

IN RE GUARDIANSHIP OF THE INCAPACITATED VICENTE AREVALO FERNANDO ARCE, CLAIMANT AND APPELLANT, VS. THE PHILIPPINE NATIONAL BANK, GUARDIAN AND APPELLEE.

G.R. No. 43053. December 09, 1935

Ponente: MALCOLM, J.

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MALCOLM, J.:

The question to be decided in this case has to do with the determination of the reasonable compensation which Attorney Fernando Arce should receive for services rendered in connection with the guardianship of the incapacitated Vicente Arevalo. The guardian of the person of the incapacitated offered to pay the sum of P200 and on the matter coming on for hearing before the Court of First Instance of Manila it was raised to P400. Appealing from this order, the attorney asks that he be allowed the sum of P5,000.

Something is made of the manner in which the services of Attorney Arce were contracted, but this is beside the point, for it is evident that the relation of attorney and client existed. The record further shows that in pursuance of such employment, Attorney Arce prepared a petition praying for the appointment of a guardian of the person of the incapacitated and a guardian of his property, carried on this petition to a successful conclusion after a hearing in court, conducted certain negotiations with the banks, made the necessary investigation, and attended to other incidental matters. The inventory of the properties belonging to the incapacitated Vicente Arevalo showed him to be worth approximately half a million pesos. Predicated on these facts, our opinion is that the trial court was overly strict in arriving at an amount which would adequately compensate Attorney Arce for his legal work.

The law is a profession, not a business. Lawyers are officers of the courts. That is true. At the same time professional men are entitled to have and recover from their clients a reasonable compensation for their services rendered with a view to the importance of the subject matter of the controversy, to the extent of the services rendered, and the professional standing of the lawyer. Pursuant to the power entrusted to the courts to base conclusions on their professional knowledge relative to the fees which should be awarded lawyers, courts have constantly to protect clients from unconscionable or unreasonable claims. On the other hand, the standing of the members of the bar is not enhanced by quibbling relative to just fees, equivalent to the bargaining had between a prospective purchaser and a merchant in the markets before a sale is made.

Taking into consideration the established facts and the factors which determine a reasonable compensation for a lawyer, we believe that Attorney Arce is entitled to P1,000 for his services.

Sustaining the appeal to the above extent, the order in question will be modified and Attorney Fernando Arce allowed the sum of P1,000 to be paid by the Philippine National Bank as the guardian of the property of the incapacitated out of the property of the latter. So ordered, with the costs of this instance assessed against the appellee.

Villa-Real, Imperial, Butte, and Goddard, JJ., concur.

Order modified.

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