

Article: Revisión

The conflict between the cadastral valuation and the fair price in expropriation proceedings in Ecuador**El conflicto entre el avalúo catastral y el precio justo en los procesos de expropiación en el Ecuador**¹Eber José Iñiguez Moreno , ²Gustavo Javier Costa Torres .¹ Universidad Nacional de Loja, Loja - Ecuador² Universidad Nacional de Loja, Loja - Ecuador***Corresponding author:** Eber José Iñiguez Moreno 

Submitted: 01-06-2026

Revised: 04-06-2026

Accepted: 20-06-2026

Published: 14-07-2026

Cite as:

Iñiguez Moreno, E. J., & Costa Torres, G. J. (2026). El conflicto entre el avalúo catastral y el precio justo en los procesos de expropiación en el Ecuador. *Sapiens Law and Justice*, 3(4), 1-16. <https://doi.org/10.71068/SJ00002>

ABSTRACT

The findings indicated that cadastral valuation is a verifiable administrative reference, but its tax purpose, mass-appraisal character, and possible lack of updating may prevent it from representing the property's specific characteristics and market value. The comparison revealed different mechanisms for valuation, technical involvement, and appeal. The analysis supported the view that cadastral valuation should not operate as the sole criterion; it should be complemented by market evidence, individualized property characteristics, technically reasoned appraisals, and effective judicial review. A documentary legal methodology with a qualitative and comparative approach was applied. The corpus comprised 38 documents: nine Ecuadorian legal and technical instruments, eight foreign legal instruments, four judicial decisions, twelve scientific articles, and five doctrinal texts. Three judgments of the Constitutional Court of Ecuador were examined, and the national regime was compared with Argentina, Chile, France, and Germany through a legal analysis matrix. This research analyzed the legal tension between the cadastral valuation used by municipal Decentralized Autonomous Governments and the fair price payable in expropriation proceedings in Ecuador. The general objective was to analyze the legal, technical, and doctrinal criteria used to value real estate in expropriation proceedings in Ecuador, in order to determine whether the predominant use of cadastral valuation guarantees fair compensation and the right to property.

Keywords: Expropriation; fair price; cadastral valuation; compensation.**RESUMEN**

Los resultados indicaron que el avalúo catastral constituye una referencia administrativa verificable, pero su finalidad tributaria, carácter masivo y posible desactualización pueden impedir que represente las particularidades y el valor de mercado del inmueble. La comparación mostró mecanismos distintos de tasación, intervención técnica e impugnación. El análisis permitió sostener que el avalúo catastral no debería operar como criterio exclusivo, sino complementarse con evidencia de mercado, características individualizadas del bien, peritajes técnicamente motivados y control jurisdiccional efectivo. Se aplicó una metodología jurídica documental, con enfoque cualitativo y comparado. El corpus estuvo integrado por 38 documentos: nueve normas e instrumentos técnicos ecuatorianos, ocho instrumentos normativos extranjeros, cuatro decisiones

judiciales, doce artículos científicos y cinco textos doctrinales. Se examinaron tres sentencias de la Corte Constitucional del Ecuador y se comparó el régimen nacional con Argentina, Chile, Francia y Alemania mediante una matriz de análisis jurídico. Esta investigación analizó la tensión jurídica entre el avalúo catastral empleado por los Gobiernos Autónomos Descentralizados municipales y el precio justo que debe pagarse en los procesos de expropiación en Ecuador. El objetivo general fue analizar los criterios jurídicos, técnicos y doctrinales utilizados para valorar bienes inmuebles en los procesos de expropiación en Ecuador, con el fin de determinar si el uso predominante del avalúo catastral garantiza una indemnización justa y el derecho a la propiedad.

Palabras clave: expropiación; precio justo; avalúo catastral; indemnización.

INTRODUCCIÓN

Expropriation was formally born as a legal concept in modern law during the French Revolution, based on the Declaration of the Rights of Man and of the Citizen of 1789, to limit the power of the State over private property, allowing the forced transfer of property only under the cause of public utility and with prior compensation.

This legal institution pursues a purpose of public interest and allows, within constitutional limits, a collective need to be placed before individual patrimonial interest. Toapanta Velastegui et al. They explained that the impact on private property is only legitimate when there is a declaration of public utility or social interest and the guarantees of the expropriation procedure are respected (1). Consequently, state power does not eliminate the duty to justify the measure or to recognize adequate compensation.

Expropriation is a forced state act that requires compensating the owner with a "fair price", in Ecuador, article 58 of the Organic Law of the National Public Procurement System subjects this payment to the municipal cadastral appraisal, this generates a serious conflict, since said cadastres are usually outdated and below the real market value, violating the assets of the administrator, who does not have the possibility of fair compensation. In this context, the Superintendency of Territorial Planning, Land Use and Management (SOT), in its reports at the end of 2025 and beginning of 2026, revealed that a large part of the Decentralized Autonomous Governments of the country maintain outdated cadastres, even through Resolution No. SOT-INAR-DIS-2026-016, the Superintendency declared the administrative responsibility of the GAD DMQ and imposed a sanction economic value of 15,795.87 United States dollars.

In the development and execution of works of public and social interest, it is established that the State acquires privately owned real estate; In Ecuador, the constitutional framework regulated by article 323 of the Constitution of the Republic, guarantees the right to property and establishes that all expropriation must be accompanied by prior and adequate compensation, commonly known as "fair price."

However, the materialization of this fundamental right is severely compromised when considering economic compensation, since on the one hand the cadastres are outdated and at the time of compensation, the real price of the goods is not established.

The underlying problem is the conflict that lies in the practical and legal contradiction between the cadastral appraisal and the real price of the property. On the one hand, Ecuadorian legislation, specifically the Organic Law of the National Public Contracting System (LOSNCPS) and the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), establish as the main reference for compensation the value registered in the municipal cadastre.

On the other hand, the reality of the real estate market determines that these appraisals are usually the result of massive appraisals for tax purposes (payment of property taxes), presenting unrealistic commercial values that harm the expropriated party.

This technical discrepancy generates a significant economic gap that violates the principle of equity equality. While the State seeks to optimize public resources by limiting payment based on outdated records, the owner faces the expropriation of his assets, receiving a value with which he can hardly compensate by acquiring another asset with the same characteristics.

Although the Constitutional Court of Ecuador in its rulings, such as in sentences 14-14-IN/21 and 400-EP/24, has ruled on the use of the property appraisal as an objective element, the debate on what truly constitutes a "fair price" remains open, because administratively there is a legal limitation regarding its application.

Recent scientific literature has warned that the reliability of a territorial valuation depends on the quality of the data, the selection of the model, the reference date and the ability to capture the particularities of the property. Doan verified that variables such as location, accessibility, infrastructure, use and physical characteristics significantly modify the land estimate (2). Davy explained that market value requires a legal and technical definition linked to ordinary trading conditions, observable information and a specific valuation date (3). DeMaria et al. They added that the fairness of compensation does not depend only on a figure, but also on the recognized components, the timeliness of payment and the guarantees of the procedure (4).

Other recent studies confirm that changes in land use and updating parameters can widen or reduce the distance between the official valuation and economic reality. Dong et al. identified relevant variations in the comprehensive prices of areas subject to expropriation (5). Adigeh and Abebe linked insufficient appraisals and lengthy procedures to insecurity and conflict for affected people (6). Mathiba argued that compulsory procurement for urban projects needs proportional safeguards to balance public planning and property rights (7). This background allows us to examine the Ecuadorian case with recent scientific criteria and not only through normative description.

In this same introductory line, it is essential to emphasize that the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), in its articles 139 and 496, establishes the obligation that cadastral appraisals must be updated every two years (biennium), notifying the owners of the assets, who have the possibility of challenging, presenting administrative claims that make a new cadastral appraisal possible.

It is important to analyze this conflict that is of vital importance today, since it is essential to evaluate whether the almost exclusive use of the cadastral appraisal constitutes a violation of the constitutional right to property and fair compensation.

The research question was: to what extent does the predominant use of cadastral appraisal to set expropriation compensation in Ecuador guarantee fair compensation and the constitutional right to property? In correspondence with this question, the general objective was to analyze the legal, technical and doctrinal criteria used to value real estate in expropriation processes in Ecuador, in order to determine if the predominant use of the cadastral appraisal guarantees fair compensation and the right to property.

LITERATURE REVIEW

Definition of expropriation.

From a legal-administrative perspective, expropriation can be understood as a coercive and singular deprivation of the right to property, decided to fulfill a public purpose, subject to a legal procedure and conditioned on the payment of compensation. This characterization integrates three inseparable elements: legal authorization, cause of public utility and patrimonial compensation, the application of which must be motivated and susceptible to control (1).

In its legal sense, expropriating means depriving a person of property for a legally declared cause of public utility or social interest, with the corresponding compensation. This is not a voluntary sale, but a mandatory transfer whose validity depends on the authority acting within its powers, observing the established procedure and preserving a reasonable balance between the collective benefit and the individual burden (1).

Expropriation includes any public intervention that produces a singular deprivation of assets, rights or legitimate patrimonial interests for a cause of public utility or social interest. Its imperative nature requires adequate compensation and a procedure that allows the affected party to know, dispute and request a review of the valuation. Recent literature considers that these procedural guarantees are part of the justice of compensation and do not constitute accessory elements (4).

These being some of the concepts that have been expressed on the subject, we can say that expropriation is the action carried out by the public administration, in which an individual is deprived of the right to property, proceeding to compensate them.

Types of expropriation

There are several types of expropriation, depending on the scope and its procedure, including:

Expropriation of full or total ownership: As regulated by Art. 58.7 Organic Law of the National Public Procurement System (LOSNCPP), the State acquires the entirety of the real estate definitively, to execute a social project, but if the proposed purpose is not executed within the period of two years counted from the date on which the transfer of ownership is registered in the Property Registry or the corresponding compensation has not been canceled within the year following notification of the

declaration, provided that there is no In any case, the owner of the property can request the reversal of the expropriation through administrative or judicial means.

Partial expropriation: Only a part of the property is expropriated, allowing the owner to keep the rest, but in accordance with what is established in Art. 58.3 of 7 Organic Law of the National Public Procurement System (LOSNCPP), if a part of a property is expropriated, in such a way that the owner is left with a part of less than fifteen percent (15%) of the property, by extension or price, the owner may demand that the expropriation include the entire property.

Temporary occupation: consists of the temporary use of land or properties that, without forming part of the public work, are necessary to execute it. Toapanta Velastegui et al. analyzed the transfer and consignment of expropriated assets in the Ecuadorian legal system and pointed out procedural gaps that may affect legal certainty (1). In Ecuador, article 58.5 of the LOSNCPP provides that the competent entity determines compensation in accordance with the principles of equity and fair price (8).

When the competent entity requires temporary occupation, it will determine the amount of compensation to be paid, applying the principles of equity and fair price.”

Doctrinal Perspective.

Contemporary doctrine allows expropriation to be characterized as an exceptional power aimed at satisfying a collective purpose without ignoring the constitutional content of the right to property. Toapanta Velastegui et al. They pointed out that the declaration, transfer and consignment must be articulated through clear rules to avoid uncertainty about the situation of the asset and the owner (1).

According to this definition, it is important to refer to what is established in the Constitution of the Republic of Ecuador, which in its article 83 numeral 7, which tells us about promoting the common good and putting the general interest before particular interest, consequently it can be identified that the expropriation processes are carried out unilaterally by the State, being important to keep in mind the fair price when paying the administrator for the damage caused by the expropriation of the real estate, whether total or partial.

Expropriation requires the individual to transfer his or her property, but this power is not unlimited. The administration must prove the public utility, identify the asset, justify the need to affect it and recognize compensation that does not transfer a disproportionate burden to the owner. DeMaria et al. observed that the adequacy of compensation depends on both the calculation method and the recognition of relevant losses and the effectiveness of the procedure (4).

Taking into account the conceptualizations that have been granted, this legal figure establishes an imposition that the State makes on the individual prior to the declaration of public utility, whose purpose is focused on guaranteeing and fulfilling the common good of society, but so that a violation of the rights of the administrator is not incurred, an adequate compensation must be made which serves to repair the damage caused at a fair price.

The modern regulation of expropriation was developed as a guarantee against the arbitrary exercise of public power. Its evolution linked the protection of property with public need, legality and prior compensation. You found that contemporary expropriation regimes have tended to more precisely delimit the scope of state power and strengthen compensatory guarantees, although differences persist between the regulations and their enforcement mechanisms (9).

As noted, it is essential to know the emergence, since it is a legal figure that has been implemented for many years; As stated by the author, it is established that the right to property is a right *et sacre* (and sacred - and consecrated), which is understood as a sacred right and the only way for it to be deprived is through expropriation and with a cancellation of fair compensation; Therefore, since the birth of this figure, it has been established that it be with the existence of a legally established public need, which is currently called a declaration of public utility, since they are primary requirements for the expropriation to be configured, without offending those administered.

Garzón Asanza et al. examined the expropriation mechanism in Ecuador and concluded that the regulatory framework presents weaknesses to guarantee a fair price when the cadastral appraisal used as a reference does not represent the real market value. The authors related this difference to technical and structural deficiencies that may limit the owner's comprehensive repair (10). This national precedent supports the need to contrast the fiscal value with individualized and verifiable information.

Ecuadorian academic production on expropriation valuation continues to be limited and focuses mainly on theses, case studies and legal articles. Alomoto Cepeda identified, based on files and perceptions of actors, that the lack of updating of the cadastre can cause differences between the compensation and the value attributed to the property by the market (9). Although this study is prior to the period prioritized for scientific literature, it was preserved as a national precedent directly related to the problem.

Narváez Atarihuana et al. analyzed expropriation processes in the Loja canton and observed that the biennial update planned for the appraisals does not necessarily eliminate the controversy over the compensation amount, especially when the cadastral information does not include recent changes or unique attributes of the property (11). Their contribution allows us to distinguish between formal compliance with the update cycle and the material representativeness of the figure used.

The selection of the method also affects the distribution of benefits and burdens. Elvestad and Holsen examined land valuation practices and found that the reference date, comparables, and the treatment of differences between plots can alter the final result (12). This evidence supports a motivation that allows us to reconstruct each technical operation and verify why one methodology was preferred over others.

The digital transformation of cadastres and the appraisal profession offers opportunities, but it does not replace the review of the specific case. Kasim et al. They found that digitalization modifies information sources, professional skills and assessment procedures (13). Therefore, the availability of

an automated base does not guarantee, by itself, that the resulting figure reproduces the commercial value of a singular property.

From an institutional perspective, You observed that the evolution of expropriation regimes tends to more precisely delimit state power and strengthen compensatory guarantees (14). Qiu et al. showed that controversies do not depend exclusively on economic calculation, since loss aversion and the perception of inequality also influence the acceptance of the amount (15). Together, these studies justify integrating legality, technique, transparency and contradiction.

In peri-urban contexts, Sefiw et al. highlighted that the selection of the valuation approach and the availability of market information determine the adequacy of compensation (16). The authors differentiated the sales, cost and income comparison methods, and noted that their relevance depends on the characteristics of the asset. This finding is analytically applicable to Ecuador because it prevents treating the cadastre as a universal and invariable measure.

In attention to the detailed investigations, it can be established that effectively at the time of carrying out the expropriation processes in Ecuador, cadastral appraisals are resorted to, which although it is true the regulations establish that they must be updated every two years, however said update in some cases is not fulfilled, which is why the compensation that is canceled is below the fair price, which has generated the violation of the rights of the administrator, it is also evident that in addition to there being differences in terms of compensation there are also regulatory gaps that limit the actions of the administration, making the corresponding legal reforms necessary so that the right to property does not continue to be affected.

Ecuadorian Legal Framework.

Constitution of the Republic of Ecuador.

The Constitution of the Republic of Ecuador of 2008, current and supreme norm of the country, establishes the fundamental principles that govern the State and the rights of its inhabitants, being an essential basis for the legal analysis of expropriation processes, which is based on the right to property.

The Constitution guarantees that State institutions, through the procedure and within the deadlines established by procedural rules, may expropriate, after fair valuation, payment and compensation, assets that belong to the private sector and that all types of confiscation are prohibited.

Current legislation

In our Constitution it is regulated in articles 321 and 323 that allow the state to acquire private goods for social interest and public utility, prior to payment of a fair price.

In the Organic Law of the National Public Procurement System, in its article 58, it establishes the procedure that the public administration must follow to carry out the expropriation processes of private assets.

Art. 446 of the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), authorizes autonomous sectional governments, in order to execute social development plans, promote urbanization and social housing programs, sustainable management of the environment and collective well-being, for reasons of public utility or social interest, may declare the expropriation of assets, after fair valuation, compensation and payment in accordance with the law.

Borbor Muñoz and Luna Moscoso (17) define “that compensation for expropriation is the economic compensation that the State grants to a person or entity when it is deprived of its property within the framework of an expropriation process.”

Organic Law of the National Public Procurement System (LOSNCP)

This Law in Ecuador, in its Art. 58 along with its reforms, regulates expropriation focused on the acquisition of real estate for public works. It requires a declaration of public utility or social interest by the highest authority, allowing the reversion of the asset in two years if it is not used for the declared purpose.

Expropriation is an exception to the right of property, permitted only under formal procedures and to guarantee the execution of infrastructure projects necessary for the community.

Regulation of municipal cadastres.

In Ecuador, municipal cadastres are regulated through the COOTAD (Organic Code of Territorial Organization, Autonomy and Decentralization) and through specific municipal ordinances that each canton compulsorily updates every two years (per biennium), establishing the property appraisal and determination of the unified property tax.

The regulation of which is established within the legal framework and is structured as follows:

- **National Legal Base.-** In accordance with article 264 of the Constitution, the Municipal GADS (Decentralized Autonomous Governments) have the exclusive competence to form and manage urban and rural real estate cadastres, they must carry out a biennial update, in accordance with what is required by article 496 of the COOTAD, determine taxes in accordance with article 497 of the *ibidem* code.
- **Local Legal Base (Municipal Ordinances) Cantonal Biennial Regulation.-** Each municipality issues its own ordinance per biennium. This standard stipulates the technical, economic and legal parameters to classify assets and define their valuation. Cadastral records and appraisal factors are considered. The value of the property is calculated by analyzing factors such as the size of the lot, location, infrastructure, construction, and improvements to the property.
- **Impact on the administrator.-** If the cadastral valuation of a property increases, it does not mean that the municipality has increased the tax rate; the increase usually reflects the updating of improvements, extensions or new construction on the property.

Which means that the cadastral appraisals, which are updated every two years in Ecuador, are used only for the regulation of the collection of the annual property tax, which generates a conflict when

considering these appraisals, for the payment of compensation for expropriated assets, which in practice denaturalizes the right to property enshrined in the Constitution, which is a guarantor of rights.

Carrying out cadastral appraisals of urban and rural real estate in Ecuador is also done under the guidelines, methodologies and parameters established by the Ministry of Urban Development and Housing (MIDUVI), whose governing regulations are updated periodically. Currently, the current technical framework is regulated by Ministerial Agreement No. MIDUVI-MIDUVI-2022-003-A (known as the National Technical Standard for Cadastres, this regulation requires municipalities to update this valuation, at least every two years, having to structure its information in accordance with the National Cadastral Data Model, under three main components: Physical: dimensions of the land, construction area, state of the building and topography; Legal: legal status of the property and tenure; and Economic: statistical analysis of the real estate market and homogeneous geoeconomic zones.

In this order, it is important to mention that the Superintendency of Territorial Planning, Land Use and Management (SOT) in its reports at the end of 2025 and beginning of 2026, revealed that a large part of the Decentralized Autonomous Governments of the country maintain outdated cadastres, even through Resolution No. SOT-INAR-DIS-2026-016, the Superintendency declared the administrative responsibility of the GAD DMQ and imposed a financial penalty of 15,795.87 United States dollars, among other things for failing to update the cadastres www.sot.gob.ec

International law.

In accordance with customary international law, the expropriation of national property of other States is subject to special restrictions. According to customary law (general rules of Immigration Law), the notion of “property” encompasses all property rights of private persons susceptible to alienation. This includes especially the ownership of movable and immovable property, but also real rights (such as pledge rights), credits, shares in companies and intellectual property rights.

Currently, the so-called goodwill is also considered part of the property, this is the commercial relationships that influence the value of a company (customers among others) as well as its position in the market. Virtual library of the UNAM Legal Research Institute www.juridicas.unam.mx fifth part.

The so-called goodwill is related to expropriation, which is considered a going concern, and to calculate the fair price, the compensation must not only consider the physical valuation of the asset, but also the economic damage and the loss of utility, which is interrupted when the expropriation of an asset is carried out.

Comparative legislation.

The comparison included Argentina, Chile, France and Germany. Argentina and Chile were selected because they belong to the continental Latin American legal tradition and have specific legal procedures for expropriation and appraisal. France and Germany were included as European systems of continental law that articulate the constitutional guarantee of property with specialized rules of compensation. The selection was intentional and functional: it is not intended to represent all legal

systems or automatically transfer foreign institutions, but rather to identify similarities, differences and guarantees potentially relevant to the Ecuadorian analysis.

In relation to Latin American legislation, referring to expropriation processes and the payment of the fair price, which responds to the need to contrast the Ecuadorian model with regional references, which in part have similarity in their legislation, we observe the following.-

Part of article 17 of the Argentine Constitution says that "Expropriation for reasons of public utility must be qualified by law and previously compensated."

There is an implicit recognition of the right to private property, as an inviolable right, given the need for the State to manage works of public utility in which it is necessary to intervene in private property to achieve these purposes, this regulation requires a reconciliation of the legal and material interests of the owner with those of the State, in such a way that excessive damage is not generated to the individual, through the payment of fair compensation that must include all damages directly derived from the occupation.

Law 21499, which regulates the General Regime of Expropriations in Argentina, in its articles 10 and 11 establishes the constitutional precepts of the right to property, which are fulfilled in expropriation processes, where comprehensiveness is considered, that is, compensation must cover the objective value (market value of the property), the direct damages derived from the deprivation of property (transfer costs, costs of acquiring a new property, dismissed personnel, etc.) and the value corresponding to the depreciation of the currency from the moment of dispossession until the effective payment and that of the respective interests and finally, the compensation for the necessary improvements that may have been made after the announcement of the project.

In Chile, the Political Constitution of the Republic, states in part of paragraph 24 of article 194, that "No one can, in any case, be deprived of his property, of the property on which it falls or of some of the attributes or essential powers of the domain, except by virtue of a general or special law that authorizes expropriation for reasons of public utility or national interest, qualified by the legislator."

The procedure is governed by Decree Law No. 2186, of 1978, Organic Law of Expropriation Procedure. The main expropriating authorities are: Ministry of Public Works (MOP), Ministry of Housing and Urban Planning (MINVU) and Municipalities. It is developed in stages: 1.- Expropriation resolution, notified by the Official Gazette and by the competent official; 2.- Provisional appraisal Established by a commission of three experts, which determines an initial compensation; 3.- Agreement or trial, the owner can accept the offer or go to court to discuss the amount; and, 4.- Payment and taking material possession, the State can only take material possession of the property once the total compensation has been paid.

In Colombia, Art.58 of the Political Constitution of the Republic of Colombia regulates: (...) "For reasons of public utility or social interest defined by the legislator, there may be expropriation by means of a court ruling and prior compensation. This will be established by consulting the interests of the community and the affected person" (...).

In this country, expropriation processes are governed by articles 13 of Law 9 of 1989, 61 and 67 of Law 388 of 1998 and 37 of Law 1682 of 2013, where they establish "that the negotiation or acquisition price will be equal to the commercial appraisal determined by authorized experts, for which they will take into account the urban planning regulations in relation to the property to be acquired and in it. The amount corresponding to the capital gain and the greater value generated by the announcement of the project will not be taken into account, nor the greater value generated by other recent works of the administration in the same area of influence, nor the improvements made after the date of notification of the purchase offer. (18).

Article 37 of Law 1682 of 2013, modified by Article 6 of Law 1742 of 2014, specifies that compensation in the voluntary alienation stage will include the consequential damage, which will include the value of the property, as well as the damages that are certain and consolidated and the lost profits will be calculated according to the actual returns of the property at the time of acquisition and for up to a term of six (4) months. If an agreement is not reached, "the payment for the property will be paid in advance taking into account the cadastral appraisal and the compensation calculated at the time of the purchase offer, at the stage of judicial or administrative expropriation."

Additionally, paragraph of article 10 of Law 1882 of 2018, states that the entity in charge of acquiring the properties must recognize default interest if it does not pay the value of the compensation agreed in the purchase and sale contract within 90 days following its signing. (18).

That compared to our legislation, they have similar characteristics, to say that the expropriation will be carried out for reasons of public utility or social interest and that the law will establish fair compensation, but we distinguish that in these countries there is a substantial difference, which is related to the fact that an ideal procedure is carried out in order to cancel the corresponding fair compensation, without violating the right to property of the owner of the property, in reference to the fact that the objective market value is considered, including lost profits and with an appraisal. carried out by expert experts in the field.

In reference to the legislations analyzed, it is also of transcendental importance to review the European legislations on this topic since, being legal powers, they allow for having a wealthier knowledge regarding the regulation of expropriation that can well be adapted to the reality of Ecuador. In accordance with what has been said, we must indicate that the German Constitution or Grundgesetz (GG) of 1949 consecrates private property as a fundamental right in its article 14, according to which establishes: "Expropriation is only lawful to satisfy the common good (Wohl der Allgemeinheit). It may occur only by law or by virtue of a law that establishes the form and amount of compensation. Compensation will be determined by equitably weighing the interests of the community and those affected. In the event of a discrepancy regarding the amount of compensation, the ordinary courts will be open to the courts." (19).

Art. 545 of the French Civil Code establishes that "no one can be forced to give up his property if it is not for reasons of public utility (utilité publica) and with the prior payment of fair compensation. The administrative regime of expropriation is included in its essential extremes in several provisions contained in the so-called Expropriation Code" (Code de l'expropriation) of 1977. (20).

What can be inferred is that these two laws enshrine the right to property and only private property may be expropriated for public interest and fair compensation must be paid, according to the collective interests and those affected, so that the right to property is not violated.

Procedural Law and Administrative Procedure in Ecuador.

The expropriation process is based on the administrative act issued by the highest authority of the Institution (Ministries, Decentralized Autonomous Governments, etc.), through a reasoned resolution declaring the need for expropriation, which is accompanied and supported by technical and legal reports that justify the institutional need for its origin.

Proceeding to carry out the appraisal of the property to be expropriated, according to what is recorded in the municipal cadastral appraisal, notifying the owner, creditor or possessor within 3 days after the issuance of the administrative act, after which a maximum period of 30 days is opened to reach an agreement (negotiation) on the price, whose agreed price cannot exceed 10% of the cadastral appraisal registered for the payment of taxes the previous year, and the capital gain generated by previous public works is deducted and when there is an agreement between the parties, it is canceled, the corresponding documents such as minutes and more are signed and elevated to a public deed.

If this is not the case, the public Institution proceeds to direct the claim before the judicial authority in a summary payment by consignment procedure, it being possible that the State can occupy the property by registering the value of the compensation in the name of the owner before a judge, so that after the corresponding procedural process, where expert appraisals can be carried out, the Judge orders the transfer of ownership and the cancellation of the fair compensation to the owner of the property.

If the owner does not agree with the fair price set by the administration or considers that his rights were violated, he can resort to jurisdiction before the District Courts of Administrative Litigation, making challenges to the legality of the act or the amount of compensation, through the summary procedure established in articles 326.4 literal a and 333 of the General Organic Code of Processes (COGEP).

In the judicial practice of Ecuador, in addition to what is indicated, it is observed that the articles of both the action of disputes for lack of agreement on the fair price (Article 326 numeral 4, literal "a" COGEP), and of payment by consignment (Art. 332, numeral 9 COGEP) are invoked, that is, two actions are being substantiated in the same process despite the fact that they are clearly defined in the COGEP and that they must be initiated by different actors by rope separate, that is, the controversy trial due to lack of agreement that must be initiated by the EXPROPIATED ENTITY and the payment trial by consignment that must be initiated by the EXPROPIATING ENTITY.

METHOD

The research was developed as a documentary legal review with a qualitative approach. Two complementary methods were used: the dogmatic-legal method, to interpret and systematize the

applicable norms, principles and precedents; and the comparative one, to contrast the assessment criteria and procedural guarantees of Ecuador with Argentina, Chile, France and Germany. This delimitation avoided accumulating methodological designations that did not correspond to operations actually carried out.

The general objective was to analyze the legal, technical and doctrinal criteria used to value real estate in expropriation processes in Ecuador, in order to determine if the predominant use of the cadastral appraisal guarantees fair compensation and the right to property. The unit of analysis consisted of regulations, judicial decisions, scientific articles and doctrinal texts directly related to real estate expropriation, fair pricing, cadastre and commercial valuation.

The scientific search was carried out between January and July 2026 in Scopus, Web of Science, SciELO and Google Scholar. The terms “expropriation”, “justiprecio”, “cadastral appraisal”, “market value”, “compensation”, “compulsory acquisition”, “cadastral valuation”, “market value” and “fair compensation” were combined using the operators AND and OR. For scientific literature, publications from 2021 to 2026 were prioritized. The regulations and rulings were located on official portals of Ecuador and the compared countries.

Sources were included that: a) regulated or analyzed the expropriation of real estate; b) described technical assessment criteria or compensatory components; c) examine constitutional, administrative or judicial guarantees; d) corresponded to Ecuador or the four selected countries; and e) allow verification of authorship, date and complete content. Commercial pages, entries without editorial support, duplicates, documents unrelated to the compensation assessment and texts whose bibliographic data could not be verified were excluded. The rules and doctrinal works prior to 2021 were preserved only when they were still valid or were essential for interpretation.

The final corpus was made up of 38 documents: nine Ecuadorian standards and technical instruments, eight foreign regulatory instruments, four judicial decisions, twelve scientific articles and five doctrinal texts. The rulings 14-14-IN/21, 2737-19-EP/24 and 400-EP/24 were selected because they address the constitutionality of the expropriation regime, the motivation and judicial protection, and the determination or review of the price. The case Salvador Chiriboga vs. Ecuador as an inter-American precedent directly linked to compensation, proportionality and duration of the procedure.

The information was extracted using a matrix that recorded: identification and hierarchy of the source, purpose of the expropriation, assessment criterion, relevant date, components of the compensation, expert participation, challenge mechanism, jurisprudential standard and legal consequence. Each document was reviewed in two moments: first its rules and central arguments were identified; Then coincidences, differences and gaps were contrasted. The analysis was qualitative and did not include statistical data or a quantitative comparison between cadastral and commercial appraisals.

The legal comparison was carried out by functional equivalence. Instead of assuming that institutions with similar names produce the same effects, we examined how each legal system determines the basis of valuation, who carries out the appraisal, what damages it recognizes, and what means of

review it offers. Foreign mechanisms were used as analytical references, not as models that can be incorporated without evaluating their constitutional compatibility, their costs, and Ecuadorian institutional capacities.

RESULTS

Among the results and findings in the research, we find the following:

The review identified six valuation criteria: cadastral or fiscal valuation, market value supported by comparables, replacement cost, individualized characteristics of the property, additional property damages when the law admits them, and technical or judicial control of the appraisal. In Ecuador, the cadastre has a relevant regulatory weight, but the Constitution and jurisprudence require that compensation preserve a reasonable balance and be controversial (21,8,22,23,24,25,26).

Violation of rights.- The exclusive use of the massive municipal appraisal as the price of expropriation causes a direct violation of private property, since it does not represent the real and commercial value of the expropriated property.

According to the regulations established in the Organic Law of the National Public Procurement System (LOSNCPS) and the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), when carrying out the administrative procedure of expropriation, only the cadastral appraisal constant in the cantonal GADS is considered.

With regard to comparative legislation, it is established that they have similar characteristics, to say that the expropriation will be carried out for reasons of public utility or social interest and that the law will establish fair compensation, but we distinguish that in these countries there is a substantial difference, which is related to the fact that an appropriate procedure is carried out in order to cancel the corresponding fair compensation, without violating the right to property of the owner of the property, in reference to the fact that the objective market value, including lost profits, is considered. and in Chile with an appraisal carried out by experts in the field.

Within the scientific articles carried out by Garzón Asanza, Karen Ibeth, Ortega Córdova, Jenny Jesús, Orellana Izurieta William Gabriel, Alomoto Cepeda Boris Paolo, Narváez Atarihuana Edison Andrés, Ormaza Ávila Diego Andrés and Zamora Vásquez Ana Fabiola that have been detailed in the development of this article, it can be established that effectively at the time of carrying out the expropriation processes in Ecuador, resorts to cadastral appraisals, which, although it is true that the regulations establish that they must be updated every two years, however, said update is not complied with in some cases, which is why the compensation that is paid is below the fair price, which has generated the violation of the rights of the administrator. right to property.

Jurisdictional Limits.- Although the Constitutional Court in rulings No. 2737-19-EP/24, No. 400-EP/24, No. 14-14-IN/21, summarized in Table 2, has determined that the cadastral appraisal is a valid technical tool of the public administration to calculate the price, it requires that judges analyze other financial and economic criteria so as not to interfere with the guarantee of compensation. fair, however administratively these criteria are not applied.

Implications derived from the results.- The review showed the convenience of treating the cadastral appraisal as a reference that can be contrasted, especially when there are verifiable elements of outdatedness, unrecorded improvements or divergences with comparable operations. This implication is developed in the discussion and is not presented as an empirical result or as a definitively validated reform.

Note. Own elaboration based on the revised regulations.

Table 1. Legal comparison of valuation criteria and procedural safeguards

country	Valuation reference	Technical intervention	Revision
Ecuador	Cadastral appraisal as a reference; contrast depending on the case	Cadastre and expert opinion in controversy	Administrative and judicial
Argentina	Target value and direct damage	Appraisal Court	Judicial
chili	Property damage actually caused	provisional expert commission	Judicial claim
France	Direct, material and certain damage	Offer and individual valuation	expropriation judge
Germany	Market value and legally admitted damages	Data and assessment bodies	Judicial

Note. Prepared by the authors based on the regulations reviewed.

Table 2 summarizes the three constitutional precedents examined. Placing it in the Results section makes it possible to identify systematically the legal issue in each case and the criterion relevant to valuation or protection of the right to property.

Table 2. Summary of judgments on expropriation in Ecuador

Dependence	Cause number	Background	Criterion
Constitutional Court From Ecuador	Sentence 14-14-IN/21	Messrs. Vilma Azucena Morán Suárez and Andrés Jiménez Valdivieso, presented a public action of unconstitutionality against numeral 35 of article 1 of the “Law on Legalization of Land Tenure in favor of residents and possessors of properties that are within the territorial circumscription of the cantons Guayaquil, Samborondón and El Triunfo and against the second general provision incorporated by virtue of the law that reformed said norm. The action was directed against the National Assembly of Ecuador and the President of the Republic.	It rules that the State (including Decentralized Autonomous Governments) can expropriate under three unavoidable conditions: Expressly declare the public utility or social and national interest. Specifically determine the use that will be given to the property. Previously carry out a fair valuation, compensation and payment. Furthermore, the Court clarifies that once this is accomplished, the expropriation trial should only serve to define the economic amount, not to stop the act of public utility.
Constitutional Court of Ecuador	Sentence No. 400-EP/24	The company Comandita Simple IK Irina Korotkevich and Associates (“Comandita”) filed a protection action against the Decentralized Autonomous Government of the Metropolitan District of Quito (“Mayor of Quito”). The controversy arose from the special expropriation of a property of 55,101.33 square meters where it was alleged not to have received the fair price.	It was established, on the protection of the right to property, determining that a confiscation without a formal expropriation process is a direct violation. They point out that claims for the payment of the fair price in special expropriations must be processed through ordinary administrative litigation, and not through a manifestly inadmissible Protection Action.

Dependence	Cause number	Background	Criterion
Constitutional Court of Ecuador	Sentence No. 2737-19-EP/24	Messrs. Delfín Hermógenes Barcia García and Alba Azucena González Villacreses filed a protection action with a precautionary measure against the Municipal Autonomous Decentralized Government of the Portoviejo canton ("GAD of Portoviejo"). The plaintiffs alleged the violation of the right to property, non-confiscation, due process and defense. These violations would come from the impact of five lots of their property as a result of the construction of a GAD project in Portoviejo, without having been previously expropriated.	The Court established that any limitation on property that does not occur under expropriation - due process, payment of a fair price and declaration of public utility - is a confiscation. He has also recalled that his jurisprudence has addressed cases in which property has been affected, destroyed or indirectly expropriated and has led to a violation of constitutional rights.

Note. Prepared by the authors based on the decisions of the Constitutional Court of Ecuador.

DISCUSSION

Regarding the topic under discussion, one can also refer to the Case of Salvador Chiriboga vs. Ecuador (Inter-American Court), which is the most transcendental international precedent in the country on expropriation, where the Ecuadorian State was condemned for violating the right to property due to prolonged expropriations (more than a decade without fair payment and without a final resolution). This ruling obliges state entities to process compensation and expropriation trials quickly and fairly, recognizing the real commercial value of the property.

In Ecuador, disputes due to lack of agreement on the price or urgent expropriation are processed in summary proceedings before the Contentious Administrative Courts, where after the corresponding judicial process the payment of compensation is ordered, even with the intervention of Experts appointed by the judge.

The central legal discussion on this issue lies in the fact that Ecuadorian legislation prioritizes the municipal cadastral appraisal to set compensation for expropriation, which has generated a constitutional conflict, since these cadastres are usually outdated and undervalued, violating the right to a fair price (market value) that the State must pay.

While the Constitution guarantees "fair and prior compensation" (market price), regulations such as the Orgánico Code of Territorial Organization, Autonomy and Decentralization (COOTAD) and the Organic Law of the National Public Procurement System (LOSNCPP) take the cadastral appraisal as the maximum basis for payment, with a flexibility of an additional 10%, however this does not cover the real value of the property.

According to legal research in Ecuador that has been considered in this study, they warn that imposing the cadastral valuation as a maximum limit constitutes a disproportionate impact on property and unjustified enrichment of the State at the expense of the owner.

Legal doctrine, research and studies agree that the structural solution requires that the GADS (Decentralized Autonomous Governments) update their cadastres periodically and that the laws incorporate a compensation mechanism that takes into account the real or commercial value, thus guaranteeing fair compensation.

The results coincide with Doan and Davy in that the estimate depends on the relevance of the model, market information and the reference date (2,3). They are also related to De Maria et al., who demonstrated that regulations combine various factors and that apparently objective compensation may be insufficient if it omits relevant losses or lacks guarantees of application (4). In the Ecuadorian case, this means that commercial value should also not be accepted without examination: it requires verifiable comparables, explicit adjustments and technical motivation.

The comparison with Argentina, Chile, France and Germany does not allow us to affirm that they all always use the same notion of objective market value. The revised regulations combine different bases and procedures, although they share the individualization of the appraisal and the possibility of review. The commission of three experts provided for in Chile constitutes an option specific to that system and does not prove, by itself, that Ecuador must impose the same number in all cases. The relevant guarantee is the competence and independence of the professional, the traceability of the method and effective contradiction.

Ecuadorian jurisprudence does not automatically make the cadastral appraisal unconstitutional either. The sentences examined require that the authority give reasons for its decision and take into account the relevant economic and procedural circumstances (23,24,25). The precedent Salvador Chiriboga adds the need for legality, proportionality, reasonable term and timely payment (26). Therefore, the violation must be established based on the specific insufficiency of compensation or procedural guarantees, and not be presumed absolutely in all files.

Consequently, a possible reform should require individual expertise when the complexity, value of the property or the evidence provided reveal a reasonable divergence from the cadastre. A fixed number of experts is not proposed, because the revised corpus does not allow this requirement to be scientifically justified for all cases. The standard should focus on independence, professional competence, access to data, explanation of the method and possibility of contradiction.

The joint review of the sources allows adding methodological and substantive precision. Updating the cadastre is necessary, but it does not by itself eliminate all differences compared to the market, because both values respond to different purposes, scales and dates. Similarly, a commercial expertise should not be automatically accepted: it requires relevant comparables, identification of adjustments, inspection of the property and presentation of the assumptions used. The legally appropriate decision must explain why the chosen method better represents the property damage in the specific case and how the owner's observations were addressed. This reasoning reduces general

statements and allows compensatory justice to be evaluated based on verifiable evidence, sufficient motivation, and real possibilities of contradiction. Furthermore, it makes it easier for the parties to understand the decision, identify its technical foundations and timely exercise the administrative or judicial mechanisms provided for by the law.

Limitations.- The study was documentary and did not directly measure the monetary difference between cadastral and commercial appraisals. The jurisprudential corpus was limited to three constitutional rulings and one inter-American precedent, which is why it does not represent all administrative and judicial decisions. The comparison was restricted to four purposively selected countries and does not control for all their institutional differences. Consequently, the findings offer interpretive criteria that must be complemented with empirical studies of files, expert reports and cadastral bases.

CONCLUSIONS

The analysis carried out allows us to maintain that the exclusive subjection to the cadastral valuation to set the price in expropriation displaces the material mandate of article 323 of the Constitution, since it converts the "fair valuation" into a standardized fiscal result that does not always reflect the real value or the particularities of the property, when the compensated value is insufficient, the expropriation stops operating as a patrimonial substitution and approaches a confiscation, violating the right to property recognized in articles 66 numeral 26 and 321, as well as the legal certainty of article 82 of the Constitution of the Republic of Ecuador, whose argument is supported by research, reviewed scientific articles and even in the Reports issued by the Superintendency of Territorial Planning (SOT), who has sanctioned a Gad for non-compliance with the regulations for updating cadastral appraisals.

The scheme of articles 58.1 and 58.2 of the LOSNCP is only reconciled with the Constitution if the cadastral appraisal is treated as a controllable reference and not as a rule of assessed evidence; Otherwise, the compensation becomes ridiculous and the jurisprudential standard that has been reviewed in rulings No. 2737-19-EP/24, No. 400-EP/24, No. 14-14-IN/21 issued by the Constitutional Court of Ecuador is violated, where it has been established that the lack of fair compensation can violate the right to property of the administrator.

Even when the cadastral appraisal is prepared in accordance with the MIDUVI National Cadastral Technical Standard, it cannot be the sole basis for setting the expropriation price, because the cadastral technique itself is massive and fiscal, and its validity depends on market research, cost methodology and periodic updating that, by design, does not fully capture singular attributes of the property or specific fluctuations.

The exclusive use of the cadastral appraisal negatively impacts the owner's right to fair compensation because it transfers to the administrator the costs of outdated or methodological deficiencies of the cadastre, which if true, the norm establishes that it must be updated every two years, in practice it is not complied with, even the regulations of Ecuador prevent the recognition of unincorporated

improvements and neglect market conditions, thereby breaking equality in the face of public charges and distorting the reparative purpose of the property. fairness

The incorrect quantification of the cadastral valuation, used as the only reference, directly affects the right of property because it prevents the expropriated person from replacing his asset with another with similar characteristics, generates a loss not absorbed by the price and disregards the prohibition of confiscation of article 323 of the Constitution; The damage is not limited to the base price, but also extends to the possibility of continuing economic activities, asset stability and legal security.

The complementarity between cadastral appraisal and commercial appraisal is legally viable and technically advisable, as it finds support in the COOTAD (article 449), in the MIDUVI Technical Standard that incorporates market and cost approaches, and in the jurisprudence that has said that not compensating with a fair price can violate the right to property; Integrating market expertise, comparables and replacement costs makes it possible to correct gaps in the fiscal value and ensure that the compensation meets the “prior fair valuation” guaranteed by the Constitution.

According to the comparative regulations in South American countries such as Argentina, Chile and Colombia, procedures are identified to establish fair compensation according to technical reports, which reflect the real objective commercial market value of the good, which to a certain extent guarantees the payment of the fair price, which is related to and in accordance with their legislation, which is evidently not used in our regulatory framework, as one of the essential requirements for compensation.

The comparison allowed us to conclude that the revised regulations share the requirement of public utility and compensation, but differ in the basis of assessment, expert intervention and the means of review. Therefore, it is not appropriate to affirm that everyone always considers an objective market value. Its contribution to Ecuador lies in showing that the administrative figure can be subjected to an individualized appraisal, technical motivation and judicial contradiction, with the adaptations required by the national constitutional framework.

According to what was reviewed and the research carried out, it can be concluded that there is a need to reform both the Organic Law of the National Public Procurement System (LOSNCPP) and the Organic Code of Territorial Organization, Autonomy and Decentralization (COOTAD), in order to establish that when an expropriation process is carried out, the cadastral appraisal must be considered only as a reference, accompanied by commercial expertise and jurisdictional control, in order to avoid violation of the right to property.

BIBLIOGRAPHIC REFERENCES

1. Toapanta Velastegui TE, Moran Sani MA, Martínez Pérez O. Transferencia a entidades públicas de bienes expropiados en el ordenamiento jurídico ecuatoriano. Rev Lex. 2025;8(30):1592-1612. <https://doi.org/10.33996/revistalex.v9i30.366>
2. Doan QC. Determining the optimal land valuation model: a case study of Hanoi, Vietnam. Land Use Policy. 2023;127:106578. <https://doi.org/10.1016/j.landusepol.2023.106578>

3. Davy B. The German Verkehrswert (market value) of land: statutory land valuation, spatial planning, and land policy. *Land Use Policy*. 2024;136:106975.
<https://doi.org/10.1016/j.landusepol.2023.106975>
4. De Maria M, Robinson EJZ, Zanello G. Fair compensation in large-scale land acquisitions: fair or fail? *World Dev*. 2023;170:106338. <https://doi.org/10.1016/j.worlddev.2023.106338>
5. Dong X, Dong X, Wang F, Fu M, Deng G, Li S, et al. Study on changes in comprehensive land prices for expropriation zones based on land use changes. *Sustainability*. 2024;16(23):10267.
<https://doi.org/10.3390/su162310267>
6. Adigeh DT, Abebe BG. The practice of peri-urban land acquisition by expropriation for housing purposes and the implications. *Urban Sci*. 2023;7(2):41.
<https://doi.org/10.3390/urbansci7020041>
7. Mathiba G. Compulsory acquisition of property for urban densification in South Africa. *Int J Urban Sustain Dev*. 2024;16(1):383-398. <https://doi.org/10.1080/19463138.2024.2389111>
8. Ecuador. Ley Orgánica del Sistema Nacional de Contratación Pública. Registro Oficial, Cuarto Suplemento 140; 7 oct 2025. Disponible en:
<https://www.compraspublicas.gob.ec/ProcesoContratacion/compras/LOSNCJP.jsp>
9. Alomoto Cepeda BP. El avalúo catastral y el justo precio en la expropiación [tesis]. Quito: Universidad Central del Ecuador; 2018. Disponible en: <https://www.dspace.uce.edu.ec/>
10. Garzón Asanza KI, Ortega-Córdova JJ, Orellana Izurieta WG. El justo precio en los procesos de expropiación en Ecuador. *MQRInvestigar*. 2025;9(3). Disponible en:
<https://www.investigarmqr.com/2025/index.php/mqr/article/view/808>
11. Narváez Atarihuana EA, Ormaza Ávila DA, Zamora Vásquez AF. Avalúos catastrales y expropiación en el cantón Loja. *Polo Conoc*. 2022;7(8). Disponible en: <https://polodelconocimiento.com/>
12. Elvestad HE, Holsen T. Valuation practices in urban land readjustment cases in Norway. *Land Use Policy*. 2024;145:107242. <https://doi.org/10.1016/j.landusepol.2024.107242>
13. Kasim I, Squires G, Hutchison N. Digitalisation and valuations: an empirical analysis of valuers' perceptions. *J Prop Res*. 2024. <https://doi.org/10.1080/09599916.2024.2377282>
14. You L. Theories behind change of land expropriation institutions in Cross-Strait. *Land*. 2023;12(10):1867. <https://doi.org/10.3390/land12101867>
15. Qiu L, Yang D, Hong K. Multidimensional preference game and extreme dispute resolution for optimal compensation of house expropriation. *Mathematics*. 2023;11(11):2444.
<https://doi.org/10.3390/math11112444>
16. Sefiw N, Alemayehu A, Kebede B. Property valuation in peri-urban land acquisition for cooperative housing development in Woldia, Ethiopia. *Soc Sci Humanit Open*. 2025;12:102293.
<https://doi.org/10.1016/j.ssaho.2025.102293>
17. Borbor Muñoz E, Luna Moscoso A. Distinción de la reparación en los procesos de expropiación, artículo 452 del COOTAD [tesis]. La Libertad: Universidad Estatal Península de Santa Elena; 2024. Disponible en: <https://repositorio.upse.edu.ec/handle/46000/11187>
18. Colombia. Ley 1682 de 2013, modificada por la Ley 1742 de 2014 y la Ley 1882 de 2018. *Diario Oficial*. Disponible en: <https://www.funcionpublica.gov.co/eva/gestornormativo/>
19. Germany. Federal Building Code (Baugesetzbuch). Berlin: Federal Ministry of Justice; 2025. Disponible en: <https://www.gesetze-im-internet.de/bbaug/>

20. France. Code de l'expropriation pour cause d'utilité publique. Paris: Légifrance; 2026. Disponible en: https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006074224/
21. Ecuador. Constitución de la República del Ecuador. Registro Oficial 449; 20 oct 2008. Disponible en: https://www.asambleanacional.gob.ec/sites/default/files/documents/old/constitucion_de_bolsillo.pdf
22. Ecuador. Código Orgánico de Organización Territorial, Autonomía y Descentralización. Registro Oficial Suplemento 303; 19 oct 2010. Disponible en: <https://www.asambleanacional.gob.ec/es/leyes-aprobadas>
23. Corte Constitucional del Ecuador. Sentencia 14-14-IN/21; 7 jul 2021. Disponible en: <https://www.corteconstitucional.gob.ec/>
24. Corte Constitucional del Ecuador. Sentencia 400-EP/24; 28 nov 2024. Disponible en: <https://www.corteconstitucional.gob.ec/>
25. Corte Constitucional del Ecuador. Sentencia 2737-19-EP/24; 7 mar 2024. Disponible en: <https://www.corteconstitucional.gob.ec/>
26. Corte Interamericana de Derechos Humanos. Caso Salvador Chiriboga vs. Ecuador. Sentencia de 6 may 2008. Serie C No. 179. Disponible en: https://www.corteidh.or.cr/docs/casos/articulos/seriec_179_esp.pdf

FUNDING:

The authors declare that this study did not receive any type of external funding from public or private agencies or non-profit organizations. All research, analysis and development activities were carried out with our own resources.

CONFLICT OF INTEREST:

The authors affirm that there are no conflicts of interest in this study and that the processes established by this journal have been ethically followed. Furthermore, they assure that this work has not been published partially or completely in any other journal.

AUTHOR CONTRIBUTION

Author: Eber José Iñiguez Moreno (EJIM), Gustavo Javier Costa Torres (GJCT)

1. Conceptualization: (EJIM)
2. Data Curation: (GJCT)
3. Formal analysis: (GJCT)
4. Acquisition of funds:
5. Research: (EJIM)
6. Methodology: (EJIM)
7. Project administration:
8. Resources:
9. Software:
10. Supervision: (EJIM) (GJCT)
11. Validation:
12. Visualization: (EJIM)

13. Writing – original draft: (EJIM) (GJCT)

14. Writing – review and editing: (EJIM) (GJCT)