

IN RE GUARDIANSHIP OF THE MINOR MARINA OR MARIA EBREO AND GLORIFICACION EBREO. THE PHILIPPINE NATIONAL BANK, GUARDIAN OF THE PROPERTY, OPPOSITOR AND APPELLANT, VS. ASUNCION EBRE...

G. R. No. L-9979. March 28, 1958

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/536919c40c7e/>

PADILLA, J.:

In January 1952, Asuncion Ebreo de Borromeo engaged the services of Attorney Eligio Cordero to file a petition in the Court of First Instance of Quezon City for the appointment of a guardian for her two minor nieces Marina or Maria and Glorification surnamed Ebreo and agreed to pay 20 % of the value of the estate of the minors. On 2 July 1952, letters of guardianship were issued to her. On 24 August 1953, the letters were modified by the appointment of the Philippine National Bank as guardian of the estate of the minors and of Asuncion Ebreo de Borromeo as guardian of their persons. On 25 July 1955, Asuncion asked for authority to pay Attorney Eligio Cordero the sum of P800 as attorney's fees, or 20% of P4,000, the total value of the estate of the minors secured by their widowed mother from the United States Veterans Administration. The Philippine National Bank objected to the petition on the ground that the fee is excessive. Attorney Cordero submitted a detailed description of his services together with the amount of compensation for each. On 13 September 1955, the probate court granted the petition directing the Philippine National Bank to pay Attorney Cordero the sum of P800 as attorney's fees. A motion for reconsideration having been denied, the Philippine National Bank has appealed.

The provisions of Republic Act No. 145 which prohibit a "person assisting a claimant in the preparation, presentation and prosecution of his claim for benefits under the laws of the United States administered by the United States Veterans Administration" from directly or indirectly, soliciting, contracting for, charging or receiving, or attempting "to solicit, contract for, charge, or receive any fee or compensation exceeding twenty pesos in any one claim," refer only to compensation to be paid to any person assisting a claimant in the preparation, presentation and prosecution of his claim for benefits under the laws of the United States administered by the United States Veterans Administration and not to attorney's fees for services rendered in a guardianship proceeding.

Although the appellant Bank, as guardian of the estate of the minors, was not a party to the agreement entered into by the former guardian, nevertheless it is bound to pay a reasonable amount as attorney's fees for legal services rendered by the attorney for the benefit of the estate of the minors. The agreement entered into by Asuncion Ebreo de Borromeo before her appointment as guardian and Attorney Eligio Cordero does not bind the estate of the minors without the approval of the probate court.

Mention is made in the record on appeal of a compromise whereby Encarnacion H. de Ebreo, the mother of the minors, bound herself to pay to the guardian Asuncion Ebreo de Borromeo the sum of P4,000 as belonging to the estate of the minors, but it does not appear what professional service was rendered by the attorney except the

drawing up of a petition to require the mother of the minors to turn over to the guardian the "properties" of said minors. The fact that a compromise agreement was entered into whereby the mother of the minors promised and bound herself to pay to the guardian of the minors P4,000 belonging to the estate of said minors is proof that, with the exception of the drafting of the petition referred to and the writing of letters in connection therewith under dates of 15, 17 and 24 March, 1953, no other service was rendered by the appellee. Taking into consideration the value of the minor's estate which is P4,000 only and the professional service rendered in connection with the appointment of a guardian of the minors, the amount of fees to which the attorney is entitled is P300, or 7.5% of P4,000, excluding of course any amount he had advanced for which he must be reimbursed by the guardian Bank.

The order appealed from is modified by reducing the attorney's fees to P300, without pronouncement as to costs; Paras, C. J., Bengzon, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.