

EXERCISES

CHAPTER II

- I. Identify and explain on the following legal provisions the respective structural elements:**
1. “The owner enjoys, fully and exclusively, the rights of use, enjoyment and disposal of the things that belong to him, within the limits of the law and in compliance with the restrictions it imposes” – art. 1305 of the CC.
 2. “The contract must be punctually complied with, and can only be modified or extinguished by mutual consent of the parties or in those cases where law permits it” – *art. 406, no.1, of the CC*.
 3. “In order to ensure the right to housing, the State must: plan and execute a housing policy included in plans for the general development of the territory and supported by urbanization plans, which ensure the existence of an adequate network of transportation and social equipment” – *art. 65, no.2, §a, of the CRP*.
 4. “Can grant a will all the individuals which the law does not declare as being unable of doing so” – *art. 2188 of the CC*.
 5. “The National Parliament may revise the Constitution five years after the date of publication of the last ordinary revision law” (*article 284, no.1 of the Portuguese Constitution*).
 6. “Is a minor whoever has not yet reached the age of eighteen” (*article 122 of the Portuguese Civil Code*).
 7. “Whoever, with intent or recklessly, unlawfully breaches the rights of other, or any statutory provision aimed at protecting interests of others, is obliged to compensate the party who suffered damages for the damages resulting from such breach.” (*article 483 of the Portuguese Civil Code*).

II. What sanction are set forth on the following legal provisions? Justify.

1. “If the obligation can be liquidated in two or more instalments, the lack of payment of one of them carries the maturity of all.” (*Article 781 of the Portuguese Civil Code*).
2. “A debtor who has a credit against his creditor has a retention right if, being obliged to deliver a certain thing, his credit arises from expenses incurred because of this thing or damages caused by it.” (*Article 754 of the Portuguese Civil Code*).
3. “Whoever is required to repair damage must reconstruct the situation that would exist, if it had not verified the event which requires repairing” (*Article 562 of the Portuguese Civil Code*).
4. “Lacks capacity to inherit, by reason of unworthiness: (...) (c) the one that, with intention or by means of coercion, induced the testator to make, modify or revoke the will, or prevented him from doing so.” (*Article 2034 of the Portuguese Civil Code*).
5. “In setting the compensation it must be considered the non patrimonial damages, which by their gravity deserve the protection of law”. (*Article 496 of the Portuguese Civil Code*).