

Course Unit: 9242525 – Executive Process

Year 3 Semester 5 ISCED Code: 380 ECTS: 6,00

Type of Course Unit: Compulsory Delivery Mode: Distance learning Language of Instruction: Portuguese

COURSE COORDINATOR: José Francisco de Aragão Baixinho Cravo;

HOURS OF WORK

TOTAL HOURS	Contact Hours								Hours in autonomous work
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance	Other	
150		45	30						75

Prerequisites (if applicable): Not applicable

LEARNING OUTCOMES (knowledge, skills and competence)

It is sought that the student:

- 1) Determine the fundamental principles and axiological values inherent to executive action;
- 2) Know the material and general assumptions of the executive action, managing to delimit the problems in practical and concrete situations and give the resolution to the issues presented;
- 3) know how to distinguish the purposes and forms of enforcement proceedings existing in the Portuguese legal order, as well as the procedural stages that make up each of the proceedings;
- 4) Be able to de-unravel alternative procedures, their objectives and benefits for a concrete understanding and application suitable in the aid of citizens

CONTENTS

- 1- Executive Action: Basics and Purposes;
- 2- Legal Principles of Executive Action;
- 3- Assumptions of Executive Action;
- 4- The Executive Action for Payment of Certain Amount:
 - a) The Executive Application;
 - b) The Attachment Phase;
 - c) Executive sale;
 - d) Payment.
- 5 - The Executive Action for The Delivery of The Right Thing;
- 6 - The Executive Action for The Provision of Fact
- 7 - PEPEX

DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES

- 1- Executive Action: Basics and Purposes; - objective 1

- 2- Legal Principles of Executive Action; - objective 1
- 3- Assumptions of Executive Action; - objective 2
- 4- The Executive Action for Payment of The Right Amount: - Objective 3
 - a) The Executive Application; - objective 3
 - b) The Attachment Phase; - objective 3
 - c) Executive sale; - objective 3
 - d) Payment; - objective 3
- 5 - The Executive Action for The Delivery of The Right Thing; - objective 3
- 6 - The Executive Action for The Provision of Fact - Objective 3
- 7 - PEPEX. - objective 4

TEACHING METHODOLOGIES

Exhibition (using the most diverse means: oral, written and multimedia projection)
Presentation and discussion of case studies in the classroom with the participation of students
Analysis of court decisions through a targeted debate with pupils
Activity simulation

DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES

Exhibition (using the most diverse means: oral, written and multimedia projection) - objectives 1 to 4
Presentation and discussion of case studies in the classroom with the participation of students - objectives 1 to 4
Analysis of court decisions through a targeted debate with pupils - objectives 2 to 3
Activity simulation - objectives 1 to 4

EVALUATION METHODS

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

1) Continuous evaluation: it is comprised by written evaluation, work in the classroom and one oral exam. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is eliminatory.

2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.

3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

MAIN BIBLIOGRAPHY

MARCO CARVALHO GONÇALVES, Lições de Processo Civil Executivo, 4ª Edição, Almedina, 2020.

RUI PINTO, Manual da Execução, Lisboa, AAFDL, 2020.

JOSÉ LEBRE DE FREITAS, A Ação Executiva - À Luz do Código de Processo Civil de 2013, 7.ª Edição, Gestlegal, 2017.

JOSÉ HENRIQUE DELGADO DE CARVALHO, Ação Executiva para Pagamento de Quantia Certa, 2ª Edição, Quid Juris, 2016.

EDUARDO PAIVA e HELENA CABRITA, O processo executivo e o agente de execução, 3ª Edição, Coimbra, Coimbra Editora, 2013.

JOSÉ ANTÓNIO DE FRANÇA PITÃO e GUSTAVO FRANÇA PITÃO, Código de Processo Civil Anotado - Tomo II, Quid Juris, 2016.

SALVADOR DA COSTA, A Injunção e as Conexas Ação e Execução, 8ª Edição, Almedina, 2020.

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