



Actividad esencial del abogado en materia de notificaciones procesales (Primera parte) (Spanish Edition)

Eduardo A. Díaz

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“A través de la descripción hecha en este trabajo respondimos a uno de los interrogantes que constituyen la base del ejercicio profesional: ¿Qué hay que hacer?, en este caso respecto de las notificaciones procesales.”

“Las formas o modos de notificación previstos legalmente son: automática o ministerio legis (rt. 133 CPCC); cédula (art. 133, 134 y ccs. CPCC); tácita o implícita (art. 134, 149, primer párrafo in fine, CPCC); personal (art. 142 CPCC); por examen del expediente (art. 143 CPCC); telegrama; carta documento; acta notarial (arts. 136, 140, 144 CPCC); edictos (arts. 145 y subs. CPCC); radio y televisión (art. 148 CPCC). (...) conforme el art. 133 del ritual, la regla, el principio general en la materia, es que las resoluciones judiciales se notifican por ministerio de la ley, salvo los casos en que procede la notificación por cédula, y siempre que no haya acaecido antes una notificación tácita o implícita.”

“La actividad esencial, básica, genérica, que cabe al letrado respecto de la notificación de una resolución es la siguiente: 1) Con alcance general, para todo el proceso: cumplir con ciertas cargas que el instituto ‘notificación’ le impone. 2) Frente a cada resolución: a) Determinar de qué modo se notifica, esto es cuál de las formas previstas legalmente rige en el caso particular; b) Corroborar si se cumplió la notificación respecto de todos los interesados, y cuándo ocurrió; c) Impugnar la notificación si padece de alguna irregularidad que perjudique a su parte.” (Artículo publicado en elDial.com Biblioteca Jurídica Online el 07/10/2009)

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