

## **CARLOTA SAMSON, PETITIONER, VS. EMILIO PEÑA, JUDGE OF FIRST INSTANCE OF MANILA, VALERIANO FUGOSO, MAYOR OF MANILA, SILVESTRE TORRES, ACTING MARKET ADMINISTRATOR, MARIANO C. ICAS...**

*G.R. No. L-1331. July 30, 1947*

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CARLOTA SAMSON, PETITIONER, VS. EMILIO PEÑA, JUDGE OF FIRST INSTANCE OF MANILA, VALERIANO FUGOSO, MAYOR OF MANILA, SILVESTRE TORRES, ACTING MARKET ADMINISTRATOR, MARIANO C. ICASIANO, CITY HEALTH OFFICER, GENARO VALENCIA, MARKET MASTER, QUINTA MARKET, AND LUZ JANERO, RESPONDENTS. body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }

EXECUTION PENDING APPEAL.—The respondent judge issued an order of execution pending appeal, and the order was entered at the foot of the motion of the prevailing party, wherein it is stated that further delay of execution would be to the great prejudice, irreparable damage and loss of the business to said party. Held: Upon the same considerations set forth in *Buenaventura vs. Peña* (supra, p. 795), which involves also market stalls, the instant case has to be disposed of adversely to the petitioner.

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