



## Information about the subject

**Degree:** Bachelor of Arts Degree in Law

**Faculty:** Faculty of Legal, Economic and Social Sciences

**Code:** 310102 **Name:** Civil Law II

**Credits:** 6,00 **ECTS Year:** 1 **Semester:** 2

**Module:** Civil Law

**Subject Matter:** Civil Law **Type:** Compulsory

**Field of knowledge:** Social and Legal Sciences

**Department:** -

**Type of learning:** Classroom-based learning

**Languages in which it is taught:** Spanish

**Lecturer/-s:**



## Module organization

### Civil Law

| Subject Matter | ECTS  | Subject       | ECTS | Year/semester |
|----------------|-------|---------------|------|---------------|
| Civil Law      | 30,00 | Civil Law I   | 6,00 | 1/1           |
|                |       | Civil Law II  | 6,00 | 1/2           |
|                |       | Civil Law III | 6,00 | 2/1           |
|                |       | Civil Law IV  | 6,00 | 3/1           |
|                |       | Civil Law V   | 6,00 | 3/2           |

## Recommended knowledge

No previous knowledge is required to complete the course



## Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 To handle with fluency the sources and elements of the obligations.
- R2 To know how to order obligations according to the subjects involved, the provision or its conditions.
- R3 To know the effects of the obligations, both those related to their fulfilment and those related to their non-fulfilment.
- R4 To know and be able to write guarantee clauses for the obligations.
- R5 To know and handle the different forms of extinction of the obligations.
- R6 To know the subjective modification of obligations and how this affects third parties.
- R7 To know and handle with fluency the sources of contracts, and be able to write general clauses.
- R8 To know and draft pre-contracts, especially in specific areas of economic activity.
- R9 To Familiarize with membership contracts, know their regulations and be able to write general clauses.
- R10 To know and be able to write term and condition clauses in contracts.
- R11 To know, be familiar with and be able to draw up typical and atypical contracts.
- R12 To know the problems of urban and rural leases.
- R13 To know and write work and service contracts.
- R14 To know and write money loan contracts, as well as the usual banking practice.
- R15 To know the real guarantees of obligations, and know how to draw up a contract with a real guarantee clause.



R16 To identify cases of quasi-contracts and their voluntary and involuntary effects.





## Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

| GENERAL | Weighting  |   |   |   |
|---------|--|---|---|---|
|         | 1  | 2 | 3 | 4 |
| CG1     | Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language. |   |   | X |
| CG2     | Analysis and synthesis capacity  |   | X |   |
| CG3     | Capacity for organization and planning   |   | X |   |
| CG4     | Problem-solving capacity.  |   |   | X |
| CG5     | Computer skills related to the field of knowledge.   |   | X |   |
| CG6     | To be able to effectively obtain information from books and specialized journals, and from other sources.  |   |   | X |
| CG7     | Critical reasoning when analysing information.   |   | X |   |
| CG8     | Ethical commitment to information management.  |   | X |   |
| CG9     | Oral and written communication skills in their native language in relation to the Science of Law.  |   | X |   |
| CG11    | Professional relationships: be able to establish and maintain relationships with other relevant professionals and institutions.  |   | X |   |
| CG12    | To be able to develop audiovisual presentations.   | X |   |   |
| CG13    | Information management capacity.   |   | X |   |
| CG14    | Ability to work as a team and collaborate effectively with others.   |   |   | X |



CG16 Ability to develop and maintain one's own competencies, skills and knowledge according to the standards of the profession.

X

| SPECIFIC  | Weighting |   |   |   |
|---|-----------|---|---|---|
|   | 1         | 2 | 3 | 4 |
| CE1 To become aware of the Law as an orderly system of legal norms regulating social relations.   |           |   |   | X |
| CE2 Understanding of the different ways of creation of Law in its historical evolution and in its current reality, assimilating the existence of subordinate and supranational legal systems and the forms in which they are articulated. |           | X |   |   |
| CE3 Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.  |           |   |   | X |
| CE5 Ability to identify the rights and obligations of the natural persons in all the areas of Law and give legal form to their acts of will.  |           |   |   | X |
| CE16 Acquisition of a critical conscience in the analysis of the legal system and acquisition of values and ethical principles.   |           |   |   | X |
| CE18 To learn how to use the existing legal bibliographic information.  |           | X |   |   |
| CE19 Ability to handle the different legal sources (legal, jurisprudential and doctrinal).  |           |   | X |   |
| CE20 Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).   |           | X |   |   |
| CE21 Ability to read and interpret legal texts.   |           |   |   | X |
| CE22 Ability to make legal arguments.   |           |   | X |   |
| CE23 Ability to write legal texts. Basic knowledge of legal argumentation.  |           |   | X |   |
| CE24 Development of legal oratory. Ability to express oneself appropriately in front of an audience.  |           |   | X |   |
| CE25 Development of the ability of working in teams.  |           |   |   | X |
| CE26 Assumption of the necessary interdisciplinary vision of legal problems.  |           |   | X |   |



CE27 Capacity for negotiation and conciliation.

X

CE28 Ability to give legal form to bilateral and multilateral relations of individuals.

X

CE29 Ability to legally articulate projects, agreements, or disagreements.

X



## Assessment system for the acquisition of competencies and grading system

| Assessed learning outcomes | Granted percentage | Assessment method   |
|----------------------------|--------------------|---|
|                            | 40,00%             | Practical tests   |
|                            | 20,00%             | Attendance, active participation and favourable attitude in the subject/ course/ module |
|                            | 40,00%             | Written theoretical tests   |

### Observations

The evaluation of the acquisition of the skills of the module will be carried out paying special importance to the practical resolution of problems, which is consistent with the objectives of the degree and with the skills marked as necessary to achieve those goals. In this way, preponderance will not be given exclusively to the theoretical exam, without taking into account, in a relevant way, a practical exam and the assistance and active participation in the different activities so that students acquire a practical vision of legal problems. Thus, to be consistent with the objectives of the degree and the skills that are intended to be acquired, in the final grade there will be a participation of 60% between practical activities (40%) and attendance and active participation in classroom sessions theory, tutorials, seminars and group work (20%), leaving 40% of the mark for the written tests.

**EVALUATION INSTRUMENT THEORIC EXAM.** Theoretical and / or theoretical-practical written tests in which the acquired theoretical and practical knowledge will be exposed. If the development of the course allows it, there will be a voluntary partial exam of around half of the syllabus (which, if passed, will be eliminated). The conditions of the partial exam will be the same as those of the official call. The theoretical final mark (40%) will result from the average mark resulting from the 2 exams (only in the case of the practical exam). In any case, it will be necessary to obtain a 5 in the theoretical exam to make an average with the practical mark and with the attendance and participation mark. If a grade lower than 5 is obtained in the official exam of the first call, both the attendance mark and the mark of practices carried out in class and group work will be kept for the second call. Finally, given the importance of the correct formal presentation of legal documents, it is noted that each misspelling will deduct 0.1 points from the exam grade.

**PRACTICES.** Resolution of the different practices that will be proposed to the student throughout the course. The evaluation of the practices and the group work will be carried out by means of the assistance and oral and / or written presentation individually by the student. The evaluation of the works presented will be carried out taking into account the structure of the work, the quality of the documentation, the spelling and the presentation. The rating will be obtained from the average of all the ratings obtained in this section. The qualification of the practices carried out in class will be maintained for the second call.





The lack of unjustified attendance at 20% of the practical sessions, prevents the computation of this percentage. ASSISTANCE AND PARTICIPATION. Attendance and active participation in class sessions, group work, tutorials and seminars. Its evaluation will be carried out by means of monitoring records of attendance by the teacher. The lack of unjustified attendance at 20% of the practical sessions, prevents the computation of this percentage. Criteria for awarding Honor Registrations: Honor registrations may be awarded to the best students, who must always have passed the 9th grade and, in principle, and except in exceptional circumstances, will only be granted on the first call for tests. of this subject. Attendance at breastfeeding mothers class: Due to the schedule of this subject that is taught in the morning, nursing mothers who cannot attend face-to-face activities regularly, will establish, together with the teacher, an alternative work plan that allows the acquisition of the same knowledge and skills as the rest of his classmates.

### **MENTION OF DISTINCTION:**

According to Article 22 of the Regulations governing the Evaluation and Qualification of UCV Courses, the mention of "Distinction of Honor" may be awarded by the professor responsible for the course to students who have obtained, at least, the qualification of 9 over 10 ("Sobresaliente"). The number of "Distinction of Honor" mentions that may be awarded may not exceed five percent of the number of students included in the same official record, unless this number is lower than 20, in which case only one "Distinction of Honor" may be awarded.

## **Learning activities**

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.
- M2 Supervised monographic sessions with the student's participation.
- M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.
- M10 Application of interdisciplinary knowledge.
- M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.



- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.

## IN-CLASS LEARNING ACTIVITIES

|                                       | LEARNING OUTCOMES | HOURS        | ECTS        |
|---------------------------------------|-------------------|--------------|-------------|
| Practical cases.<br>M1, M2, M8        | R1, R2, R3, R4    | 23,00        | 0,92        |
| Theoretical classes.<br>M2, M8        | R1, R2, R3, R4    | 20,00        | 0,80        |
| Seminar.<br>M1, M8                    | R1, R2, R3, R4    | 2,00         | 0,08        |
| Presentation of group work.<br>M1, M8 | R1, R2, R3, R4    | 5,00         | 0,20        |
| Tutorial.<br>M8                       | R1, R2, R3, R4    | 5,00         | 0,20        |
| Assessment<br>M1, M8                  | R1, R2, R3, R4    | 5,00         | 0,20        |
| <b>TOTAL</b>                          |                   | <b>60,00</b> | <b>2,40</b> |

## LEARNING ACTIVITIES OF AUTONOMOUS WORK

|                            | LEARNING OUTCOMES | HOURS        | ECTS        |
|----------------------------|-------------------|--------------|-------------|
| Group work.<br>M1, M8      | R1, R2, R3, R4    | 45,00        | 1,80        |
| Individual work.<br>M2, M8 | R1, R2, R3, R4    | 45,00        | 1,80        |
| <b>TOTAL</b>               |                   | <b>90,00</b> | <b>3,60</b> |



## Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

| Content block                    | Contents  |
|----------------------------------|---|
| 1. GENERAL THEORY OF OBLIGATIONS | <p>Unit 1. Concept of obligation. The elements of the obligations. The subjects of the mandatory relationship. The object of the mandatory relationship: the provision. The cause of the mandatory relationship</p> <p>Unit 2. Circumstances of the mandatory relationship. Time. The place. The conditions. The guarantees of the obligation. The criminal clause. earnest money contract. The right of retention</p> <p>Unit 3. The extinction of the obligatory relation. Causes of extinction. Compliance with the obligation: Payment. The subjects of the payment. Subrogated from the payment. Other causes of extinction of obligations.</p> <p>Unit 4. The breach of the obligation. Debtor's default. Effects of default. The debtor's responsibility.</p> <p>Unit 5. The defense of the credit right. The action of compliance with the obligation. Compensation for damages. Subrogatory action. The Paulian action</p> <p>Unit 6. Modification of the mandatory relationship. The novation in the Civil Code. The change of creditor and debtor. The assignment of the contract.</p> |



## 2. GENERAL THEORY OF THE CONTRACT

Unit 7. Concept and formation of the contract. Types of contracts. Concept. Elements of the contract. The consent. The object. The cause. The form of the contract. The formation of the contract. The offer. The pre-contract. The option contract. Advertising. Adhesion contract. General contracting conditions.

Unit 8. Vices of the essential elements of the contract. The error. The violence. The intent. Vices of the declaration of will. Vices of the cause.

Unit 9. Interpretation and effects of the contract. Effects of the contract. Unit 10. The condition and kinds of conditions. Function and types of the term. The modal obligation. The ineffectiveness of the contract.

## 3. CONTRACT TYPES

Unit 11. The sale. Concept and characters. The parts. The thing. The price. Obligations of the parties. Special sales. Agreements annexed for sale. Plurality of sales of the same thing. the swap.

Unit 12. The donation. Donation concept. The parts. The object of the donation. Limits. Effects. Classification of donations. Revocation of the donation. Informality and donation reduction.

Unit 13. The leasing of things. Concept and characters. The leasing of urban farms. Housing lease. The lease for use other than housing. The work contract. Obligations of the parties. Construction of buildings. The leasing of services. Obligations of the parties.

Unit 14. The loan contract. The use loan. The money loan. The precarious.

Unit 15. The deposit. The guarantor's obligation. Relations between creditor, guarantor and debtor. Pledge, mortgage and antichresis contracts.

Unit 16. The mandate contract. Obligations of the parties.

Unit 17. The deposit contract. The voluntary deposit and the necessary deposit.

## 4. QUASI-CONTRACTS AND ILLICIT ACTS

Unit 18. Quasi-contracts. Enrichment without a cause: presuppositions and effects. The collection of the undue: budgets and effects.

Unit 19. Civil liability. Contractual and tort liability. The damage. The causal relationship. The blame. The exemption of responsibility. Subjects of civil liability. The repair of the damage. Liability derived from a criminal offense.



## Temporary organization of learning:

| Block of content                    | Number of sessions | Hours |
|-------------------------------------|--------------------|-------|
| 1. GENERAL THEORY OF OBLIGATIONS    | 10,00              | 20,00 |
| 2. GENERAL THEORY OF THE CONTRACT   | 10,00              | 20,00 |
| 3. CONTRACT TYPES                   | 8,00               | 16,00 |
| 4. QUASI-CONTRACTS AND ILLICIT ACTS | 2,00               | 4,00  |

## References

1. Derecho Civil II. Obligaciones y Contratos. J.R. de Verda y Beamonte y otros. 6ª Edición. Editorial Tirant lo Blanch. Valencia. 2023.
  2. Sistema de Derecho Civil . Vol. II. Contratos en especial. Cuasicontratos. Enriquecimiento sin causa. Responsabilidad civil extracontractual. Luis Díez-Picazo y Antonio Gullón. 12 edición. Editorial Tecnos. Madrid. 2018.
  3. Derecho Civil español común y foral. Tomo III. Derecho de obligaciones. La obligación y el contrato en general. José Castán Tobeñas. Editorial Reus. Madrid. 2008.
- Bibliografía complementaria:
4. Derecho de Obligaciones. Tomo II. Carlos Lasarte. Editorial Marcial Pons. Madrid. 2021. 24ª edición.
  5. Contratos. Tomo III. Carlos Lasarte. Editorial Marcial Pons. Madrid. 2021. 22ª edición.
  6. Código Civil adaptado a la reforma Ley 8/2021, de 2 de junio por la que se reforma la legislación civil y procesal para el apoyo a las personas con discapacidad.
  7. Código Civil con jurisprudencia sistematizada. 3ª Edición. Editorial Tirant lo Blanch. Valencia. 2018.



## Addendum to the Course Guide of the Subject

Due to the exceptional situation caused by the health crisis of the COVID-19 and taking into account the security measures related to the development of the educational activity in the Higher Education Institution teaching area, the following changes have been made in the guide of the subject to ensure that Students achieve their learning outcomes of the Subject.

**Situation 1: Teaching without limited capacity** (when the number of enrolled students is lower than the allowed capacity in classroom, according to the security measures taken).

In this case, no changes are made in the guide of the subject.

**Situation 2: Teaching with limited capacity** (when the number of enrolled students is higher than the allowed capacity in classroom, according to the security measures taken).

In this case, the following changes are made:

### 1. Educational Activities of Onsite Work:

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject will be made through a simultaneous teaching method combining onsite teaching in the classroom and synchronous online teaching. Students will be able to attend classes onsite or to attend them online through the telematic tools provided by the university (videoconferences). In any case, students who attend classes onsite and who attend them by videoconference will rotate periodically.

In the particular case of this subject, these videoconferences will be made through:

Microsoft Teams

Kaltura



## **Situation 3: Confinement due to a new State of Alarm.**

In this case, the following changes are made:

### **1. Educational Activities of Onsite Work:**

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject, as well as the group and personalized tutoring, will be done with the telematic tools provided by the University, through:

Microsoft Teams

Kaltura

Explanation about the practical sessions:



## 2. System for Assessing the Acquisition of the competences and Assessment System

### ONSITE WORK

#### Regarding the Assessment Tools:

The Assessment Tools will not be modified. If onsite assessment is not possible, it will be done online through the UCVnet Campus.

The following changes will be made to adapt the subject's assessment to the online teaching.

| Course guide    |                      | Adaptation                           |                     |
|-----------------|----------------------|--------------------------------------|---------------------|
| Assessment tool | Allocated percentage | Description of the suggested changes | Platform to be used |

The other Assessment Tools will not be modified with regards to what is indicated in the Course Guide.

#### Comments to the Assessment System: