

**MARGARITA LEYSON LAURENTE, ADMINISTRATRIX AND APPELLEE,
VS. ELISEO CAUNCA, MOVANT AND APPELLANT.***G.R. No. 14677. April 29, 1960*

Ponente: BAUTISTA ANGELO, J.

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Honofre Leyson died in the City of Manila on December 18, 1946 leaving no will but real and personal properties worth P30,275.89. He died single. He left neither ascendant nor descendant, but was survived by Margarita Leyson Laurente, daughter of a sister who predeceased the deceased.

On March 4, 1947, one Justa Gomez, cousin of the deceased, instituted intestate proceedings for the settlement of his estate praying that she be appointed special administratrix and alleging that she was the only nearest collateral relative that survived the deceased. In view of the opposition to her appointment on the part of Margarita Leyson Laurente, in order not to delay the appointment of a regular administrator, on December 8, 1947, Pablo M. Silva and Victorio L. Rodriguez were appointed joint administrators, though before their appointment Justa Gomez was allowed to act as special administratrix. On January 6, 1948, the court issued an order requiring all persons having claims against the estate to file the same with the clerk of court within six months from first publication, which order was published in a newspaper on January 10, 17 and 24, 1948.

Then a series of incidents had taken place relative to the claim of Justa Gomez for compensation as special administratrix as well as the claim of her counsel Atty. Pablo M. Silva for attorney's fees, including the incident relative to the appointment of the Philippine National Bank as regular administrator, as enumerated in appellant's brief, which reached not only the Court of Appeals but the Supreme Court. These incidents are cited as instances showing the extent of the services rendered by appellant redounding to the benefit of the estate. Other incidents refer to the claim of Justa Gomez that she was a partner of the deceased in acquiring the assets left by him upon his death, which was also opposed by appellant in representation of his client. Then came the several attempts made by Atty. Pablo M. Silva on behalf of Justa Gomez to deprive Margarita Leyson Laurente of her right to inherit the properties which culminated in the denial of the claim of Gomez and in the declaration of said Margarita as the sole heiress of the estate. In all these incidents appellant intervened as counsel of heiress Margarita.

On July 27, 1954, appellant filed an amended motion with the court praying that his attorney's fees for services rendered not only in behalf of Margarita Leyson Laurente but of the estate be fixed at P5,000 considering the volume of work performed and the extent of the services rendered by him not only for the benefit of his client but also for that of the estate without prejudice of deducting from said amount the sums already advanced to him as partial payment of his services. On August 9, 1955, the administratrix and sole heiress of the estate, who was appellant's former client, filed a vigorous opposition alleging, among other things, that appellant has already collected the sum of P800 from the estate as attorney's fees with prior authority of the court while he also collected the sum of P1,700 from the former administrator without authority of court, which latter amount forms part of the funds of the estate which were squandered by the former administrator in connivance with appellant, so

that, in her opinion, appellant was only entitled to the sum of P800 as attorney's fees, for which reason she prayed that he be ordered to return to the estate the sum of P1,700 he received without any sanction of the court. In said written opposition, the administratrix makes a narration of several incidents wherein appellant has participated but where he has proven to be remiss in the performance of his duties as counsel.

On June 5, 1958, the court issued an order wherein insofar as the claim of appellant is concerned, it states: "Regarding the fees of Atty. Eliseo Caunca, this Court hereby award said attorney the amount of P1,700 as fees for services rendered for and in behalf of the estate, which amount of P1,700 has already been paid to him by the former administrator Victorio L. Rodriguez." Dissatisfied with this order, he interposed the present appeal.

It appears that in contracting his services as counsel of Margarita Leyson Laurente who claims to be the sole heiress of the estate of Honofre Leyson, appellant entered into a written contract with said Margarita to the effect that if after the services had been rendered she would get nothing, counsel would also get nothing, but if she would secure what she wanted which is to be declared as the sole heiress of the estate, then counsel would be given reasonable fees. Later, however, this contract was amended by fixing his professional fees at P3,000, which contract is now made the basis of appellant's claim. But because of the extra services he claims to have rendered to Margarita, as well as to the estate, he filed the present amended claim praying that his attorney's fees be increased to P5,000 which, as already stated, was strongly objected to by the present administratrix who is the very client who contracted his services and with whom he executed the contract above-mentioned.

The question to be determined is whether the trial court acted correctly in awarding to appellant as attorney's fees only the amount of P1,700 which he has already received from the former administrator.

We are inclined to uphold the affirmative. In the first place, the contract he entered into with Margarita Leyson Laurente was in connection with the services he rendered to the latter for the purpose of enabling her to be declared as the sole heiress of the estate. Margarita was forced to enter into such contract in view of the claim of Justa Gomez that she was the only nearest surviving relative of the deceased who was entitled to inherit exclusively his property. In effect, all the services rendered by him were in furtherance of Margarita's interest although indirectly they redounded to the benefit of the estate.

On the other hand, the record shows that in the course of the proceedings relative to the settlement of the estate, when Victorio L. Rodriguez was appointed as a co-administrator, appellant also acted as his counsel, even if in doing so he had to act adversely to the interest of his client Margarita, and for his services to such administrator, he was paid as attorney's fees with prior authority of the court the sum of P800. In addition, as the record shows, he was also paid by said administrator the sum of P1,700, without authority of court, which, as claimed, was taken from the funds belonging to the estate which were squandered by said administrator in the course of his administration. And although his services to the estate apparently were not considered to the satisfaction of the heir and of the court, yet the latter decided to award as attorney's fees the sum of P1,700, in addition to the sum of P800 already received by him from the former administrator. After examining the record of this case, and considering that the value of the gross assets of the estate, according to the inventory submitted by the administratrix, only amounts to P15,793.65, we are of the opinion that this award is reasonable.

While it may be true that appellant has rendered services to Margarita Leyson Laurente, the present administratrix, in many incidents which redounded to her benefit, altho indirectly to the benefit of the estate, we believe that the fees for such services should be charged not against the estate but against Margarita herself. This is in accordance with the contract he has entered into with her which was presented as evidence. The contract calls for payment of attorney's fees for services he may render personally to Margarita. The latter, therefore, should be the one liable for such services.

Wherefore, the order appealed from insofar as the fees of appellant is concerned, is affirmed, without pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Endencia, Barrera, and, Gutierrez David, JJ., concur.

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