

STUDY GUIDE

Article: 1156- 1162 Chapter 1: General Provision

A. Definitions

1. **Obligation:** derived from the Latin word *Obligatio* which means tying or binding.
2. **Quasi-contract:** Is that juridical relation resulting from lawful, voluntary and unilateral act by virtue of which the parties become bound to each other to the end that no one will be unjustly enriched or benefited at the expense of another. (Art. 2142)
3. **Compliance in good faith:** it means compliance or performance in accordance with the stipulations or terms of the contract or agreement. *Sincerity and Honesty* must be observed to prevent one party from taking unfair advantage over the other.
4. **Wrong (cause of action):** is an act or omission of one party in violation of the legal right or rights of another.
5. **Negotiorum gestio:** is the voluntary management of the property or affairs of another without the knowledge or consent of the latter. (Art. 2144)
6. **Solutio indebiti:** is the juridical relation which is created when something is received when there is no right to demand it and it was unduly delivered through mistake.

B. Discussions

1. **The essential requisites of an obligation:**
 - (1) **A passive subject (called debtor or obligor)** or the person who is bound to the fulfillment of the obligation; he who has a duty;
 - (2) **An active subject (called creditor or obligee)** or the person who is entitled to demand the fulfillment of the obligation; he who has a right;
 - (3) **Object or prestation (subject matter of the obligation)** or the conduct required to be observed by the debtor. It may consist in giving, doing, or not doing. (see Art. 1232.) Without the prestation, there is nothing to perform. In bilateral obligations (see Art. 1191.), the parties are reciprocally debtors and creditors; and
 - (4) **A juridical or legal tie (also called efficient cause)** or that which binds or connects the parties to the obligation. The tie in an obligation can easily be determined by knowing the source of the obligation. (Art. 1157.)
2. **Why are obligations under the Civil Code a juridical necessity?**

Obligation is a juridical necessity because in case of non-compliance, the courts of justice may be called upon to enforce its fulfillment or, in default thereof, the economic value that it represents. In a proper case, the debtor may also be made liable for damages, which represent the sum of money given as a compensation

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O. Ray Whittington



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Table of Contents Secretary 1 Study Guide

1. Understanding the eBook Secretary 1 Study Guide
 - The Rise of Digital Reading Secretary 1 Study Guide
 - Advantages of eBooks Over Traditional Books
2. Identifying Secretary 1 Study Guide
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Secretary 1 Study Guide
 - User-Friendly Interface
4. Exploring eBook Recommendations from Secretary 1 Study Guide
 - Personalized Recommendations
 - Secretary 1 Study Guide User Reviews and Ratings
 - Secretary 1 Study Guide and Bestseller Lists
5. Accessing Secretary 1 Study Guide Free and Paid eBooks

- Secretary 1 Study Guide Public Domain eBooks
- Secretary 1 Study Guide eBook Subscription Services
- Secretary 1 Study Guide Budget-Friendly Options
- 6. Navigating Secretary 1 Study Guide eBook Formats
 - ePub, PDF, MOBI, and More
 - Secretary 1 Study Guide Compatibility with Devices
 - Secretary 1 Study Guide Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Secretary 1 Study Guide
 - Highlighting and Note-Taking Secretary 1 Study Guide
 - Interactive Elements Secretary 1 Study Guide
- 8. Staying Engaged with Secretary 1 Study Guide
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Secretary 1 Study Guide
- 9. Balancing eBooks and Physical Books Secretary 1 Study Guide
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Secretary 1 Study Guide
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Secretary 1 Study Guide
 - Setting Reading Goals Secretary 1 Study Guide
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Secretary 1 Study Guide
 - Fact-Checking eBook Content of Secretary 1 Study Guide
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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