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The Rise and Fall of the Mandatory Order for Tax Guarantees in Mexico

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The Mexican Federal Tax Code, known as the “*Código Fiscal de la Federación*”¹ or CFF, constitutes one of the principal legal frameworks governing the relationship between taxpayers and the Mexican Tax Authorities. It establishes, among other matters, rules concerning tax obligations, the exercise of the “authorities powers”, tax proceedings, administrative remedies, and the collection and enforcement of tax liabilities. As part of Mexico’s evolving tax framework, the CFF is subject to periodic amendments intended to modify, clarify, or supplement its provisions in response to legislative and administrative considerations.

“Before the November 2025 amendment, Article 141 of the Mexican Federal Tax Code allowed taxpayers to guarantee the tax interest through any of the forms established in the provision.”

One specific provision that has undergone significant changes in recent months is Article 141 of the CFF, which establishes the mechanisms available to taxpayers to guarantee the “tax interest”², when required to do so. In November 2025, this provision was amended to introduce a mandatory order for the forms of guarantee available to taxpayers, replacing the previous approach under which taxpayers could select the form of guarantee most suitable for their particular circumstances.

The mentioned amendment was subsequently reversed in April 2026, when the provision was modified again to eliminate the mandatory order. The purpose of this article is to examine the evolution of Article 141 of the CFF, the practical implications of the November 2025 amendment, particularly regarding the use of deposit certificates as a form of guarantee, and the subsequent legislative response that restored greater flexibility to taxpayers.

Before the November 2025 amendment, Article 141 of the Mexican Federal Tax Code allowed taxpayers to guarantee the tax interest through any of the forms established in the provision. Although these forms were listed in different sections, the provision did not establish a mandatory order among them. Taxpayers could therefore select the mechanism that was most appropriate for their particular financial and operational circumstances. The available alternatives included:

- a) deposit in money,
- b) letter of credit,
- c) pledge or mortgage,
- d) surety bond,
- e) joint and several obligation assumed by a third party, and
- f) administrative attachment of assets.

The amendment published in the Federal Official Gazette (DOF by its acronym in Spanish) on November 07, 2025 significantly changed this approach.³ Article 141 established that taxpayers would guarantee the tax interest “in accordance with the following mandatory order.” The first option was a deposit certificate issued by an authorized institution, followed by a letter of credit, a pledge or mortgage, a surety bond, a joint and several obligation assumed by a third party, and lastly, an administrative attachment. As a result, taxpayers were no longer free to choose the form of guarantee that best suited their circumstances. Instead, they were required to follow the sequence established by law.

The practical consequences of this change were particularly relevant because the first option, the deposit certificate, required the taxpayer to place the corresponding amount in cash. This meant that the funds effectively had to leave the taxpayer’s immediate control and become immobilized as security for the disputed tax liability. By contrast,

1.- <https://www.diputados.gob.mx/LeyesBiblio/ref/cff.htm>

2.- In Mexican tax law, the “tax interest” (interés fiscal) refers to the government’s financial interest in ensuring the payment of a tax liability that is subject to collection.

3.- https://dof.gob.mx/nota_detalle.php?codigo=5772358&fecha=07/11/2025#gsc.tab=0

other forms of guarantee, such as a surety bond or a joint and several obligation, could secure the tax interest without requiring the taxpayer to disburse the full amount of the disputed liability. The mandatory order could therefore impose a significant liquidity burden on individuals and companies involved in tax disputes.

This aspect also raised constitutional concerns. Forcing taxpayers to use a cash-based guarantee as the first option could be viewed as an excessive interference with their property and financial resources, particularly when other legally recognized mechanisms could provide equivalent protection to the government with a lesser economic impact⁴. The measure could therefore be examined under the principles of proportionality and reasonableness, as well as in light of the constitutional protections of property, legal certainty and access to justice. These concerns became particularly relevant when taxpayers were required to immobilize substantial amounts of money merely to preserve their ability to challenge a disputed tax assessment.

"Taxpayers can now again choose the guarantee that best fits their liquidity and available assets, and the deposit certificate is an option rather than a mandatory first step."

Then, on April 09, 2026, a decree published in the DOF amended Article 141 again⁵, effective the following day. The six forms of guarantee and their sequence were left untouched, with the deposit certificate still listed first. Only the opening paragraph changed: "in accordance with the following mandatory order" was replaced with "in any of the following forms," essentially the wording used before November 2025. The list remains, but it no longer ranks the options.

The reform, reportedly originating in a March 2026

initiative by the Federal Executive⁶, was presented as a response to the operational and financial problems of the preceding months. Taxpayers wishing to offer a surety bond or pledge first had to justify why they could not provide a deposit certificate, which added paperwork, delayed processing and often tied up cash companies needed to operate. Since a surety bond or mortgage protects the government as well as cash does, the requirement raised the cost of challenging an assessment without adding real security. That imbalance was the source of the proportionality concerns discussed above, and the amendment removed it before the courts could address it. Taxpayers can now again choose the guarantee that best fits their liquidity and available assets, and the deposit certificate is an option rather than a mandatory first step.

In conclusion, Article 141 of the CFF changed twice in five months. The November 2025 amendment required taxpayers to follow a fixed order when guaranteeing a tax debt, starting with a deposit certificate. In practice, taxpayers had to set aside cash before they could challenge a tax assessment. This hurt their liquidity and made it harder to go to court, while the government gained no real additional protection. These problems led Mexican Authorities to reverse the amendment in April 2026. The fixed order was removed, and taxpayers can once again choose the guarantee that works best for them.

This sequence of amendments shows that the rules on guarantees can change quickly and have a real financial impact. Before posting a guarantee, taxpayers in a dispute would be well advised to compare the options available under Article 141 of the CFF, weighing the cost of each one, how easy it is to obtain and how it affects their cash flow. It is also important to keep an eye on any new rules from the Tax Authority on which assets it will accept. Given how often this provision has been amended, taxpayers should be ready to adjust their approach if it changes again.

4.- www.elimparcial.com/dinero/2026/03/19/sheinbaum-propone-reformar-el-articulo-141-del-cff-para-que-contribuyentes-elijan-libremente-como-garantizar-adeudos-fiscales-al-sat-sin-orden-obligatorio/

5.- https://dof.gob.mx/nota_detalle.php?codigo=5784518&fecha=09/04/2026#gsc.tab=0

6.- <https://www.pwc.com/mx/es/impuestos/novedades-fiscales/iniciativa-reforma-art-141-codigo-fiscal-federacion.html>

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