

[G.R. No. 2729. April 28, 1906]

DEL-PAN, ORTIGAS & FISHER, PLAINTIFFS AND APPELLANTS, VS. MARTINIANO M. VELOSO, DEFENDANT AND APPELLEE.

D E C I S I O N

WILLARD, J.:

The plaintiffs, a firm of lawyers in Manila, were employed by the defendant to represent him in two actions which had been brought against him by his wife, relating to the property of the parties to said actions. The actions were brought on the 11th of February and the 12th of February, 1904, were never brought to trial, and were settled on the 14th of April of the same year. Plaintiffs presented to the defendant an account for services amounting to 4,000 pesos, which they afterwards reduced to 3,500 pesos. The defendant paid 1,000 pesos and refused to pay any more, and the plaintiffs brought this action to recover the balance of their account. The court below ordered judgment for the plaintiffs for 1,000 pesos. The plaintiffs excepted to the judgment and have brought the case here by bill of exceptions.

No motion for a new trial was made in the court below, and we can not therefore examine the evidence which was therein presented. The only facts which we can consider are those admitted by the pleadings and stated in the decision of the court. From these facts it appears that after the plaintiffs had been employed they had several interviews with their client, presented a motion to dissolve the preliminary injunction which had been issued in the actions, prepared the answers, and examined and studied the various documents which related to the property in question. It further appears that for the purpose of effecting a settlement of the suits, they had many interviews with the counsel for the opposite party, in which they discussed at length the respective questions and prepared the basis for the settlement which was afterwards carried out. As a result of this settlement the defendant secured the advantage of having property to the amount of 40,000 pesos declared to be either his private property or the property of the conjugal partnership. The value of the

property to which the two actions related was about 250,000 pesos.

Upon these facts the court below held that the reasonable value of the services of the plaintiffs was 2,000 pesos. We do not see how it is possible for us to say that the judge committed an error of law in so deciding. What grounds the plaintiff in those actions had for commencing them, and how good a defense the defendant had, we do not know. It may be that as to the 40,000 pesos above referred to the plaintiff's claim was entirely unfounded. What advantage the defendant secured in the settlement in reference to the remaining part of the 250,000 pesos—that is to say, 210,000 pesos—does not appear. The appellants rely to some extent on that provision of section 29 of the Code of Civil Procedure which declares that in determining the compensation of lawyers, regard shall be had to the importance of the matter in litigation, and they have cited cases from the American courts to the effect that 50 per cent of the advantage obtained in the litigation would not be an excessive compensation. An examination of the two cases cited on that point will show that in both cases the fee that the lawyers were to receive was entirely contingent. If their client recovered nothing in the litigation they were entitled to nothing.

The judgment of the Court below is affirmed, with the costs of this instance against the appellants. After the expiration of twenty days let judgment be entered accordingly and ten days afterwards the cause be remanded to the court below for further proceedings in accordance herewith. So ordered.

Arellano, C. J., Torres, Mapa, and Carson, JJ., concur.