COURSE DATA

Data Subject	
Code	35208
Name	Civil Law III
Cycle	Grade
ECTS Credits	7.5
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	3	Annual
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	4	Annual
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	3	Annual
1923 - D.D. in Law-Criminology	Faculty of Law	4	Annual

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	10 - Civil law	Obligatory
1921 - D.D. in Business Management Administration-Law	5 - Year 4 compulsory subjects	Obligatory
1922 - D.D. in Law-Political and Public Administration Sciences	4 - Year 3 compulsory subjects	Obligatory
1923 - D.D. in Law-Criminology	5 - Year 4 compulsory subjects	Obligatory

Coordination

Name	Department
CHAPARRO MATAMOROS, PEDRO	50 - Civil Law

SUMMARY

Civil Law III is a compulsory subject taught in the third year of the Degree in Law throughout the entire academic year (first and second semester). It is worth 7.5 credits (the workload is 187.5 hours).

The subject covers Book II (On property, ownership and its modifications) and the preliminary provision and Title I (On occupancy) of Book III (On the different ways of acquiring ownership) of the Civil Code, without prejudice to the application of various special laws, especially the Mortgage Law and its Regulations, or those governing the so-called "special properties". It includes the General Theory of Rights in rem (concept of rights in rem, private autonomy in the creation of rights in rem, structure and content of the relationship between law and property, acquisition and extinction of rights in rem, modification of rights in rem and community of property), the possession, the ownership and the special properties; limited rights of enjoyment, rights of security interests, acquisition rights, and Immovable Property Registry Law.

Along with the Law of Obligations and Contracts - which is the subject matter of Civil Law II, taught in the second year of the Degree in Law – it is part of Civil Property Law, focusing on the problems of ownership over economic goods.

There are optional subjects that complete this subject, such as the Credit Guarantees or Notarial and Registry Law, in order to lighten and coordinate contents.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

There are no specified enrolment restrictions with other subjects of the curriculum.
No prerequisites are required to study.

OUTCOMES

1303 - Degree in Law

- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Acquire basic knowledge of legal arguments.

LEARNING OUTCOMES

The student must acquire the following learning outcomes in Civil Law III:

— To know and use appropriately the terminology of Rights in rem.

— To understand the basic concepts of Rights in rem and of Immovable Property Registry Law.

— To know in depth the basics of the General Theory of Rights in rem. In particular, to identify the existence of the relationship between law and property, becoming familiar with its structure and content, and understand the Spanish system of acquisition of rights in rem.

— To learn the basics of each of the relationships between law and property (from property to the rights to use another's property) and of the legal status of ownership, relevant as it generates a semblance of legal ownership and constitutes the basis of rights in rem.

— To know the structure, operation and basic rules of Property Registry.

DESCRIPTION OF CONTENTS

1. General theory of rights in rem

The general theory of rights in rem includes necessarily the following elements:
Sense and meaning of real rights
Fundamentals of rights in rem
Independent will in the creation of rights in rem
The structure and content of the relationship between law and property
The acquisition, modification and extinction of rights in rem

2. Possession

Possession includes necessarily the following elements:
- Concept, classes, structure and content of possession
- Property presumptions
- Acquisition, loss and protection of possession
- Liquidation of ownership status
- Usucaption (acquisitive prescription)

3. Property and special properties

The property includes necessarily the following questions:
- The right of property.
- Concept, historical evolution and constitutional discipline of the private property. Structure, content, limits and limitations of the property. The juridical protection of the property. The property of the animals. The statutes of the property real estate.
- The called special properties.
- The community of goods.
- The horizontal property.

4. Limited rights of enjoyment

The limited rights of enjoyment include, necessarily, the following elements:
Usufruct
- The rights of aprovechamiento by turn.
Easements
Census and emphyteusis
Surface rights

5. Security interest rights

The security interest rights include the following elements:
Pledge, chattel mortgage and pledge without transfer of possession.
Real estate mortgage.
Antichresis

6. Preferential acquisition rights

Rights of first refusal include, necessarily, the following elements:
The category of first refusal rights
Pre-emptive rights
Right of first refusal
Right of option

7. Property Registry Law

Property Registry Law includes, necessarily, the following elements:
Overview of the public registry of mortgages in Spain
The registration process
The entry and its effects
Other entries in the public registry: provisional notations, marginal notes, cancellation
Rectifying entries

WORKLOAD

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	75,00	100
Attendance at events and external activities	5,00	0
Development of group work	9,00	0
Development of individual work	2,50	0
Study and independent work	40,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	15,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	15,00	0
Resolution of case studies	5,00	0
Resolution of online questionnaires	1,00	0
TOTAL	**187,50**	

TEACHING METHODOLOGY

Exhibition of theoretical contents: The professor of the asignatura will expose and will explain the fundamental theoretical contents to guide to the student in the study and understanding of the matter. The student, by his part, has to engage actively in the learning by means of the previous reading of the lesson and the complementary materials that have established in the planning of the course.

Activities applied: it Consists in the comment of sentences, dictámenes and proposals of practical cases, deploying the distinguished competitions, complementing in this way the exhibition of theoretical contents. In each case, will signal the professor which go to be object of evaluation.

Complementary activities: it will program some consistent complementary activity in a workshop, seminar or another activity related with the matter, that will schedule , in function of the availability of human and temporary resources, trying that they have character interdisciplinar, already was with groups of the same or of other asignaturas. The activities will be able to develop in different centres to the Universitat of València.

EVALUATION

Composition of the final qualification.- The final qualification composes of a:

- 30 % OF CONTINUOUS EVALUATION.
- 70 % OF EVALUATION OF THEORETICAL And PRACTICAL KNOWLEDGES.

Activities computables in the continuous evaluation.- In the CONTINUOUS EVALUATION will value the follow-up continued and the preparation of the distinct contents of the programs and will have LIKE MINIMUM TWO acts evaluables consistent mainly in the resolution of cases, test-objective proof, individual work or in group, etc.

In any case, each professor reserves the faculty to realise activities of additional continuous evaluation, that will be recorded in the corresponding Annex to the Educational Guide.

The continuous evaluation presupposes assistance and participation continued. Those students that by diverse reasons can not fulfil with the presencialidad, do not have right to a different continuous evaluation.

Punctuation of the continuous evaluation.- In the continuous evaluation will not obtain any punctuation if it does not surpass AT LEAST THE 40 PERCENT of the same. In consequence, those that do not arrive to the 40 percent will have zero points of continuous evaluation. It pretends with this improve the work continued of the student.

The continuous evaluation will compute so much in first as in second announcement.

The activities of continuous evaluation have the character of “no recoverable” in the second announcement.

Modality of the final proof.- The modality of the FINAL PROOF of knowledges (test, short questions or of development, theoretical or theoretical-practical, oral examination, etc.) will determine by each professor and will communicate to the students with the owed antelación.

In case of coincidence of examinations, will be able to vary the type of examination concerning the planned with general character (p.And., test, oral, writing).

Need to approve the Final Proof.- To surpass the asignatura will be INDISPENSABLE to APPROVE THE FINAL PROOF.

Those students that have participated in some activity of continuous evaluation, but do not realise the final proof of the corresponding announcements, will state as NO PRESENTED in the records of the corresponding announcements of the asignatura.

Qualification in case of have not marked the continuous evaluation.- Those students that have not participated regularly in the activities that allow the continuous evaluation will be evaluated by the result of the final proof, to which anyway will be able to present the students enrolled. In such supposition, the maximum final qualification that they can obtain these students will be of 7 points on 10.

Qualification in case of concurrir automatic cause of suspense.- If concurre automatic cause of suspense, according to the criteria of this Educational Guide or of the Annex of each professor, the maximum note that will obtain the student is a 4.

REFERENCES

Basic

- BLASCO GASCO, FCO. DE P: Instituciones de Derecho Civil. Derechos reales. Derecho registral inmmobiliario, Tirant Lo Blanch, Valencia.
DE VERDA, J.R., SERRA, A. y OTROS: Derecho civil III, Tirant Lo Blanch, Valencia.
DÍEZ-PICAZO/ Antonio GULLÓN, Sistema de Derecho civil. Tomo III Derecho de cosas. Derecho inmobiliario registral, Madrid.
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LLOPIS GINER, JUAN MANUEL (coord.) y otros, Curso Básico de Derechos Reales, Valencia.
VERDERA SERVER, R. y OTROS, Derechos reales e inmobiliario registral, Tomo I y II, Pamplona.
BALLARÍN HERNÁNDEZ, R., CARBONELL SERRANO, V., MARÍN GARCÍA DE
LEONARDO, Mª. T. y MAS BADÍA, Mª. D., Derechos reales: Casos y cuestiones, Madrid.
GETE-ALONSO, M. del C., y otros, Cuadernos de Teoría y Práctica de Derecho civil, III, Madrid.
LLEDÓ YAGÜE, F., TORRES LANA, J.A. y FERRER VANRELL, M.P. (DIR.), CLEMENTE MEORO, M., MARÍN GARCÍA DE LEONARDO, M.T., MAS BADÍA, M.D., PÉREZ DE ONTIVEROS BAQUERO, C. y TORRES LANA, J.A. (COORD.): Cuadernos Prácticos Bolonia. Derechos Reales. Cuaderno 1. Introducción al estudio de los derechos reales. La posesión. Cuaderno 2. El derecho de propiedad. Cuaderno 3. Situaciones de cotitularidad. Cuaderno 4. Propiedad especiales. Cuaderno 5. Derechos reales limitados de goce. Cuaderno 6. Derechos reales de garantía y de adquisición, Madrid.
La que cada profesor quiera añadir en su anexo de guía docente

Additional

- ALBALADEJO GARCIA, Derecho civil. Tomo III. Derecho de bienes, Vols. 1º y 2º,
Barcelona.
DIEZ-PICAZO, Fundamentos del Derecho civil patrimonial. Vol. III. Las relaciones jurídicoreales. El Registro de la Propiedad. La posesión, Madrid.
LACRUZ BERDEJO / Francisco de Asís SANCHO / Agustín LUNA / Jesús DELGADO /Francisco RIVERO / Joaquín RAMS, Elementos de Derecho civil. Tomo III Derechos reales, Vols. 1º, 2º y 3º, Madrid; Tomo III bis. Derecho inmobiliario registral, Madrid.
LASARTE ALVAREZ, C., Principios de Derecho Civil, T. IV (Derechos reales y Derecho hipotecario) y V (Propiedad y Derechos reales de goce). Madrid.
LASARTE ALVAREZ, C., Prácticum de Derecho civil. Derechos reales. Madrid.
MARTÍNEZ DE AGUIRRE,C., DE PABLO CONTRERAS, P. DE, PÉREZ ÁLVAREZ, M. A.: Curso de Derecho civil III. Derechos Reales, Madrid.
PEÑA BERNALDO DE QUIROS, M., Derechos reales. Derecho hipotecario, Madrid.

PUIG BRUTAU, Fundamentos de Derecho civil. Tomo III-1, 2 y 3, Barcelona.
ROCA SASTRE/ROCA-SASTRE MUNCUNILL, Derecho Hipotecario, Tomos I, a VI, Barcelona.

- Bases de datos:
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