

**COURSE DATA****Data Subject**

<b>Code</b>	35240
<b>Name</b>	Credit guarantees
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<b>Academic year</b>	2022 - 2023

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period year</b>
1303 - Degree in Law	Faculty of Law	4 Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	33 - Credit guarantees	Optional

**Coordination**

<b>Name</b>	<b>Department</b>
CHAPARRO MATAMOROS, PEDRO	50 - Civil Law

**SUMMARY**

“Guarantees of the credit” is an optional subject of the fourth course of the Law Degree inside the itinerary of Private Law as Tort Law, Consumer Protection and Notarial Law. It maintains a special link with other main subjects of the Law Degree as Civil Law II and Civil Law III. In fact, “guarantees of the credit” takes as a reference the existence of a legal relation as a way of exchanging goods and it is referred to the mechanisms that the legal system provides to creditors in order to protect their rights. First it will be analyzed the civil bond, the contract penalty and the new so called “independent or autonomous guarantees” like the security or the lien. After that it will be studied the so called “in rem guarantees” that are related to immovable like the mortgage and antichresis, and also related to movables like chattel mortgage and the pledge that could be registered in the Movable assets Registry. Also it will be offered a study of the personal actions to protect the credit like the action of compliance, the resolution of the contract and the compensation of damages, and also subsidiary actions like the action to revoke and the action to subrogate. Finally it will be taken into consideration the situation of bankruptcy regulated in the Insolvency Act of 2003



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

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

### Other requirements

Though formal restriction does not exist to be able to deal this subject, his utilization would demand that there had excelled itself before the matter corresponding to Civil Law II and Civil Law III.

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1303 - Degree in Law

- Know the content and application of each of the branches of the legal system.
- 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.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

COMPETITION ISSUE 1 Ability to recognize, differentiate and know how to apply the private legal guarantees (personal and real) aimed at ensuring the effectiveness of credit and the satisfaction of the creditor.

COMPETITION ISSUE 2 Ability to recognize and know how to apply actions to seek legal redress credit.

COMPETITION ISSUE 3 Ability to recognize and know how to resolve situations of concurrent creditors and creditor's failure heritage.

## DESCRIPTION OF CONTENTS

### 1. INTRODUCTION. THE RIGHT OF CREDIT And THE GUARANTEES OF The OBLIGATION

### 2. THE PERSONAL GUARANTEES OF THE CREDIT: IN PARTICULAR, THE BAIL And THE INDEPENDENT Or AUTONOMOUS GUARANTEES.



**3. THE REAL GUARANTEES REAL ESTATES.**

**4. THE REAL GUARANTEES MOBILIARIAS.**

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	5,00	0
Development of group work	5,00	0
Development of individual work	5,00	0
Study and independent work	16,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	15,50	0
Preparing lectures	5,00	0
Preparation of practical classes and problem	6,50	0
Resolution of case studies	3,50	0
Resolution of online questionnaires	1,00	0
<b>TOTAL</b>	<b>112,50</b>	

**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

- L. Díez-Picazo, Fundamentos del Derecho Civil Patrimonial, Civitas.

### Additional

- Á. Carrasco, E. Cordero y M.J. Marín, Tratado de los derechos de garantía, Aranzadi.