



Longueira, Jorge Florencio s/amparo

Country: Argentina

Region: Americas

Year: 2000

Court: Supreme Court of Justice [Corte Suprema de Justicia de la Nación Argentina]

Health Topics: Health care and health services, Health systems and financing

Human Rights: Right to health

Facts

The plaintiff filed a guarantee of protection of individual constitutional rights (amparo protection) against the health insurance company which covers her son to compel them to perform a high complexity surgery. The health insurance company argued that it wouldn't cover the surgery because it was not included in the healthcare, and that the plaintiff should go to another health insurance company that would provide coverage for that surgery.

The Provincial First Instance Court of Guarantees No. 1 of the Judicial Department of Mar del Plata, Province of Buenos Aires and of the Federal Court No. 2 of Mar del Plata, disagree on the competence to hear the case. The Provincial Court stated that the application and interpretation of federal regulations, laws 23.660 and 23.661, are under discussion, which are not within their jurisdiction. The Federal Court stated that they did not have jurisdiction because the case did not involve a matter of national interest.

The case was brought to the Supreme Court of Justice to determine competence.

Decision and Reasoning

The Court held that the Federal Court of First Instance N°2 of Mar del Plata was the competent court to solve the lawsuit because the law regulating the obligations of the health insurance is a federal law.

Decision Excerpts