

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

Code	35241
Name	Property damage law
Cycle	Grade
ECTS Credits	4.5
Academic year	2024 - 2025

Study (s)

Degree	Center	Acad. year	Period
1303 - Degree in Law	Faculty of Law	4	First term

Subject-matter

Degree	Subject-matter	Character
1303 - Degree in Law	34 - Property damage law	Optional

Coordination

Name	Department
AVIÑO BELENGUER, DAVID	50 - Civil Law

SUMMARY

This course is located in the itinerary of the fourth degree course on Private Law.

Its main objective is that the student knows the Spanish civil liability. This exhaustively analyzes the various regulations of the former as the source of the damage (contractual or not, criminal or not a criminal offense) and, especially, the budgets for the incurrance of the obligation to indemnify. Namely: the behavior, damage, causation (with emphasis on the allocation criteria objective) and subjective criteria applied (iguilt, dolo and risk). In addition, we study the cases where a subject (parents, guardians, employers) may be required to answer for the damage caused by another (children, pupils, employees), that is, the so-called vicarious liability, and cases they are liable for damages caused by animals or things. Moreover, given its enormous practical significance, analyzes the tort system of public administration (which in Spanish law has a very broad and generous recognition) and other assumptions that have a special regulation (defective products,energy nuclear, etc.).

Moreover, as we must not forget that to compensate for damage caused is a civil obligation, we analyze the budgets of the same, for which the student will have to link it and place it back into the general category of obligation, studied in Civil II



PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

Aunque no existe restricción formal para poder cursar esta asignatura, para un mayor aprovechamiento se recomendaría haber superado previamente la materia correspondiente a Civil II.

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.
- Have negotiation and conciliation skills.

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

English version is not available

DESCRIPTION OF CONTENTS

1. The Right of harms: concept and functions

Concept and functions of the civil responsibility
The evolution of the civil responsibility
Delimitation of the civil responsibility
The Spanish system of civil responsibility

2. Estimates of the civil responsibility

The behaviour: the action or omission. The antijuridicidad of the behaviour
The harm: concept and classes
The relation of causality and the imputación objective of the harm. The objective criteria of imputación of the harm. The interferences in the link of causality. The interruption of the causal link
The criteria of imputación subjective of the harm to the subject. The fault. The risk and the objective



responsibility

3. The called civil responsibility by

The civil responsibility of the parents and tutors by the harms caused by his children and *pupilos. The civil responsibility of the *curadores with representative faculties.

The civil responsibility of the employer by the harms caused by his dependent

The civil responsibility of the headlines of educational centres by the harms caused by his minor students of age

4. The civil responsibility of the Public Administra

The recognition of the objective and direct responsibility of the Public Administration: evolution

Criteria of imputación of the civil responsibility of the Public Administration: the normal operation and the abnormal operation of the public services

Causes of exoneración of the responsibility of the Public Administration. The risks of development

The action of return of the Public Administration in front of the public civil servant causante of the damage

Specialitys in the cases of civil responsibility derived of a crime or fault of a public civil servant

5. The civil responsibility by the harms caused by the animals and the things inan

Civil responsibility by the harms caused by the animal

civil Responsibility by the harms caused by the things: Responsibility by ruin of the edifices.

Responsibility by explosions and inmisiones. Responsibility by the things that launch or fall of a house

6.

7. The juridical obligation to repair the harm

The resarcimiento in shape specific

The resarcimiento by equivalent or compensation of harms and damages

Characters of the obligation to indemnify

Fixation of the quantum indemnizatorio

Prescription of the action of civil responsibility

8. The sure of civil

Concept and characters of the insurance of civil responsibility

Delimitation of the coverage of the insurance of civil responsibility

The direct action in front of the insurance company: opposable exceptions by the insurer. The dolo of the insured

**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
TOTAL	112,50	

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

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- CARRASCO PERERA, Á., Y OTROS: Derecho de obligaciones y contratos en general, Tecnos, Madrid, 2023, 6a Ed.
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- LASARTE ÁLVAREZ, C.: Principios de derecho civil II. Derecho de obligaciones, Marcial Pons, Madrid, 2023, 26a Ed.
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- DE VERDA Y BEAMONTE, J. R. Y OTROS.: Derecho Civil II. Obligaciones y Contratos, Tirant lo Blanch, Valencia, 2023, 6a Ed.

Additional

- MUÑOZ, E., Y OTROS (Coords): Desarrollos recientes en el derecho de daños, 1a Ed., Tirant lo Blanch, Valencia, 2023, 1a Ed.
- ROCA I TRÍAS, E.: Derecho de daños: textos y materiales, Tirant lo Blanch, Valencia, 8a 2020.
- REGLERO CAMPOS, F.: Tratado de responsabilidad civil, Aranzadi, 2014, 5a Ed.
- REGLERO CAMPOS, F.: Tratado de responsabilidad civil, Aranzadi, 2014, 5a Ed.