

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

|                      |                                     |
|----------------------|-------------------------------------|
| <b>Code</b>          | 36773                               |
| <b>Name</b>          | Derechos Reales y Derecho Registral |
| <b>Cycle</b>         | Grade                               |
| <b>ECTS Credits</b>  | 6.0                                 |
| <b>Academic year</b> | 2024 - 2025                         |

**Study (s)**

| <b>Degree</b>                                  | <b>Center</b>  | <b>Acad. year</b> | <b>Period</b> |
|--|----------------|-------------------|---------------|
| 1933 - Double Degree in Law and Economics_2022 | Faculty of Law | 4                 | First term    |

**Subject-matter**

| <b>Degree</b>                                  | <b>Subject-matter</b>           | <b>Character</b> |
|--|---------------------------------|------------------|
| 1933 - Double Degree in Law and Economics_2022 | 4 - Asignaturas de cuarto curso | Obligatory       |

**Coordination**

| <b>Name</b>              | <b>Department</b> |
|--------------------------|-------------------|
| MAS BADIA, MARIA DOLORES | 50 - Civil Law    |

**SUMMARY**

The subject of Civil right III has character of compulsory and imparts in the fourth Course of the Double Degree in Right and Economy in the first semester. His load lectiva is of 6 credits ECTS.

The matter identifies with the Book II (Of the sakes, of the property and his modifications) and the Preliminary Disposal and Title I (Of the occupation) of the Book III (Of the different ways to purchase the property) of the Civil Code, without prejudice to the application of distinct special laws, among which stand out the Law Hipotecaria and his Regulation, or those that regulate the called “special properties”. It includes the General Theory of the Real Right (concept of real right, game of the private autonomy in the creation of real rights, structure and content of the juridical relation-real, acquisition and extinction of the real rights, modification of the real rights and community of sakes); the possession; the property and the special properties; the rights limited of enjoy; the real rights of guarantee; the rights of acquisition; and the Real-estate Right Registral.

Together with the Right of Obligations and Agreements - that constitutes own matter of the Right subject Civilian II, imparted in the second course of the Degree of Right – conforms the Civil Right Patrimonial, inside the cual centres in the relative problems to the domination on the economic sakes.

Has to take the existence of subjects optativas that complete the matter, as the one of Guarantees of the



Credit or Notarial Right and Registral, with the end 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

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

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

Civil right III has to be oriented to that the student obtain the following results of learning:

- Know and use of way adapted the own terminology of the Real Rights.
- Comprise the basic concepts of the real Rights and of the Right Registral Real-estate.
- Know in depth the basic appearances of the General Theory of the Real Rights. In particular, identify the existence of the juridical relation-real, familiarising with his structure and content, and apprehend the Spanish system of acquisition of the real rights.
- Know the basic appearances of each one of the juridical relations-real in particular (from the property until the real rights on extraneous thing) and of the juridical situation of the possession, notable in what it generates an appearance of juridical titularity-real and constitutes estimate of the exercise of real rights.
- Know the structure, operation and basic rules of the Register of the Property.

## DESCRIPTION OF CONTENTS

### 1. General theory of the real right

The general theory of the Real Rights includes necessarily the following questions:

- Sense and meaning of the Right of things.
- The theoretical figure of the real right: his dogmatic configuration.
- The game of the autonomy of the will in the creation of the real rights.
- The structure and content of the juridical relation-real.
- The acquisition, modification and extinction of the real rights.

### 2. The possession



The possession includes necessarily the following questions:

- Concept, classes, structure and content of the possession
- The presumptions posesorias
- Acquisition, loss and protection of the possession
- The liquidation of the state posesorio
- The usucapión

### **3. The property and the 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 new juridical statute of the animals like beings sintientes. The statutes of the real-estate property.
- The called special properties.
- The community of sakes.
- The horizontal property.

### **4. Rights limited of enjoy**

The rights limited of enjoy include, necessarily, the following questions:

- The usufruct.
- The rights of aprovechamiento by turn.
- The servitudes.
- The censuses and the enfiteusis.
- The right of surface.

### **5. Real rights of guarantee**

The real rights of guarantee include, necessarily, the following questions:

- The piece, the mortgage mobiliaria and the piece without scrolling of the possession.
- The real-estate mortgage.
- The anticresis.

### **6. Rights of preferential acquisition**

The rights of preferential acquisition include, necessarily, the following questions:

- The category of the rights of preferential acquisition.
- The retracto.
- The score.
- The option.

**7. Real-estate Right Registral**

The Real-estate Right Registral includes, necessarily, the following questions:

- basic Shots of the system of real-estate advertising registral in the Spanish Right.
- The procedure registral.
- The registration and his effects.
- Other seats registrales distinct to the registration: preventive annotation, note marginal and cancellation.
- The rectification registral.

**WORKLOAD**

| ACTIVITY                                     | Hours         | % To be attended |
|--|---------------|------------------|
| Theoretical and practical classes            | 60,00         | 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                   | 10,00         | 0                |
| Readings supplementary material              | 10,00         | 0                |
| Preparation of evaluation activities         | 15,00         | 0                |
| Preparing lectures                           | 15,00         | 0                |
| Preparation of practical classes and problem | 10,00         | 0                |
| Resolution of case studies                   | 10,00         | 0                |
| Resolution of online questionnaires          | 5,00          | 0                |
| <b>TOTAL</b>                                 | <b>150,00</b> |                  |

**TEACHING METHODOLOGY**

Exposure of theoretical contents: The professor of the subject will expose and will explain the fundamental theoretical contents to guide to the student in the studio 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 commentary of sentences, dictámenes and proposals of practical cases, deploying the distinguished competitions, complementing in this way the exposure 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 have character interdisciplinar, already was with groups of the same or of other subjects. 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 test, individual work or in group, etc.

In any case, each professor reserves the faculty to make 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 test.- The modality of the FINAL TEST 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 Test.- To surpass the subject will be INDISPENSABLE to APPROVE THE FINAL TEST.

Those students that have taken part in some activity of continuous evaluation, but do not make the final test of the corresponding announcements, will state as NO PRESENTED in the records of the corresponding announcements of the subject.

Qualification in case of have not marked the continuous evaluation.- Those students that have not taken part regularly in the activities that allow the continuous evaluation will be evaluated by the result of the final test, 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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- BALLARÍN HERNÁNDEZ, Rafael, CARBONELL SERRANO, Vicente, MARÍN GARCÍA DE LEONARDO, M<sup>a</sup>. Teresa y MAS BADÍA, M<sup>a</sup>. Dolores, Derechos reales: Casos y cuestiones, Tecnos, Madrid, 1996.
- LLEDÓ YAGÜE, Francisco, TORRES LANA, José Ángel y FERRER VANRELL, M<sup>a</sup> Pilar (Dirs.), CLEMENTE MEORO, Mario, MARÍN GARCÍA DE LEONARDO, M<sup>a</sup> Teresa, MAS BADÍA, M<sup>a</sup> Dolores, PÉREZ DE ONTIVEROS BAQUERO, Carmen y TORRES LANA, José Ángel (COORD.): Cuadernos Prácticos Bolonia. Derechos Reales. Cuaderno 1. Cuaderno 2. Cuaderno 3. Cuaderno 4. Cuaderno 5. Cuaderno 6., Dykinson, Madrid, 2010.

### Additional

- ALBALADEJO GARCIA, Manuel, Derecho civil. Tomo III. Derecho de bienes, Vols. 1º y 2º, Barcelona, 2016.
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Bases de datos: <http://www.westlaw.es> <http://www.tirantonline.com> <http://www.iustel.com>

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Normas:

Diario oficial de la Unión Europea:

<http://eur-lex.europa.eu/JOIndex.do> BOE

<http://www.boe.es> Boletines autonómicos:

[http://www.boe.es/aeboe/consultas/enlaces/boletines\\_autonomicos.php](http://www.boe.es/aeboe/consultas/enlaces/boletines_autonomicos.php) Boletines provinciales:

[http://www.boe.es/aeboe/consultas/enlaces/boletines\\_provinciales.php](http://www.boe.es/aeboe/consultas/enlaces/boletines_provinciales.php)

Jurisprudencia:

Tribunal Constitucional: <http://www.tribunalconstitucional.es> Tribunal de Justicia de la Unión Europea

[http://curia.europa.eu/jcms/jcms/j\\_6/pagina-principal](http://curia.europa.eu/jcms/jcms/j_6/pagina-principal) Tribunal Supremo

Cendoj <http://www.poderjudicial.es/search/index.jsp>