



Teaching Guide

Teaching Guide				
Identifying Data				2022/23
Subject (*)	Property Law		Code	612G01027
Study programme	Grao en Dereito			
Descriptors				
Cycle	Period	Year	Type	Credits
First and Second Cycle	2nd four-month period	Third	Obligatory	6
Language	SpanishGalicianEnglish			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito Privado			
Coordinador	Busto Lago, José Manuel	E-mail	jose.busto.lago@udc.es	
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Web	http://www.dereito.udc.es/			
General description	In this course, we will see that the course of trade of goods, along with the dynamics of economic transactions, there is a static, specific legal status of economics goods. This static legal status of economic goods has numerous dimensions: ownership issues; extent and limits of ownership; extent and limits of the management, exploitation and utilization faculties of goods that belong to subjects different from the owner. The student will learn that the legal structure given to ownership is a political and economical response to the issues that arise from the organization and exploitation of natural resources, urban planning, the protection of cultural heritage, the housing and financial market, etc.			

Study programme competences

Code	Study programme competences
A1	Knowledge of the main legal institutions
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A4	Appreciating the interdisciplinary nature of legal problems
A5	Knowing the constitutional principles and values.
A6	Understanding the different manifestations of law in its historical evolution and in its current reality.
A7	Knowing the national and international legal and political structures.
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).
A10	Ability to interpret and critically assess the legal system.
A11	Ability to understand and write legal documents.
A12	Management of legal oratory (ability to express themselves properly in public).
A13	Mastering new technologies applied to law.
A14	Ability to draft legal norms.
A15	Ability to negotiate and mediate.



B2	Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B4	Ability to transmit information, ideas, problems and solutions to a specialized and non-specialized public.
B6	Learning to learn.
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
B9	Working autonomously on own initiative with a lifelong learning approach.
B10	Teamwork and collaboration.
B11	Ethical and social responsibility.
B12	Effective workplace communication and oral and written skills in Spanish, Galician and foreign languages.
B13	Computing and ICT skills.
C1	Adequate oral and written expression in the official languages.
C2	Mastering oral and written expression in foreign languages.
C3	Using ICT in working contexts and lifelong learning.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.

Learning outcomes			
Learning outcomes		Study programme competences	
The student must understand how property rights are organized in the Spanish national legislation		A1	B7
		A2	B8
		A3	B9
		A4	
		A5	
		A6	
		A8	
		A9	
		A10	
		A11	
		A12	
		A14	
		A15	
Students must be able to handle legal resources (scholarship, legal and jurisprudential).		A1	B7
		A2	B8
		A3	B10
		A4	
		A5	
		A6	
		A8	
		A9	
		A10	
		A11	
		A12	



The student must be able to read and analyze the questions arising from the course's content and provide an adequate answer.	A1	B7	C1
	A2	B8	C2
	A3	B9	C4
	A4	B10	
	A5	B11	
	A6		
	A8		
	A9		
	A10		
	A11		
	A12		
	A13		
	A15		
The student must be able to understand the legal documents regarding the origin, dynamic, variation and extinction of property rights.	A1	B6	
	A2	B7	
	A3	B8	
	A4	B9	
	A5	B10	
	A6	B12	
	A8	B13	
	A9		
	A10		
	A11		
	A12		
	A13		
	A14		
	A15		
The student must be able to provide an adequate answer to the issues regarding the course's content.		B7	
		B8	
		B9	
		B10	
		B12	
		B13	
The student must acquire a basic knowledge on the functioning of the Spanish property registration system.	A1	B7	
	A8	B9	
	A9		
Redactar documentos xurídicos: constitución de dereitos reais, minutas de actas notariais; así como a súa tramitación no Rexistro da Propiedade e no Catastro de Bens Inmóveis.	A7	B11	C3
		B2	C4
		B3	C6
		B4	

Contents	
Topic	Sub-topic
I.- Introduction to Property Law.	a) Property: things and goods. b) Rights in rem. c) Rights in rem vs rights in personam d) Types of rights in rem
II. Dynamics of rights in rem	a) Adquisition of rights in rem b) Modification of rights in rem c) Extinction of rights in rem



III. Joint ownership	a) Concept & characteristics b) Joint ownership vs society contract c) Guide principles of joint ownership d) Content of joint ownership e) Extinction of joint ownership f) Dividing walls
IV. Possession	a) Concept, legal basis & types b) Subjects & object c) Dynamics of possession d) Content of possession
V. Private property	a) Concept & characteristics b) Special types of property c) Neighbourly relationships d) Protection of private property e) Accession, occupancy, discovery & treasure
VI. Usufruct	a) Concept. Objective & subjective elements b) Creation c) Content d) Extinction e) Special types of usufruct
VII. Easements	a) Concept & types b) Subject, object & content c) Creation, modification & extinction d) Mandatory easements
VIII. Rights in rem of guarantee	a) Legal regimen b) Pledge c) Mortgage
IX. Rights in rem of acquisition	a) Concept b) Option c) Right of first refusal d) Right of repurchase



IV.- OS DEREITOS REAIS EN CONCRETO.

IV.1.- OS DEREITOS REAIS LIMITADOS DE GOCE.

I. O usufructo. 1. Concepto. 2. Natureza. 3. Constitución.- 4. Modificación.- 5. Contido: a) o poder do usufrutuário. b) dereitos e obrigas conexas ó usufructo. c) A facultade de dispor atribuída o usufrutuário. 6. Obxecto.- 7. Extinción: a) causas. b) liquidación da situación entre propietario e usufrutuário.- 8. Os usufructos especiais: a) Cuasiusufructo. b) Usufructo de minas. c) Usufructo de dereitos. d) Usufructo de plantacións. e) Usufructo de rabaño. f) Usufructo de patrimonio. g) Usufructo de accións e de participación sociais. h) Usufructo de fondos de inversión.- II. Os dereitos de uso e de habitación: Concepto e réxime xurídico.

II.- As servidumes. 1. Concepto, estrutura, natureza xurídica e caracteres. 2. Clases de servidumes relevantes no C.C.: a) Pola súa natureza: prediais e persoais; b) Polo seu contido: positivas e negativas; c) Por razón do seu exercicio: continuas e discontinuas; d) Polas sinais da súa existencia: aparentes e non aparentes; e) Pola súa orixe: legais, forzosas e voluntarias.- 3. Constitución: a) Por negocio xurídico; b) Por usucapión (estudio particular da adquisición da servidume de paso en Galicia); c) Por signo aparente.- 4. Contido e exercicio do dereito de servidume (estudio particular do réxime xurídico da servidume de paso no Dereito propio de Galicia).- 5. As causas de extinción das servidumes.- 6. As chamadas servidumes legais: a) Concepto; b) Os supostos concretos: Servidumes en materia de augas; servidume de paso (particular consideración do seu réxime no Dereito civil de Galicia); medianerías; luces e vistas; distancias e obras intermedias; vías pecuarias; redes aéreas e conducións superficiais e subterráneas; servidumes en materia de costas.- 7. As servidumes persoais: Tipos e réxime xurídico.

III.- O dereito de superficie. 1. Concepto, precedentes e caracteres. 2. Natureza xurídica. 3. Constitución.- 4. Contido: a) Dereitos e facultades do superficiario. b) Dereitos e facultades do concedente.- 5. Duración e extinción.- 6. Dereitos de sobreedificación e de subedificación.-

IV.- O «dereito real de aproveitamento por quendas» de bens inmobles. 1. A ordenación normativa do fenómeno da chamada «multipropiedade»: A opción do lexislador español: O dereito real e o contrato de arrendamento.- 2.- Elementos definidores do «dereito real de aproveitamento por turno de bens inmobles»: Suxetos, obxecto, constitución, duración e obrigas das partes.- 3. A constitución do réxime de aproveitamento por turno.- 4. Normas de protección do adquirente: Desestimento e resolución do contrato.



IV.2.- OS DEREITOS REAIS DE GARANTÍA.	I.- Dereitos reais de garantía. 1. Concepto. 2. Natureza. 3. Caracteres. 4. Estructura. 5. Contido. 6. Extinción. 7. Diferencias entre prenda, hipoteca e anticrese. II.- A hipoteca inmobiliaria 1. Concepto. 2. Caracteres. 3. Clases. As hipotecas legais. 4. Contido. 5. Obxecto e obriga asegurada. Extensión obxectiva.- 6. Constitución. As cláusulas inscribibles do contrato de constitución da hipoteca. 7. Modificacións: A) Particular consideración da transmisión do crédito e da hipoteca. B) Cambio de rango.- 8. A hipoteca inmobiliaria inversa.- 9. Extinción.- 10. A realización. A acción real hipotecaria. Procedementos de execución da hipoteca. Particular consideración da execución extraxudicial.- III. A hipoteca mobiliaria. 1. Concepto. 2. Contido. 3. Obxecto. Extensión da hipoteca 4. Constitución. 5. Modificacións. 6. Extinción.- 7. Realización.- IV.- A prenda con desprazamento da posesión. 1. Concepto. 2. Contido. 3. Obxecto. 4. Constitución. 5. Extinción. 6. Prendas especiais. a) A prenda irregular. b) A prenda de créditos. c) A prenda de valores mobiliarios anotados. d) A prenda de contas correntes. V. As garantías reais mobiliarias sen desprazamento da posesión: a prenda sen desprazamento da posesión.- 1. Concepto. 2. Contido. 3. Obxecto. 4. Constitución e extinción. VI. Anticrese.- 1. Concepto. 2. Contido. 3. Obxecto. 4. Constitución e extinción.
IV.3.- OS DEREITOS REAIS DE ADQUISICIÓN PREFERENTE.	I. Doctrina xeral: 1. Concepto e delimitación. 2. Natureza. 3. Fundamento. 4. Formas de constitución. 5. Contido. 6. Colisión entre dereitos de adquisición. 7. Extinción.- II. Os dereitos de adquisición legais: a) na enfiteuse. b) na superficie. c) no condominio. d) os dereitos de adquisición en favor dos colindantes. e) os chamados retractos xentilicios. f) o retracto de graciosa. g) os dereitos de adquisición previstos na lexislación especial: i) os dereitos de adquisición prefrente do arrendatario e do aparceiro rústicos. ii) os dereitos de adquisición preferente dos arrendatarios urbáns. iii) Os dereitos de adquisición preferente na LMEA/1995.- III. Os dereitos de adquisición voluntarios: admisibilidade e réxime xurídico: a) Tanteo e retracto. b) O dereito opción: Concepto, natureza xurídica e exercicio do dereito de opción. Consideración específica do dereito real de opción.

Planning				
Methodologies / tests	Competencies	Ordinary class hours	Student's personal work hours	Total hours
Guest lecture / keynote speech	A1 A2 A3 A4 A5 A6 A8 A9 A10	15	15	30
Case study	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 A12 A13 A14 A15 B6 B7 B8 B9 B10 B11 B12 B13 C1 C2 C3 C4 C6	20	20	40
Workbook	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B9	3	3	6



Long answer / essay questions	A1 A2 A3 A4 A5 A6 A8 A9 A10	6	9	15
Seminar	A1 A2 A3 A4 A5 A6 A8 A9 A10 A12 B6 B8 B10	14	0	14
Directed discussion	A1 A2 A3 A4 A5 A6 A7 A8 A9 A10 A12 A15 B6 B7 B8 B10 B2 B3 B4	14	0	14
Problem solving	A1 A2 A4 A9 B6 B9 B12 B13	15	15	30
Personalized attention		1	0	1

(*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Guest lecture / keynote speech	The Professor will explain the fundamental topics of the course, allowing students to participate.
Case study	The Professor will provide case studies for the students to resolve, individually or working in a team. The solution will be discussed in class, requiring the critical participation of the entire class.
Workbook	The students will carry out a review from a book or an academic paper related to the course's content.
Long answer / essay questions	The test will consist of three questions regarding the course's content.
Seminar	The students will participate in monographic seminars where legal modifications and case law will be discussed.
Directed discussion	The Professor will suggest a topic of special interest related to the course's content in order to be critically and soundly discussed by the class.
Problem solving	The students will provide an adequate answer to the case studies provided by the Professor, individually or working in a team.

Personalized attention	
Methodologies	Description
Case study	- The students will be attended individually or in groups in order to solve doubts and queries about workbook, case studies and any others related to the course's content. - The tutorial's schedule will be announced on the electronic board. - The students may reach the professor through email, Moodle or Teams.
Seminar	
Workbook	
Problem solving	

Assessment			
Methodologies	Competencies	Description	Qualification
Case study	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 A12 A13 A14 A15 B6 B7 B8 B9 B10 B11 B12 B13 C1 C2 C3 C4 C6	During the semester, the students will carry out several case studies that will impact in the final grade. The students must give an appropriate answer without using any study materials (legal, academic or jurisprudential). - The grades obtained from the case studies, will be taken on account in the first and the second opportunity to pass the course.	39
Seminar	A1 A2 A3 A4 A5 A6 A8 A9 A10 A12 B6 B8 B10	Active participation (argued and motivated) in the seminars proposed by the professor.	1
Long answer / essay questions	A1 A2 A3 A4 A5 A6 A8 A9 A10	This test will be carried out in a written form and may include essay questions and case studies. In any case, the answer must be argued and legally sustained.	60
Others			



Assessment comments

- The grade obtained in the assignments carried out during the course will be had into account in both, the first and the second opportunities.
- Part-time students must carry out two case studies, which will impact a 40% in the final grade; while the final test will impact the 60% of the final grade.
- The assessment system may vary according to the turn the students belong to.
- In the event that cheating, plagiarism, or copying the work of other student is detected in any works, essays, case studies or examinations delivered or taken by students, the work, essay, case study or examination affected shall be graded with a zero "0", with no option of a second-chance assessment.

Sources of information

Basic	- ALBALADEJO, Manuel (2016). Derecho Civil. Vol. III (Derecho de bienes). Madrid. EDISOFER - BERCOVITZ RODRÍGUEZ-CANO, Rodrigo (2021). Manual de Derecho Civil. Derechos reales. Ed. Bercal, S.A.; Madrid - DÍEZ-PICAZO, Luis (2008). Fundamentos del Derecho Civil Patrimonial. Vol. III (Las relaciones jurídico-reales [...]) . Cizur Menor. Ed. Thomson - Civitas - LACRUZ BERDEJO, J. L. (y otros) (2008). Elementos de Derecho Civil, T. III (Vols. I, II) y III.bis. Madrid. Ed. Dykinson - BUSTO LAGO, J. M. (Dir.); ÁLVAREZ LATA, N. y PEÑA LÓPEZ, F. (2015). Curso de Derecho Civil de Galicia. Barcelona. Ed. Atelier - BERGEL SAINZ DE BARANDA, Yolanda (2019). Handbook on Spanish Patrimonial Law. Tecnos - GARDNER, Simon (2007). An introduction to Land Law. Hart Publishing - DÍEZ-PICAZO, Luis (2012). Fundamentos del Derecho Civil Patrimonial, T. VI (Derechos Reales). Cizur Menor, Ed. Thomson - Reuters O Curso de Derecho civil de Galicia dos Profs. Drs. J.M. Busto Lago, N. Álvarez Lata e F. Peña López é de consulta necesaria para preparar os temas correspondentes a institucións de Dereito civil propio de Galicia (comunidades de bens, relacións de veciñanza, servidume de paso, retracto de graciosa). De ser preciso, facilitaranse materiais adicionais a través da plataforma virtual de apoio o ensino (moodle). Os manuais de Dereito civil territorial común non inclúen o tratamento da regulación das institucións que contan cunha regulación propia no Dereito civil propio de Galicia. Os supostos prácticos facilitaranse os alumnos a través da plataforma virtual (moodle) con anterioridade ao seu estudo e contraste nas aulas de docencia interactiva.
Complementary	- DE PABLO CONTRERAS, P. (Coord.); MARTÍNEZ DE AGUIRRE, C y PÉREZ ÁLVAREZ, MIGUEL ÁNGEL (2020). Curso de Derecho Civil. Vol. III (Derechos reales). Madrid. Ed. Edisofer - DÍEZ-PICAZO, L. y GULLÓN BALLESTEROS, A. (2016). Sistema de Derecho Civil. Vol. III (T.I y II). Madrid. Ed. Tecnos - BUSTO LAGO, J. M.; ÁLVAREZ LATA, N. y PEÑA LÓPEZ, F. (2007). Acciones de protección de la posesión (Régimen jurídico, sustantivo y procesal, de las acciones de protección sumaria de la posesión). Cizur Menor. Ed. Aranzadi - BUSTO LAGO, J. M. (2013). Las servidumbres y las serventías en el Derecho gallego, Parte 5ª del Tratado de Servidumbres dirigido por Á. REBOLLEDO VARELA (3ª edic.). Cizur Menor. Ed. Aranzadi - REBOLLEDO VARELA, A. L. (Coord.) (2008). Comentarios a la Ley de Derecho Civil de Galicia. Ley 2/2006, de 14 de junio, de Derecho Civil de Galicia. Cizur Menor. Ed. Aranzadi - KLEIN (2020). Property. Cases, Problems, and Skills. Wolters Kluwer - VVAA (2018). Comparative Property Law. Elgar - Aranda Rodríguez, R. y otros (2019). Guía de Derecho civil. Teoría y Práctica. T. IV (Derechos reales). Cizur Menor. Ed. Aranzadi

Recommendations

Subjects that it is recommended to have taken before



Person's Law/612G01007

Obligations and Tort Law/612G01016

Contract Law/612G01024

Subjects that are recommended to be taken simultaneously

Activity and Goods of Public Authorities/612G01017

Subjects that continue the syllabus

Real Estate Law/612G01046

Other comments

In order to properly understand the course's content, it is essential to have basic knowledge of Law of Obligations and Torts as well as Contract Law.

(*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.