

LORENZO TAÑADA, ROSARIO M. DELGADO AND CONCEPCION DELGADO, SUBSTITUTED HEIRS OF THE DECEASED PLAINTIFF FRANCISCO A. DELGADO, PETITIONERS, VS. COURT OF APPEALS AND JOSE H. TECSON...

G.R. No. L-40007. October 23, 1985

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

This is a petition for review of the decision of the then Court of Appeals, which reduced the attorney's fees adjudicated by the Court of First Instance of Nueva Ecija in favor of petitioners.

Petitioner Lorenzo M. Tañada and the late Francisco A. Delgado were former partners in the law firm "Delgado and Tañada", while petitioners Modesto T. Flores and Santiago Macapagal, together with Alberto Dizon and Gregorio Fernandez, Jr., now both deceased, were assistant attorneys in said law office. Sometime in August 1940, Narcisa Mendoza, now deceased, retained the services of the law firm to represent her in Civil Cases Nos. 8246 and 8330 then pending before the Court of First Instance of Nueva Ecija. She agreed to pay the law firm a contingent fee equivalent to one-half of whatever amounts and/or properties she might recover after the termination of the aforesaid suits.

It appears that the parties to said cases eventually entered into a compromise agreement, on the basis of which the Court of First Instance of Nueva Ecija, then presided by Judge Sotero Rodas, rendered a decision dated April 8, 1941 declaring Narcisa Mendoza the owner of nine [9] parcels of land assigned to her under the compromise agreement. On the same date, Judge Rodas issued an order, quoted as follows:

"As prayed for in the motion of the attorneys for the plaintiff in these two cases, the court hereby orders that a statement of their lien be entered upon the record of said cases thereby subjecting any judgment or decree in favor of their client to the payment of said lien, consisting in one-half of whatever amount or property she may obtain from the defendants or any of them by reason of the complaint filed in the above-entitled case." [1]

Pursuant to the above order, Narcisa Mendoza surrendered to the Register of Deeds of Nueva Ecija the Torrens titles covering the lands adjudicated to her, for annotation and registration of aforesaid attorney's lien. Thereafter, the parties attempted to make a partition of the properties in question; but because of the varied difficulties encountered in physically segregating the share pertaining to the law firm, the latter offered to sell its interest to Mendoza. Mendoza, though willing to buy the petitioners' share, did not have sufficient funds at the time. Hence, pending actual division of the properties involved, the parties agreed that Mendoza would manage and administer the same with the obligation of giving to petitioners, after proper accounting, their one-half share in the income at the end of every crop year. In accordance with said agreement, Mendoza, from 1941 to 1958, delivered to the law firm its share in the proceeds of the disputed lands. The parties also shared in equal proportion all the expenses for cultivation, threshing, handling, land taxes and overseer's fees. [2]

Starting 1959, however, Mendoza stopped giving to the law firm its share in the produce. On January 17, 1963,

the petitioners Francisco A. Delgado,[3] Lorenzo M. Tañada, Modesto T. Flores, Santiago Macapagal, and Felisa Dizon and Maxima H. Rodriguez, the latter two as administratrices of the respective estates of the late Alberto Dizon and Gregorio Hernandez, Jr., filed a complaint against Narcisa Mendoza[4] in the Court of First Instance of Nueva Ecija for partition of the properties in question, with accounting of all the fruits and/or income thereof, and for delivery of their share, plus interests.

In her answer, Mendoza alleged that while she had agreed to pay the law firm a contingent fee equivalent to one-half of whatever amounts or properties she might recover in Civil Cases Nos. 8246 and 8330, said litigations were in fact terminated through a compromise agreement; and that as petitioners did not utilize their legal knowledge and professional skill to win these actions, their claim over one-half of the properties adjudicated to her had become unconscionably disproportionate to the services actually rendered by them.

After due trial, the Court of First Instance of Nueva Ecija rendered a decision dated February 24, 1967 in favor of petitioners, the dispositive portion of which reads as follows:

"WHEREFORE, judgment is rendered in favor of the plaintiffs and against the defendant:

1. Declaring the plaintiffs to be the absolute owner of one-half, pro-indiviso and free from liens and encumbrances of each of the above described parcels of land covered by Transfer Certificates of Title, all of the office of the Register of Deeds of Nueva Ecija, Nos. 18568 (Exhibit D); 18569, (Exhibit E); 18570, (Exhibit F); NT-49360, (Exhibit RR) formerly Transfer Certificate of Title No. 81572, Exhibit H); TN-53034, (Exhibit TT — formerly Transfer Certificate of Title No. 18573, Exhibit I) and NT 52911, (Exhibit UU — formerly Transfer Certificate of Title No. 18052, Exhibit J), all of the Register of Deeds of Nueva Ecija, in the following proportion to wit: Rosario M. Delgado and Concepcion Delgado, heirs of Francisco A. Delgado — 61%; Lorenzo M. Tañada — 25%; Felisa Dizon in behalf of the heirs of Alberto Dizon — 4 ½%; Santiago Macapagal — 4 ½%; Modesto T. Flores — 3 ½% and Maxima H. Rodriguez, in behalf of the heirs of Gregorio Hernandez, Jr. — 1 ½%;
2. Ordering the partition of the said parcels of land in accordance with this decision, namely, one-half in favor of the plaintiffs and one-half in favor of the defendant;
3. Ordering the defendant to pay the plaintiffs the sum of P800.00 a year, as their share in the harvests of said properties, covering the year 1959 until their one-half interest in each of the said parcels shall have been actually delivered to them in accordance with this decision;
4. Ordering the defendant to pay attorney's fees in the sum of P2,000.00; and
5. Ordering the defendant to pay the costs of this suit.

Defendant's counterclaim is as it is hereby ordered dismissed."[5]

On appeal, the respondent appellate court modified the above decision by reducing the awards adjudicated by the trial court, to wit:

"WHEREFORE, the appealed judgment is modified in the sense that: (1) plaintiffs-appellees are hereby declared to be the absolute owners of one-fourth (1/4) of the parcels of land described in the dispositive portion of said appealed judgment; (2) defendant-appellant is hereby ordered to pay to plaintiffs-appellees the amount of P550.00 a year, as their share in the harvest of said properties, covering the year 1959 until their one-fourth interest in each of said parcels of land shall have been actually delivered to them; and (3) the award of P2,000.00 as attorney's fees is hereby deleted. The appealed judgment is hereby affirmed in all other respects. No pronouncement as to costs.

SO ORDERED."[6]

Petitioners moved for reconsideration of the decision; and upon denial thereof, they instituted this petition for review.

The petition is impressed with merit. It is significant to note that the Court of First Instance of Nueva Ecija[7] in its order of April 8, 1941 had given its stamp of approval to the petitioners' lien when it ruled to subject "any judgment or decree in favor of their client to the payment of said lien consisting of one-half of whatever amount or property she may obtain from defendants or any of them by reason of the complaint filed in the above entitled case." Narcisa Mendoza did not question the reasonableness of said order before the court, much less did she interpose an appeal therefrom. As said order had become final and executory, it could no longer be disturbed, not even by the very court which rendered it.[8] As aptly put by the trial court:

"Defendant contends that Judge Rodas' Order of April 8, 1941 (Exhibit B) is unjust, illegal and unreasonable and asked this Court to pass upon the validity of the same. But said order has long become final and executory for which reason, defendant's contention that the attorney's fees awarded therein to plaintiffs is unreasonable can no longer be entertained by this Court (Samson vs. Yatco, G.R. No. L-12084, August 25, 1958; Feria vs. Suva, G.R. No. L-5515, April 24, 1953; Araneta vs. Commonwealth Insurance Co., G.R. L-11584, April 28, 1958; Quimbao vs. Peralta, G.R. No. L-9698, January 27, 1958). Moreover, defendant is now estopped from either contesting the reasonableness of the said order or disputing the claim of plaintiffs over one-half of the parcel of plaintiffs in question. After recognizing by words and deeds the participation and interest of plaintiffs over these lands, defendants cannot now be heard to deny it or assert a contrary position with respect thereto (Article 1431 Civil Code; Sec. 3, Rule 131, Rules of Court; Magdalena Estate, Inc. vs. Louis Myrich, 71 Phil. 344, 19 Am Jur 634)."[9]

It further appears that immediately after the promulgation of the Rodas order of April 8, 1941, Narcisa Mendoza surrendered to the Register of Deeds the certificates of title covering the lands involved for annotation of the petitioners' lien; and that, pending the physical division of the lands in question, she delivered to the petitioners their one-half share of the yearly produce from 1941 to 1958. Indeed, such actuation on her part was tantamount to virtual acquiescence in the order of Judge Rodas and she cannot now be allowed to repudiate her representations or assume an inconsistent posture. It is a rule constantly adhered to "that a party who voluntarily executes, either partially or in toto, a judgment rendered for or against him, or who voluntarily acquiesces in or ratifies, either partially or in toto, the execution of that judgment is not permitted to appeal from it." [10]

WHEREFORE, the decision of the appellate court is hereby set aside and, in lieu thereof, the Court resolves to maintain the decision of the Court of First Instance of Nueva Ecija dated February 24, 1967. No costs.

SO ORDERED.

Abad Santos, Alampay, and Patajo, JJ., concur.

Aquino, J., (Chairman), in the result. Fifty-percent of attorney's fees were impliedly upheld in Varela vs. Villanueva, 95 Phil. 248, 273.

Concepcion, Jr., J., on leave.

Cuevas, J., no part.

[1] pp. 62-63, Record on Appeal

[2] p. 64, Record on Appeal

[3] He died on Oct. 27, 1964 and was substituted as party plaintiff by Rosario M. Delgado and Concepcion Delgado.

[4] Upon her demise on Aug. 12, 1964, she was substituted by Jose H. Tecson, administrator of her estate.

[5] pp. 72-74, Record on Appeal

[6] pp. 11-12, Decision, Annex "A"

[7] Then presided by Judge Rodas

[8] Samson vs. Montejo, 9 SCRA 419; De la Cruz vs. Plaridel Surety and Insurance Co., 10 SCRA 727; Ocampo vs. Caluag, 19 SCRA 971

[9] pp. 67-68, Record on Appeal

[10] De Agana's Succession, 18 La. Ann. 59; Verches vs. Rios, 48 Phil. 16; Robert Dollar Co. vs. Juan C. Tuvera, 123 SCRA 354

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