

**OSAKA BOEKI KAISHA, INC., DEMANDANTE-APELANTE, CONTRA
LEONARDO GUISON, JOSE CASIMIRO, EN SU CAPACIDAD DE
SHERIFF DE MANILA, Y LUZON SURETY CO., INC.,
DEMANDA-DOS-APELADOS.**

G.R. No. 47467. March 14, 1941

Ponente: DIAZ, J.

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DIAZ, J.:

Alegando ser acreedora hipotecaria de Philippine Fish Co., por la cantidad de P3,540 que representa el saldo no pagado del precio de venta de un motor Semi Diesel de petróleo crudo de la marca Kinoshita, No. 3020, de 70 caballos de fuerza, que había sido instalado originalmente en la embarcación denominada "No. 2-Palawan" y que se conoció después por lancha M/B "Manila X", desde que la mencionada compañía la adquiriera mediante compra de sus anteriores dueños Enrique Celis, T. Danjo y S. Danjo, la demandante y apelante Osaka Boeki Kaisha, Inc., entabló la demanda con que se inició esta causa en el Juzgado de Primera Instancia de Manila para pedir que los demandados y apelados Leonardo Guison y Luzon Surety Co. Inc., el primero como deudor principal y la última como fiadora, fuesen condenados a pagarle mancomunada y solidariamente la expresada cantidad de P3,540, más sus intereses legales desde la fecha de la interposición de la demanda, (31 de marzo de 1937), por haber vendido el Sheriff de Manila dicho motor, en virtud de un mandamiento de ejecución expedido en la Causa Civil No. 50186 del propio Juzgado, intitulada "Leonardo Guison, demandante, contra Philippine Fish Co., demandada".

Avanceña, Pres., Laurel, Moran, y Horrilleno, MM., están conformes.

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