal judge and not to the Regional Chamber of the Gulf.

And the instrumental evidence of performances is integrated, finally with what works in the case file, therefore, since there is no evidence offered by the parties that really demonstrates what was claimed by the plaintiff in counterclaim; consequently, the simple manifestations do not impact the spirit of the undersigned to decide differently.

The thesis supported by the Collegiate Court of the Twentieth Circuit, visible on page two hundred and ninety-one, common materia, volume XV, corresponding to the month of January of nineteen hundred and ninety-five, published in the Judicial Weekly of the Federation, eighth epoch, which says:

"INSTRUMENTAL EVIDENCE OF LEGAL AND HUMAN PERFORMANCES AND PRESUMPTION. THEY DO NOT HAVE A LIFE OF THEIR OWN. The instrumental evidence of actions and the presumptive legal and human, have practically no outlet, that is, they have no life of their own, since it is nothing more than the name that in practice has been given to all the evidence collected in the trial, as regards the first and as regards the second, this is derived from the same evidence that exists in the records of the record."

REMISION

Finally, it is concluded that once the present resolution **on the lack of jurisdiction due to pleas** in reason of the matter filed by Pemex-Exploration and Production, through its legal representative Ivonne Hernández Rubí, is referred to the present matter and its annexes to the Regional Chamber of the Gulf of the Federal Court of Fiscal and Administrative Justice, based in Xalapa, Veracruz.

SISE

FIFTH. In compliance with article 191 of the General Agreement of the Plenary of the Federal Judicial Council that establishes the provisions regarding administrative activity of the jurisdictional bodies, which determines the mandatory use of the capture module of the

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Comprehensive File Monitoring System, related to the Judgments handed down in the Circuit Courts and District Courts, published on January 15, two thousand and fifteen, the arrest of this judgment is ordered in the aforementioned system.

RESOLUTION POINTS

For the above and founded, with support in articles 14, 34 and 360 of the Federal Code of Civil Procedures will:

RESOLVES

FIRST. The incident of incompetence due to the matter raised by Pemex-Exploration and Production, through its legal representative Ivonne Hernández Rubí in terms of the fourth recital of this sentence, is admissible and well founded.

SECOND. It is declared that this court lacks legal competence to hear the lawsuit filed by Bisell Construcciones e Ingeniería Sociedad Anónima de Capital Variable and MWA MANAGEMENT INC. through his legal representative Raúl López Gallegos, in terms of the fourth recital of this ruling.

THIRD. [...]