



FEDERAL LAW OF ADMINISTRATIVE LIABILITIES OF PUBLIC OFFICERS

**Federal Law of Administrative Liabilities of Public Officers
New Law published in the Official Gazette of the Federation on March 13 of 2002**

TEXT IN FORCE

LAST AMENDMENT PUBLISHED IN THE OGF (DOF) 28-05-2009

At the margin a seal with the national coat of arms, that reads: United Mexican States. Presidency of the Republic.

VICENTE FOX QUESADA, President of the United Mexican States, to its inhabitants let it be known

That the Honorable Congress of the Union, has addressed to me the following

DECREE

“THE CONGRESS OF THE UNITED MEXICAN STATES, ENACTS:

ARTICLE FIRST.- The issuance of the Federal Law of Administrative Liabilities of Public Officers to be read as follows:

FEDERAL LAW OF ADMINISTRATIVE LIABILITIES OF PUBLIC OFFICERS

FIRST TITLE

**SINGLE CHAPTER
General Provisions**

ARTICLE 1.- The purpose of this Law is to regulate the Fourth Title of the Political Constitution of the United Mexican States in respect to:

- I.- Subjects of administrative liability in public service;
- II.- Obligations in public service;
- III.- Liabilities and administrative penalties in public service;
- IV.- Authorities vested with powers and procedures to apply such penalties, and
- V.- Registry of property of public officers.

ARTICLE 2.- The subjects to which this law applies, are the federal public officers mentioned in the first paragraph of article 108 of the Constitution, and all those individuals who handle or apply federal public resources.

ARTICLE 3.- Within the scope of their jurisdiction, the authorities vested with powers to apply this Law are:

- I.- The Chambers of Senators and Deputies of the Congress of the Union;
- II.- The Supreme Court of Justice of the Nation and the Counsel of the Federal Judiciary;



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III.- The Secretariat of Government Services;

Amended section OGF (DOF) 26-12-2005

IV.- The Federal Court of Fiscal and Administrative Justice;

V.- Labor and rural courts;

VI.- The Federal Electoral Institute;

VII.- The Superior Supervising Entity of the Federation;

VIII.-The National Commission for Human Rights;

IX.- The Bank of Mexico, and

X.- Any other institutions and jurisdictional bodies set forth by the laws.

ARTICLE 4.- The officers vested with powers to investigate, process, review and decide, if applicable, the procedures and remedies set forth in this Law, shall be the in house comptrollers and the incumbents of the audit, claims and liability areas of the internal control bodies of the agencies and entities of the Federal Public Administration and of the Office of the Attorney General of the Republic.

ARTICLE 5.- For purposes of this law it shall be understood as:

Law: The Federal Law of Administrative Liabilities of Public Officers.

Secretariat: Secretariat of Government Services.

Amended paragraph OGF (DOF) 26-12-2005

In house comptrollerships: The in house control bodies of the agencies and entities of the Federal Public Administration, as well as of the Office of the Attorney General of the Republic.

In house comptrollers and incumbents of the audit, complaints and liability areas: The incumbents of the in house comptrollerships and of the audit, complaints and liability areas, appointed by the Secretariat.

Agencies: The ones considered as such by the Organizational Law of the Federal Public Administration, including its de-concentrated administrative bodies, as well as the Office of the Attorney General of the Republic.

Entities: The ones considered as government-owned entities in the Organizational Law of the Federal Public Administration.

ARTICLE 6.- Whenever any acts or omissions by public officers, are subject to complaints or accusations, which are included in more than one of the cases subject to penalties as provided under article 109 of the Constitution, the respective proceedings shall be carried out in an autonomous manner, according to their nature and to applicable proceedings, and the authorities referred in article 3 must send the complaints or accusations to whoever must hear them. It is forbidden to impose penalties twice for the same act.

SECOND TITLE Administrative Liabilities



Chapter I

Principles that govern public office, subjects of administrative liability and obligations in public service

ARTICLE 7.- The individuals who are the subjects of this Law shall be liable for abiding, in the performance of their offices, positions or commissions, by the obligations set forth in this law, so as to safeguard the principles of due process of law, honesty, loyalty, impartiality and efficiency that govern public service.

ARTICLE 8.- Every public officer shall have the following obligations:

- I.- Perform the service entrusted to him and to abstain from incurring in any act or omission causing the suspension or deficiency of said service or implying any abuse or undue exercise of a job, office or commission;
- II.- Make and carry out any plans, programs and budgets under his jurisdiction and to comply with the laws and standards that determine the handling of public financial resources;
- III.- Use the resources allotted to him and the powers vested upon him for the performance of his job, office or commission, exclusively for the purposes for which they have been granted;
- IV.- Be accountable for the performance of the powers and duties vested upon him and to cooperate in the rendering of accounts concerning federal public actions, furnishing the documents and information required from him in the terms set forth by the corresponding legal provisions;
- V.- Safeguard and care for any documents and information that by reason of his job, office or commission is laid under his responsibility, and to prevent or avoid their undue use, subtraction, destruction, concealment or impairment;
- VI.- Have good behavior in his job, office or commission, treating with respect, diligence, impartiality and straight forwardness any persons with whom he has a relationship by virtue of such job.
- VII.- Communicate in writing to the incumbent of the agency or entity where he renders his services, any grounded doubt concerning the admissibility of any orders received and which could imply violations to the Law or to any legal or administrative provision, so that the incumbent shall issue any applicable legal measures, which must be notified to the public officer who issued such order and to the interested party;
- VIII.- Abstain from performing the duties and exercising the powers corresponding to the job, office or commission, if the term for which he was appointed has concluded, or if his appointment has been terminated or by any other legal reason which prevents it.
- IX.- Abstain from ordering or authorizing a subordinate to be absent from work, without a cause, as well as to unduly grant licenses, permits or commissions with partial or full enjoyment of salary or another benefits;
- X.- Abstain from authorizing the selection, engagement, appointment or designation of any one who is disqualified to hold a job, office or commission in the public service by resolution from an authority of competent jurisdiction to hold a job, office or commission in public service;



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- XI.-** Excuse himself from intervening in any manner, by virtue of his office, in the attention, processing or decision of issues where he has any personal, family or business interest, including any cases that may result in a benefit for him, his spouse, blood or family relatives up to the fourth level, or any civil relatives or for third parties with whom he has professional, work or business relations or for partners or corporations where the public officer or any of the persons referred hereinbefore, participate or have participated.

The public officer must report in writing to his immediately superior chief on the attention, processing or resolution of the issues referred in the foregoing paragraph, which are known to him and follow such superior's written instructions concerning the attention, processing and resolution, of said issues, whenever such public officer cannot abstain himself from intervening therein;

- XII.-** Abstain, during the performance of his duties, from requesting, accepting or receiving by himself, or through any third person, any money, personal property or real estate through a sale at prices notoriously inferior to the fair market price, or any donations, services, jobs, offices or commissions for himself or for the persons referred in section XI of this article, which are granted by any individual or corporate person which professional, business or industrial activities are directly linked, regulated or supervised by such public officer, in the performance of his job, office or commission and which implies a conflict of interests. This prevention is applicable for up to a year after the public officer has withdrawn from the job, office or commission.

There is a conflict of interests when the personal, family or business interests of the public officer may affect the impartial performance of his job, office or commission.

Once the job, office or commission has concluded, the public officer shall abide by the provisions in article 9 of this Law, to avoid incurring in a conflict of interests;

In the case of the personnel working in public research centers, the government bodies of such centers, upon previous authorization by its in house control body, may determine the specific application and exception terms and conditions in respect to the provisions of this section, in case of conflict of interests, which may implicate the activities in which such personnel participates or is linked with technological development and scientific research projects related to third parties according to the provisions of the Science and Technology Law;

Added paragraph OGF (DOF) 21-08-2006

- XIII.-** Perform his job, office or commission without obtaining or pretending to obtain any benefits in addition to the considerations that can be evidenced and that the State grants for the performance of such duties either to him or for the persons referred in section XI;
- XIV.-** Abstain from intervening or participating unduly in the selection, appointment, designation, engagement, promotion, suspension, withdrawal, termination, rescission of contract, or penalization of any public officer, when he has any personal, family or business interest in the case, or when any advantage or benefit may result for him or for the persons referred in section XI;
- XV.-** Submit timely and truthful statements of financial condition in the terms established by the Law;
- XVI.-** Diligently take care of the instructions, requirements, or resolutions received from the Secretariat, the in house comptroller or the incumbents of the audit, complaints and liabilities areas, according to the jurisdictional competence of each one;
- XVII.-** Supervise that all public officers under his instructions, comply with the provisions of this article;



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XVIII.- Report in writing to the Secretariat or the in house comptrollership, any acts or omissions of which he knows, by virtue of the performance of his duties, in respect to any public officer, that may constitute an administrative liability as set forth by the Law and other applicable provisions;

XIX.- Provide timely and truthfully all information and data requested by the institution in charge of the surveillance and defense of human rights. In the performance of this obligation, the public officer must allow, also and without any delays, access to the sites or facilities, files or documents which the aforesaid institution shall deem necessary to review for the efficient performance of its duties and must verify, also, the contents of the report and data that have been provided;

Amended section OGF (DOF) 30-06-2006

XX.- Abstain, in the performance of his duties or by reason of them, from entering into or authorizing the execution of orders or contracts related with purchases, leases, and sales of all sorts of property and goods, the rendering of services of any kind and the engagement of public works or services related with it, with any one performing a job, or holding an office or commission in public service or with the corporations where such persons hold memberships. In no case shall any order or contract be executed, with any individual or entity that has been disqualified to perform a job, office or commission public service;

XXI.- Abstain from preventing, by himself or through any undisclosed agent and through any means, any potential plaintiffs from making or filing any charges or carrying out, by reason of such issue, any action or incurring in any omission which could be harmful to the interests of the persons who make them or file them;

XXII.- Abstain from using the position that his job, office or commission confers on him to induce other public officer to make, delay or omit the performance of any action within his competent jurisdiction, which would provide to him any benefit, profit or advantage for himself or for any of the persons referred in section XI;

XXIII.- Abstain from acquiring for himself or for the persons referred in section XI, any real estate property that may increase its value or that, in general, may improve its conditions, as a result of the undertaking of works or public or private investments, that he shall have authorized or of which he has knowledge, by virtue of his job, office or commission. This restriction is applicable for up to a year after the public officer has withdrawn from the job, office or commission, and

XXIV.- Abstain from incurring in any act or omission implying defaults to any legal, regulatory or administrative provision related to the public service.

Any defaults to the provisions of this article shall result in the filing of proceedings and the imposition of applicable penalties, regardless of the specific respective provisions which govern the services rendered in the armed forces.

ARTICLE 9.- The public officer who ceases in the performance of his job, office or commission shall abide, for up to a year after he has concluded his duties, by the following terms:

- a) He shall never profit from his influence nor obtain any advantage by virtue of the duties he performed, neither for himself or for the persons referred in section XI of the foregoing article;
- b) He shall not use in his own profit or for third parties, any information or documents to which he has access by reason of his job, office or commission and that are not in the public domain, and



- c) The public officers who have performed management positions in the Federal Electoral Institute, its Directors, and Justices of the Electoral Court of the Judicial Branch of the Federation, shall abstain themselves from participating in any public office of the government which is headed by the person who has won the election they organized or rated.

Chapter II

Complaints or Accusations, Administrative Penalties and Proceedings to Apply

ARTICLE 10.- In agencies and entities specific units shall be established, that shall be easily accessible to the public, so that any interested person may file a claim or an accusations for defaults to obligations of public officers.

Claims and complaints must contain the data or the evidence that shows the alleged liability in which a public officer has incurred.

The Secretariat shall set forth the provisions and proceedings so that the claims and complaints from the public are taken care of and decided efficiently.

ARTICLE 11.- The authorities set forth in sections I, II and IV to X of article 3, according to the respective legislation, and within their respective competence, shall establish the bodies and systems to identify, investigate and determine the liabilities resulting from the default of those obligations set forth in article 8, as well as to impose the penalties provided in this Chapter.

ARTICLE 12.- The public officers of the Secretariat who incur in liability by defaulting the obligations set forth in article 8, shall be penalized according to this Chapter by the in house comptroller of such Secretariat. The incumbent of said comptrollership shall be appointed by the President of the Republic and shall only be administratively liable before him.

ARTICLE 13.- The penalties for administrative defaults shall be:

- I.- Public or private warning;
- II.- Suspension from the job, office or commission for a period of no less than three days nor more than one year;
- III.- Discharge from office or job;
- IV.- Monetary penalty, and
- V.- Temporary disqualification to hold jobs, offices or commissions in public service.

When no damages or lost profits have been caused, and when there is no benefit or profit, the disqualification shall be from six months to one year.

When the disqualification is imposed as a consequence of an act or omission that implies a benefit or profit, or when it causes damages or lost profits, it shall be from one year for up to ten years if the amount does not exceed of two hundred times the monthly general minimum wage in force in the Federal District, and from ten to twenty years if it exceeds such limit. This last disqualification term shall also be applicable for serious misconduct by public officers.

In case of serious infractions, the penalty of discharge from office shall also be imposed.



In any case, it shall be considered as a serious infraction defaulting the obligations set forth in sections VIII, X to XIV, XVI, XIX, XXII and XXIII of article 8 of the Law.

If the person was disqualified, as provided by the Law, for a term larger than ten years, to hold again a job, an office or a commission in public service, once the disqualification term imposed has elapsed, it shall be required that the incumbent of the agency or entity into which he intends to enter, reports said fact, in a reasoned and justified manner, to the Secretariat.

The default to the provision in the foregoing paragraph shall constitute an event of administrative liability in the terms of the Law, and the respective appointment or contract made or executed shall not be effective.

ARTICLE 14.- To impose any administrative penalties, the elements of the job, office or commission performed by the public officer when he incurred in the default, as provided hereunder, shall be considered:

- I.- The seriousness of the liability in which he incurs and the convenience of abolishing practices that infringe, in any manner, the provisions of the Law or the ones issued according to them;
- II.- The economic and social circumstances of the public officer;
- III.- The hierarchical level and background of the infractor, amongst them, his seniority in public service;
- IV.- The exterior conditions and means of execution;
- V.- The repetition in defaulting obligations, and
- VI.- The amount of the benefit, profit, or damage or loss arising from the default of obligations.

For purposes of the Law, it shall be considered as a repeat offender, the public officer who having been declared liable for defaulting any of the obligations referred in article 8 of this Law, incurs again in one or several defaulting behaviors to such legal provision.

ARTICLE 15.- Monetary penalties shall be applied when by cause of default to the obligations established in article 8 of the Law, there arise benefits or profits, or damages or lost profits are caused, which penalties may be imposed for up to three times the benefits or the profits obtained or the damages or lost profits caused.

The monetary penalty imposed may never be less or equal to the amount of the benefits or profits obtained or damages or lost profits caused.

The amount of the monetary penalty imposed shall be updated for purposes of payment, in the manner and terms established by the Federal Tax Code, in the case of taxes and government charges.

For purposes of the Law it shall be understood as general monthly minimum wages, the equivalent of thirty times the general daily minimum wages in force in the Federal District.

ARTICLE 16.- To impose the penalties referred in article 13 the following rules shall be applied:



- I.- Public or private warning to the public officers shall be imposed by the Secretariat, the in house comptroller or the incumbent of the liabilities areas and executed by the immediately superior chief;
- II.- Suspension or discharge from office shall be imposed to public officers, by the Secretariat, the in house comptroller or the incumbent of the liability area, and executed by the incumbent of the corresponding agency or entity;
- III.- The disqualification to hold a job, office or commission in public service shall be imposed by the Secretariat, the in house comptroller or the incumbent of the liabilities area, and executed in the terms of the resolution issued, and
- IV.- Monetary penalties shall be imposed by the Secretariat, the in house comptroller or the incumbent of the liabilities area, and executed by the Federal Treasury.

When the alleged liable infractors have disappeared or there is an imminent risk that they shall hide, sell, or squander their assets, in the opinion of the Secretariat, the in house comptroller or the incumbent of the liabilities area, it shall be requested from the Federal Treasury, in any stage of the administrative procedure referred in article 21 of the Law, to impose a preliminary attachment on their assets, so as to assure the collection of any monetary penalties that may be imposed on the grounds of the infraction committed. Once the monetary penalty has been imposed, the preliminary attachment shall become permanent and conclusive, and it shall proceed as provided in the third paragraph of article 30 of the Law.

Default to the provisions of this article by the immediate chief, the incumbent of the corresponding agency or entity or the public officers of the Federal Treasury, shall constitute a cause of administrative liability in terms of the Law.

ARTICLE 17.- The Secretariat shall impose the corresponding penalties to the in house comptrollers and incumbents of the audit, complaints and liabilities areas, whenever they unduly refrain from investigating or punishing the infractors, or when doing so, they do not abide by applicable legal or administrative provisions, as well as when they incur in acts or omissions that imply administrative liability.

ARTICLE 17 Bis. The Secretariat, the in house comptroller or the incumbent of the liabilities area may refrain from starting the disciplinary procedure set forth in article 21 of this law or from imposing administrative penalties on a public officer, when, from the investigations, or reviews or examination practiced, they perceive that the following event takes place:

That for a single time, for the same fact and within a one year period, the actions of a public office, in taking care, processing or deciding the issues of his office, involving an issue subject to criteria or to opinion or debate, upon which diverse solutions may validly be upheld, provided that the behavior or abstention of such public officer does not constitute a deviation from due process of law and that there is evidence of the elements considered by him in the decision taken, or that the act or omission was cured or corrected spontaneously by the public officer or when it would imply an obvious error, and in any of these events, the results caused, if any, have disappeared or have been indemnified.

Added article OGF (DOF) 28-05-2009

ARTICLE 18.- When due to the nature of the facts denounced or the seriousness of the alleged infraction, the Secretariat considers it must start a disciplinary proceeding, it shall require from the in house comptroller, the incumbent of the liabilities area or the incumbent of the complaints area, to send the respective file, and it shall impose, if any, the corresponding administrative penalties.



ARTICLE 19.- Should the Secretariat or the in house comptroller know of any facts implying a criminal liability, they must press charges before the Public Prosecutor or, as the case may be, report it to the legal area of the respective agency or entity so that it may press any charges, when it is so required.

ARTICLE 20.- To perform their duties, the Secretariat, the in house comptroller or the incumbents of the audit, complaints and liability areas, shall carry out investigations duly grounded on facts or audits in respect to any behavior of public officers which could constitute administrative liabilities, wherefore public officers, the agencies or entities must provide any information and documents requested from them.

The Secretariat or the in house comptroller may verify compliance of the obligations of public officers through specific verification procedures, if any, where private persons who have the qualifications established by the Secretariat, may participate.

ARTICLE 21.- The Secretariat, the in house comptroller or the incumbent of the liabilities area shall impose the administrative penalties set forth in this Chapter through the following procedure:

- I.- They shall summon to a hearing the individual who is allegedly liable, advising notify him that he must appear personally to provide a statement concerning the facts attributed to him and which may constitute grounds for liability in the terms set for by the Law, and other applicable provisions.

The notice must contain the place, day and time when the hearing shall take place; the authority before whom it shall be held; the acts or omissions attributed to the public officer and his right to appear with the assistance of a counselor.

Once the notice has been served, if the public officer does not appear without just cause, the acts or omissions attributed to him shall be considered true.

The notice referred in this section shall be served in a personal manner on the allegedly liable individual.

Between the date of the notice and the date of the hearing there shall be a term of no less than five nor more than fifteen business days;

- II.- Once the hearing has taken place, the individual who is allegedly liable shall have a term of five business days to offer any elements of proof he considers pertinent and which are related to the facts attributed to him;
- III.- Once the evidence admitted has been discharged, the Secretariat, the in house comptroller or the incumbent of the liabilities area shall decide within a term of forty five business days after the hearing, if the public officer has not incurred in any liability, or, if he has, they shall impose on the infractor the corresponding administrative penalties and shall serve on him notice of the resolution in a term of no more than ten business days. Such resolution, if any, shall be served, for purposes of enforcing execution, on the chief or the incumbent of the agency or entity, as appropriate, in a term of no more than ten business days.

The Secretariat, the in house comptroller or the incumbent of the liabilities area may extend the term to issue the resolution referred in the foregoing paragraph, just once for a period of time of up to forty five business days, when there is a justified cause in the opinion of the authorities;

- IV.- During the course of the proceedings the Secretariat, the in house comptroller or the incumbent of the liabilities area, may carry out any procedures directed to investigate the alleged liability of the of the public officer charged, and also shall require from him and the agencies or entities,



any information and documents related with the alleged liability, all of whom are obliged to provide it in a timely fashion.

If the authorities should find that there are not enough elements to decide or if they see that there are any data or information that imply an administrative liability in charge of the alleged liable officer or any other public officers, they may order the practice of other procedures or summon for other hearings, and

- V.- Before or after serving notice on the individual who is allegedly liable, the Secretariat, the in house comptroller or the incumbent of the liabilities area, may determine the temporal suspension of the job, office or commission, of the alleged infractor, if in their judgment, it is convenient for conducting or continuing the investigations. The provisional suspension does not prejudice on the liability attributed. The determination by the Secretariat, the in house comptroller or the incumbent of the liabilities area, shall include explicitly this exception.

The provisional suspension referred in the foregoing paragraph, shall suspend the effects of the act that has caused the occupation of the job, office or commission, and shall be effective from the moment it is notified to the interested person.

The suspension shall cease when the Secretariat, the in house comptroller or the incumbent of the liabilities area so decide it, regardless of the commencement or continuation of the proceedings referred in this article concerning the alleged liability of the public officer. In all cases, the suspension shall cease when the resolution is issued in the corresponding proceeding.

In the event that the public officer that has been provisionally suspended, should not be liable for the acts attributed to him, the agency or entity where he renders his services shall restore him in the enjoyment of his rights and pay him any remunerations that he should have received during the time he was suspended.

The authorization from the President of the Republic shall be required for such suspension if the appointment of the public officer is made by the President of the Republic. Likewise, the authorization from the Senate or from the Permanent Commission, if applicable, shall be required if such appointment requires the ratification of such Chamber as provided in the Political Constitution of the United Mexican States.

Should the Secretariat, through any mass media, divulge the suspension of the public officer, and the final resolution of the proceeding is that he is found not liable, such circumstance shall be publicly divulged by the Secretariat.

ARTICLE 22.- In places where there are no residing in house comptrollers or incumbents of the complaints and liabilities areas, the public officers of the agencies or entities residing in such places, shall carry out the service of those notices and summons in support of them, which are entrusted to said public officers through written communications.

Such communication must explicitly indicate the procedure which is requested; the identification and location information data of the corresponding public officer, and the term during which it must take place, and have attached the corresponding documents.

Any defaults to the foregoing provisions by the public officers of the agencies or entities who are required to provide the support indicated in this article, shall constitute an event of administrative liability as set forth in the Law.



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ARTICLE 23.- A fact finding report shall be made of all the procedures practiced, which must be signed by those who intervened therein, should any of them refuse to do so, such denial shall be entered into the report. They shall also be warned of the penalties in which the individuals who do not act truthfully incur.

ARTICLE 24.- The resolutions and orders from the Secretariat, the in house comptroller or the incumbent of the liabilities area during the procedure referred in this Chapter, shall be evidenced in writing. The penalties imposed shall be reported in the registry referred in article 40 of the Law.

ARTICLE 25.- Public officers who result liable according to the administrative resolutions issued as provided in the Law, may elect to file a motion for revocation or to dispute the resolution directly before the Federal Court of Fiscal and Administrative Justice.

The resolutions issued in the motion for revocation may also be disputed before the Federal Court of Fiscal and Administrative Justice.

ARTICLE 26.- The motion for revocation shall be filed before the same authority who issued the resolution, within fifteen business days after the date when the respective notice becomes effective.

The procedure of the motion shall be subject to the following provisions:

- I.- It shall be started through a written document which must contain the grievances that, in the opinion of the public officer, have been caused to him by the resolution, offering also any evidence he deems necessary to produce;
- II.- The authority shall decide on the admissibility of the motion and the evidence offered and dismiss immediately the ones that are not adequate to contradict the facts in which the resolution is grounded, and
- III.- Once the evidence has been discharged, if any, the authority shall issue its resolution within the following thirty business days, serving notice on the interested individual within a term of no more of seventy two hours.

ARTICLE 27.- The filing of the motion shall suspend the execution of the resolution contested, if the petitioner so requests it, according to the following rules:

- I.- In the case of monetary penalties, if the payment of such penalties is secured in the terms set forth by the Federal Tax Code, and
- II.- In the case of other penalties, the suspension shall be granted if the following requirements are met:
 - a) The motion has been admitted;
 - b) The execution of the resolution contested shall cause damages or lost profits to the plaintiff which shall be difficult to cure, and
 - c) The suspension does not result in the consummation or continuation of any acts or omissions that imply damages for the public interest or against public service.

ARTICLE 28.- In trials before the Federal Court of Fiscal and Administrative Justice, where administrative resolutions issued in accordance with this Law are contested the final and conclusive judgments issued shall have the effect of revoking, confirming or amending the resolution contested.



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Should it be revoked or should the amendment so provide it, there shall be an order for the agency or entity where the public officer renders or has rendered his services, to restore him in the enjoyment of the rights taken away for him by the execution of the penalties contested, as set forth in the respective court resolution, in addition to the provisions of other laws.

The Agents of the Public Prosecutor, official experts and members of the police institutions of the Federation are exempted from the foregoing paragraph; in which cases the authority shall only be obliged to pay the indemnification and any other benefits to which they are entitled, but in no case shall their reincorporation to the service will be admissible, as provided in the Law to Implement Section XIII (Bis), Part B of Article 123, of the Mexican Constitution (regulating labor relations of employees of the central bank and financial federal government entities.

Amended paragraph OGF (DOF) 23-01-2009

The Federal Court of Fiscal and Administrative Justice may grant the suspension complying with the requirements referred in the foregoing article.

The suspension in the execution of administrative resolutions contested through the filing of a motion for review or before the Federal Court of Fiscal and Administrative Justice, shall be inadmissible in the case of serious infractions or repeated offenses.

ARTICLE 29.- The resolutions issued by the Federal Court of Fiscal and Administrative Justice may be contested by the Secretariat, the in house comptroller or the incumbent liability area, as applicable.

ARTICLE 30.- The execution of administrative penalties shall be carried out immediately, once they are imposed by the Secretariat, the in house comptroller or the incumbent of the liability area and in accordance with the provisions set forth in the respective resolution.

In case of public officers who belong to a union, the suspension and removal from office shall be executed by the incumbent of the corresponding agency or entity, in accordance with the evens of suspension, removal from office or rescission of the labor relation and in accordance with the proceedings set forth in applicable legislation.

Monetary penalties imposed shall constitute a fiscal credit in favor of the Federal Treasury, that shall be in force throughout the administrative procedure. Such credits shall have preference and they shall be subject in all issues, to applicable tax provisions.

ARTICLE 31.- If the public officer who is the alleged liable individual should admit his liability for defaulting the obligations referred in the Law, a resolution shall be issued forthwith, unless the authority who is in charge of hearing the proceedings orders the furnishing of evidence to prove the truthfulness of the admission. In case that the full validity of the admission were accepted and evidenced, the penalty imposed to the public officer shall be two thirds of the applicable penalty, if it were a monetary penalty, but in respect to indemnification, it shall in all cases be sufficient to pay for the damages and lost profits caused, and any goods or proceeds that have been earned through such default must be restored. It shall be up to the deciding authority to dispose or not to dispose the corresponding suspension, removal or disqualification.

ARTICLE 32.- To comply with the duties conferred by the Law, the Secretariat, the in house comptroller or the incumbents of the audit, complaints and liability areas, may employ the following enforcement measures:

- I.- A fine for up twenty times the general daily minimum wage in force in the Federal District, and
- II.- Support by police force.



If there were resistance to the lawful order issued by the authority, the provisions of criminal law shall be applied.

ARTICLE 33.- (Repealed)

Repealed article OGF (DOF) 31-12-2004

ARTICLE 34.- The powers and duties of the Secretariat, of the in house comptroller or the incumbent of the liabilities area, to impose the penalties set forth in the Law, shall expire after three years from the date immediately following the one when the infractions have been committed, or from the time they shall have ceased, if there were of a continuous nature.

In the case of serious infractions, they shall expire in five years that shall be computed in the terms set forth in the foregoing paragraph.

The state of execution shall be interrupted when the proceedings provided by the Law are commenced. If there is no action in such proceedings, the state of execution shall start running again from the next day to the date when the last procedural act has been practiced or the last motion has been filed.

(Last paragraph repealed.)

Deleted paragraph OGF (DOF) 31-12-2004

THIRD TITLE

SOLE CHAPTER

Property Registry of Public Officers

ARTICLE 35.- The Secretariat shall carry a registry and follow up on the evolution in the status of the assets of public officers of government agencies and entities, as well as of the authorities referred in sections IV and V of article 3, as provided by the Law and other applicable provisions.

The powers and duties that this Title grants to the Secretariat are vested on the authorities referred in sections I, II and VI to X of article 3, within the scope of their respective competent jurisdiction, according to the Law and any other applicable provisions.

For purposes of the foregoing paragraph, the aforesaid authorities according to their own legislation shall determine who are the bodies in charge of exercising such duties and powers, as well as the systems required for such purpose.

ARTICLE 36.- The individuals obliged to submit their property status statements before a competent authority, as provided in article 35, under oath to tell the truth as provided by the Law are:

- I.- In the Congress of the Union: Deputies and Senators, General Secretaries, Treasurers and Directors of the Chambers;
- II.- In the Central Federal Public Administration: All public officers, from the level of department chief or similar, up to the President of the Republic, and the ones provided in sections IV, VII and XIII of this article;
- III.- In Government Controlled Corporations of Federal Public Administration: All public officers, from the level of department chief or similar, equivalent to the public officers obliged to submit their statements before the Federal Executive Branch, up to the Chief Executive Officer or equivalent;



FEDERAL LAW OF ADMINISTRATIVE LIABILITIES OF PUBLIC OFFICERS

Deputies Chamber of the H. Congress of the Union
General Secretariat
Secretariat of Parliamentary Services
Documentation, Information and Analysis Centre

Last Amendment OGF (DOF) -05-28-2009

- IV.- In the Office of the Attorney General of the Republic: All public officers, from the level of department chief or similar to Attorney General, including agents of the Public Prosecutor, Experts and members of the Police;
- V.- In the Judicial Branch of the Federation: Justices of the Supreme Court of Justice of the Nation, Counselors of the Federal Judiciary, Circuit Magistrates, Electoral Magistrates, District Judges, clerks and process server of any category or designation;
- VI.- In the Federal Court of Fiscal and Administrative Justice, and in the labor and rural courts: Magistrates, member of the board, Clerks, process server or their equivalent;
- VII.- In the Secretariat: all public officers who hold a position of trust;
- VIII.- In the Federal Electoral Institute: all public officers, from the level of department chief or similar to the President Counselor;
- IX.- In the Superior Supervising Entity of the Federation: all public officers, from the level of department chief or similar to the Head of the Superior Supervising Entity of the Federation;
- X.- In the National Commission for Human Rights: all public officers from the level of department chief or similar to the Chairman of the Commission;
- XI.- In any other court bodies or institutions established by the laws establish: all public officers, from the level of department chief or similar to the level of incumbents thereof;
- XII.- All public officers who handle or apply monetary resources, securities and funds of the Federal Government; who carry out activities of inspection or surveillance; who carry out duties of ranking or determination for the issuance of licenses, permits or concessions, and those who intervene in awarding contracts or orders;
- XIII.- In the Secretariat of Public Security: All public officers, from the level of department chief or similar to the level of Secretary of Public Security, including all the members of the Preventive Federal Police, and
- XIV.- In the Bank of Mexico: All public officers, from the level of department chief or similar, in the Central Federal Public Administration to the Governor of the Bank of Mexico.

Likewise, statements referred in this article, must also be filed by any other public officer of the agencies, entities and authorities referred in sections IV and V of article 3 of the Law, as provided by the Incumbent of the Secretariat, through general provisions duly grounded in law and fact.

ARTICLE 37.- The property status statement must be submitted in the following terms:

- I.- Initial statement, within sixty calendar days after taking office due to:
 - a) Having entered public service for the first time;
 - b) Having returned to public service after sixty calendar days of having concluded the last commission or office;
 - c) Change of agency or entity, in which case the conclusion statement shall not be filed .



II.- Statement of conclusion of office, within sixty calendar days after the conclusion, and

III.- Statement of property changes, during the month of May of each year.

The Secretariat may request from public officers a copy of the Income Tax Return of the corresponding year, if they were obliged to make it, or, if any, of proof of income and discounts issued to them by the agencies or entities, which must be remitted within a term of three business days from the date when the request is received.

If the term to which section I refers has elapsed, and the corresponding statement has not been filed, without just cause, the infractor shall be suspended from his job, office or commission for a term of fifteen calendar days.

Should the omission in the filing the statement continues for a period of thirty calendar days after the date when the public officer was suspended, the Secretariat shall declare that the appointment or contract is not effective any longer, and must report the foregoing to the incumbent of the corresponding agency or entity for any legal purposes. The same will happen when the statement referred under section III is omitted.

The default to the provisions of the foregoing paragraph, by the incumbent of the agency or entity, shall be an event of administrative liability in the terms of the Law.

In the event of an omission, without just cause, in the submission of the statement referred in section II, the infractor shall be disqualified for a year.

The imposition of penalties referred in this article shall be made under the administrative procedure provided in article 21 of the Law.

Any public officer who is deliberately not truthful in his property status statement in respect to the issues that according to the Law must be declared, upon having previously been subjected to the proceedings referred in article 21, shall be suspended from his job, office or commission for a period of no less than three days and no more of three months, and when the relevance of the case so merits it, he shall be removed from his office and disqualified from one to five years, besides the filing, by the Secretariat, of the corresponding charges before the Public Prosecutor for any legal purposes.

ARTICLE 38.- Property status statements may be filed through a written format; through magnetic means with printed format; magnetic media with printed format or remote electronic communication means, employing in this case electronic identification media.

The Secretariat shall be in charge of the system to certify the electronic identification means used by public officers, and shall carry out the control of such means.

Also, the Secretariat shall issue standards and printed format; of electronic and magnetic media, in which public officers must render their property status statements, as well as the manuals and instructives that shall indicate what is mandatory to declare. Likewise, it may determine that the submission of the statements be made through remote electronic communication means, and that such procedure be mandatory for public officers of certain determined categories.

For purposes of the criminal proceedings resulting from the application of the provisions of this Title, public documents are those which are issued by the Secretariat to be presented as means of proof, which contain information that is kept in the documentary and electronic archives concerning the property status statements of the public officers.



ARTICLE 39.- In the initial statements and the statement of conclusion of office, the real estate property shall be stated, indicating date and value of the acquisition.

In the statements of changes to property only the changes shall be stated, specifying date and value of the acquisition. In all cases, the means by which the acquisition was made must be indicated.

In the case of personal property, the Secretariat shall determine the characteristics that the statement must have.

ARTICLE 40.- The Secretariat shall keep a registry of public officers, which shall be public.

In the registry all the curricular data of public officers obliged to file a property status statements shall be recorded, along with their duties, income and acknowledgment in respect to their jobs, offices or commissions; the information concerning the situation of their assets status, their income during the last year, real estate and personal property, financial investments and debts, as well as if any administrative proceedings filed against them, the penalties imposed on them and, if any, the resolutions which render them ineffective, if any.

Amended paragraph OGF (DOF) 28-05-2009

The release of information concerning the property status, shall only be made provided if there is a previous and specific authorization from the public officer in question.

The Secretariat shall issue the rules for the operation of the registry and the certificates of penalties, in all cases the one concerning disqualification, as well as proof that there are not such penalties, to evidence the specific situation of the persons who should require it in any case.

Agencies and entities shall invariably obtain a certificate of non- disqualification concerning anyone attempting to enter public service, before the respective appointment or contract. Such evidence may be obtained from the electronic system established by the Secretariat.

The information concerning the property status shall be available for up to a term of three years after the public officer has concluded his job, office or commission.

The information related to the property status statements of public officers, shall have value as evidence whenever the Public Prosecutor or the court should request it to the Secretariat, in exercising their respective duties, or when requested by the respective public officer or when the same Secretariat requires it to carry out any administrative liability procedures.

ARTICLE 41.- The Secretariat may carry out the investigations or audits to verify the evolution of the property of public officers.

When there are sufficient elements or data according to which it can be assumed that the property of a public officer is notoriously superior to the licit income he has, the Secretariat, grounding in facts and law its determination, shall issue an order to summon such individual to declare whatever he deems convenient in terms of the following article.

ARTICLE 42.- A notice shall be personally served on the public officer reporting to him the facts which are the grounds for the investigation, indicating the incongruencies detected in respect to the property that composes his patrimony, so that within a term of thirty business days from the date notice is received, he may file any pertinent clarification with the Secretariat and the latter shall issue its resolution within the next fifteen business days

Should it not be possible to deliver the notice or should the public officer or the person on whom the notice must be served refuse to sign the receipt thereof, the process server shall write down such event in



the appearance report that he shall make before two witnesses, and such circumstance shall not affect the weight of the evidence which, if any, the document possesses.

Against the serving of the respective notice, the public officer may dispute it before the Secretariat, through a written statement, that must be filed within the following ten business days to the date of the notice, and shall have an equal term to offer any evidence that is convenient for him.

Once the evidence admitted has been discharged, if ay, the Secretariat shall have a term of ten business days to issue its resolution.

The powers and duties of the Secretariat to carry out any investigations or audits referred in the foregoing article shall remain in force for all the time that the public officer performs his job, office or commission, and for up to three years after having concluded it.

ARTICLE 43.- The agencies, entities and public institutions are obliged to provide the Secretariat any tax information, real estate information, or any other type of information related with public officers, their spouses, concubines or concubinaires and direct economic dependants, so that the authority may verify the evolution of their property.

Only the incumbent of the Secretariat or the Undersecretaries thereof, in terms of the foregoing paragraph, may request from the National Banking and Securities Commission any bank information.

ARTICLE 44. - For purposes of the Law and criminal law, it shall be considered as property acquired by public officers or in respect to which they act as owners, the assets received by their spouse, concubine or concubinary and their economic dependants or the ones which they may dispose of, unless it is shown that such goods were obtained by themselves and by virtue of causes which are unrelated to the public officer.

ARTICLE 45.- When public officers receive, from a same person, any property or donation in terms of section XII of article 8 of the Law, which cumulative value during one year exceeds ten times the general daily minimum wage in force in the Federal District at the time it is received, they must report it in a term not to exceed fifteen business days, to the authority which the Secretariat indicates, to put such property at the disposal of such authority. The corresponding authority shall keep a registry of said property.

ARTICLE 46.- The Secretariat shall make a report to the Public Prosecutor, if any, whenever the individual subject to verification of the evolution of his patrimony does not justify the legal source of the substantial increase to his assets, as is evidenced by his properties, the ones pertaining to the persons referred in article 43 of the Law, and the ones in respect to which he acts as an owner, during his term in office or by virtue of his office.

For purposes of this provision, the Secretariat shall be considered as assistant to the Public Prosecutor in the respective criminal proceedings.

ARTICLE 47.- In all issues related to the proceedings not provided in the Second and Third Titles of the Law, as well as in respect to the weighting of the evidence, the provisions of the Federal Code of Civil Proceedings shall be applied.

FOURTH TITLE

SINGLE CHAPTER

Preventive actions to secure a proper exercise of public service



ARTICLE 48.- To secure a proper compliance of the principles and obligations the Law imposes to public officers, it shall be the responsibility of the agencies and entities, considering the duties pertaining to each of them and upon previous assessment made by them for such purposes, to establish permanent actions to set limitations to the behavior which, in specific situations, must be followed by public officers in the performance of their jobs, offices or commissions. Such assessment must be updated according to the results obtained by the evaluation referred in article 50 of the Law.

In establishing the aforesaid actions, the agencies and entities must abide by the general guidelines issued by the Secretariat.

ARTICLE 49.- The Secretariat, subject to the provisions of article 48 of the Law, shall issue an Ethics Code that shall contain clear rules so that, in the actions of public officers, there shall always prevail a dignified behavior in answer to the needs of society, and which shall direct their performance in specific situations that arise, thus fostering a vocation public service to the benefit of society.

The Ethics Code referred in the foregoing paragraph, must be made known to public officers of the agency or entity in question.

ARTICLE 50.- Agencies and entities must annually assess the results of the specific actions established according to this Chapter, and shall make, if any, such amendments which are admissible, reporting it to Secretariat in the terms established by the later.

ARTICLE 51.- Agencies and entities must promote the participation of social and private sectors, as well as, if any, of the corresponding municipalities and state governments, in the preparation of their assessments as referred in article 48 of the Law, as well in the evaluation of any actions determined by them to prevent undue behavior of public officers.