

INTESTATE ESTATE OF BASILISA F. YANGCO. ALEJANDRO M. PANIS, APPLICANT AND APPELLEE, VS. JACINTO YANGCO, GUARDIAN AD LITEM OF THE MINORS PEDRO UY TIOCO AND BRUNO UY TIOCO, OPPOSE...*G.R. No. 29460. December 22, 1928*

Ponente: VILLAMOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-29460/>**VILLAMOR, J.:**

The present case is an incident in the intestate proceedings of the estate of Basilisa F. Yangco, deceased. In the course of these proceedings Attorney Alejandro M. Panis, as attorney for the administrator Teodoro D. Uy Tioco, presented a statement to the court for professional services rendered by him, and asked the approval thereof in the sum of P15,000. The administrator of said estate answered the motion for attorney's fees, leaving it to the court to fix a reasonable sum for the services rendered by said attorney. And the court on December 5, 1927, considering the amount involved in said intestate proceedings, which, according to the report of the committee on appraisal, was P210,640.21, and considering also the value of the services rendered by claimant, fixed Attorney Panis' fee for all the services rendered by him in connection with the property left by the deceased Basilisa F. Yangco, at P15,000, and ordered the administrator to pay this fee.

On February 8, 1928, the guardian ad litem of the minor Pedro Uy Tioco petitioned the court under the provisions of section 113 of the Code of Civil Procedure to vacate its order of December 5, 1927, and to give the petitioner his day in court to prove his contention relative to the fixing of attorney's fees in these intestate proceedings; that he believes the amount fixed by the court to be excessive and prejudicial to the estate; that the amount involved in the intestate proceedings is only about P100,000, and not over P200,000, as the committee erroneously stated; that the nature of the services rendered by the attorney consisted merely in taking simple and ordinary proceedings in court, with no objection raised therein, and hence, no obstacle in the course of the proceedings; that the opponent had no opportunity to argue against the motion of October 8, 1927, and he was surprised to learn of the existence of said motion and of the court's order only a few days since.

Counsel for Mr. Panis answered this motion with a prayer for the confirmation of the order of December 5, 1927, and on February 15, 1928, the court denied the motion presented by the guardian ad litem of the minor Pedro Uy Tioco. The latter appealed from such an order after having moved for the reconsideration of the same, which was denied.

One of the questions raised in the appellant's brief is whether a guardian ad litem, being entitled to intervene in the intestate proceedings of an estate of which the minor is a forced heir, has a right to be notified of any motion presented or an order issued bearing on the case. We believe that since the guardian ad litem was appointed to represent the minor in the intestate proceedings he has a right to be notified of any motion filed or order issued by the court in order to be able to protect the minor's interests; and the lack of notification of the order issued by the court on December 5, 1927, fixing the attorney's fees, is sufficient cause to entitle the guardian ad litem to invoke

the remedy provided by section 113 of the Code of Civil Procedure; and his failure to except to said order of December 5, 1927 in time is due to the fact that he was unaware of Attorney Panis' motion. His neglect in this regard is excusable, and having filed his petition for relief from the order of December 5, 1927 on February 8, 1928, it is evident that said petition was presented within the period fixed by section 113 of the Code of Civil Procedure.

According to section 783 of the Code of Civil Procedure, any person legally interested in any order, decree, or judgment of a Court of First Instance in the exercise of its jurisdiction in special proceedings in the settlement of the estates of deceased persons, etc., may appeal to the Supreme Court from such order, decree, or judgment, when such order, decree, or judgment constitutes a final determination of the rights of the appellants, and the appeal shall affect every order, decree, or judgment appealed from, and not merely the interests which the appellants may have therein.

Passing now to the consideration of the merits of the question raised in this appeal, it should be observed that, in accordance with section 29 of the said Code, a lawyer shall be entitled to have and recover from his client no more than a reasonable compensation for the services rendered, with a view to the importance of the subject matter of the controversy, the extent of the services rendered, and the professional standing of the lawyer. But in such cases the court shall not be bound by the opinion of lawyers as to the proper compensation, but may disregard such testimony and base its conclusion on its own professional knowledge. A written contract for services shall control the amount of recovery if found by the court not to be unconscionable or unreasonable.

In cases like the one at bar a written contract for professional services is determinative of the amount to be charged as fees, provided it is not unreasonable. (*Early vs. Sy-Giang*, 4 Phil., 727.) And even where the parties have made a written agreement as to the fee the courts have the power to ignore the contract, if the amount fixed is unconscionable or unreasonable, and reduce the fee to a reasonable amount. (*Bachrach vs. Golingco*, 39 Phil., 138.) And where there is no agreement as to the fee, the Courts of First Instance have discretionary power to fix the lawyer's fee in testate proceedings pending before them. (*Escueta vs. Sy-Juilliong*, 5 Phil., 405; *Piliin vs. Jocson and Agoncillo*, 41 Phil., 26.) And in any case, whether there is an agreement or not, the courts can fix a reasonable compensation which lawyers should receive for their professional services. In the case of *Delgado vs. De la Rama* (43 Phil., 419) the circumstances to be considered in determining a lawyer's compensation were set down as follows: "The amount and character of the services rendered; the labor, time, and trouble involved; the nature and importance of the litigation or business in which the services were rendered; the responsibility imposed; the amount of money or the value of the property affected by the controversy or involved in the employment; the skill and experience called for in the performance of the services; the professional character and social standing of the attorney; the results secured, and whether or not the fee is absolute or contingent, it being a recognized rule that an attorney may properly charge a much larger fee when it is to be contingent than when it is not. The financial ability of the defendant may also be considered by the jury, not to enhance the amount above as reasonable compensation, but to determine whether or not he is able to pay a fair and just compensation for the services rendered, or as an incident in ascertaining the importance and gravity of the interests involved in the litigation."

We have carefully examined the various items of the statement for professional fees submitted by counsel of Attorney Panis, and bearing in mind the circumstances indicated in the case of *Delgado vs. De la Rama*, supra, we are clearly of the opinion that the amount of P15,000 demanded by Attorney Panis is exorbitant, and we hold that, for the work performed as described in the aforesaid statement and particularly the character of the services rendered, the time employed, and the value of the work done by the lawyer in the discharge of his duty, said fees must be fixed at P5,000.

Wherefore, the order appealed from is modified, and we hold that the fees to which Attorney Panis is entitled for services rendered in the aforesaid intestate proceedings are hereby reduced to P5,000.

Without special pronouncement of costs. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Johns, Ostrand, and Romualdez, 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.