

ALEJANDRO DE GUZMAN, PETITIONER, VS. VISAYAN RAPID TRANSIT CO., INC., NEGROS TRANSPORTATION CO., INC., AND NICOLAS CONCEPCION, RESPONDENTS.*G.R. No. 46396. September 30, 1939*

Ponente: LAUREL, J.

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This is a petition for certiorari to review the decision of the Court of Appeals of September 20, 1938, in the above-entitled case on various alleged errors of law.

The Visayan Rapid Transit Co. and the Negros Transportation Co., Inc., during the time the legal services are claimed to have been rendered by the petitioner, were operating automobile lines in the Province of Occidental Negros. The respondent, Nicolas Concepcion, was at the time the president, general manager, and controlling stockholder of these two transportation companies. In January, 1933, Concepcion engaged the professional services of the petitioner, who was then a law practitioner in the City of Manila. The employment was for the purpose of obtaining the suppression, reduction and refund of certain toll rates on various bridges along the line operated by the respondent transportation companies. According to the petitioner, these toll bridges are in places known as Bago, Calatrava, Danao, Hinigiran, Malogo, Talavan-Dacu, Talabangay, Bagacay, Binmalayan and Sicaba. At the time of the employment of the petitioner, it appears that the respondent transportation companies had paid the sum of P89,816.70 as toll charges up to December 31, 1932, an amount said to represent one-seventh of their gross income up to that date, and in view of their high rates, the payment of the toll, charges were detrimental to the transportation business of the respondent if not remedied in time. The herein petitioner accordingly took steps to obtain first the suppression, and later the reduction of toll rates on said bridges and also the refund of P50,000 of toll charges already collected by the Province of Occidental Negros. For this purpose, he appears to have signed Exhibit A which Concepcion brought to Manila, asking that the Bago and Malogo bridges be declared free, and said petition was filed with the Secretary of Public Works and Communications in January, 1933.

Believing that the suppression of tolls on the bago and Malogo bridges could not be effected, the petitioner filed with the said Secretary of Public Works and Communications, petition Exhibit B asking for the reduction of toll charges over the eleven (11) bridges in Occidental Negros. This fact was brought to the knowledge of Nicolas Concepcion who in turn wrote to the petitioner, Exhibit K-1, the pertinent part of which reads thus:

"Now compadre if this toll business will not at all be effected I would like to request you therefore to work for at least 50 per cent reduction on all toll bridges, so that our little business will prosper a bit. We will always hope of course for the best to come." (In English.)

The Insular authorities readily saw the justice of the transportation companies' petition and urged the provincial board of Occidental Negros to act favorably. The provincial board, however, declined to follow the suggestion. The Secretary of Commerce and Public Works warned the provincial officials by sending them the

communication, dated April 23, 1934, with the admonition that "if the toll rates have not been revised * * * by June 15, 1934 this office, much to its regrets, will be forced to withdraw its approval of the existing toll rates." By reason of this communication, the provincial board, on March 7, 1934, with the conformity of Nicolas Concepcion, adopted a resolution, reducing the tolls for 2-ton trucks or more, the only kind of motor vehicles operated by the respondents, from P1.20 to P0.50 on one bridge, and from P1.20 to 0.40 on the other. And on April 10, 1935 "upon authority of the Insular Auditor, concurred in by the Department of the Interior" the provincial board refunded P50,000 as bridge tolls illegally collected from the Visayan Rapid Transit Company, Inc., and the Negros Transportation Company, Inc., said amount to be applied to future payments for tolls by said companies. As a result of this reduction of tolls, the respondents have been benefited with an economy of P78,448 for every eighteen months. (Exhibit V.)

The various incidental questions raised by the petitioner revolves around the reasonable compensation to which he is entitled, and we pass on to the consideration of this point.

Although the professional services rendered by the petitioner are purely administrative and did not require a high degree of professional skill and experience, the fact remains that these services were rendered and were productive of substantial beneficial results to his clients. It is clear that for these services the petitioner is entitled to compensation, and the only question is the reasonable amount to which he is entitled. He claimed in the lower court the sum of P20,000. The trial court awarded him P10,000. On appeal, the Court of Appeals reduced this amount to P3,500.

Section 29 of the Code of Civil Procedure provides that "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, to the extent of the services rendered, and the professional standing of the lawyer * * *." The following are the circumstances to be considered in determining the compensation of an attorney: 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 not to enhance the amount above a 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. (Delgado vs. De la Rama, 43 Phil, 419; Panis vs. Yangco, 52 Phil., 499.)

The services of the petitioner in this case were not limited to the preparation and filing with the authorities concerned of the petitions Exhibits A and B and other papers submitted in evidence, for he appears to have had various conferences with the Secretary of Public Works and Communications, the Secretary of the Interior, the Secretary of Labor and the Insular Auditor, and had otherwise taken steps to secure the objectives of his clients. The importance, merits and value of professional services of a lawyer are measured not alone by his work taken separately, but by his work taken as a whole. There are services which, when taken separately, may not in themselves have any noticeable special merit, but when considered in connection with the other works and services of the lawyer to which they are related, acquire an unquestionable value. That is why even the time employed is not in itself an appropriate basis for fixing the compensation. (Haussermann vs. Rahmeyer, 12 Phil, 350; Bachrach vs. Teal and Teal Motor Co., 53 Phil., 631, 634.)

The respondents in their brief insinuate that the services of the petitioner were unsolicited and unauthorized. The

trial court as well as the Court of Appeals, upon the proof submitted, concluded that the employment of the petitioner was duly made and solicited by the president and manager of the respondent corporations, and such finding cannot be disturbed. "It is elementary that an attorney is entitled to have and receive the just and reasonable compensation for services performed at the special instance and request of his client. * * * That is to say, as long as the plaintiff was honestly and in good faith trying to serve and represent the interest of the client, he should have a reasonable compensation for his services, * * *" (Wolfson vs. Anderson, 48 Phil., 672, 675.)

The amount of the professional fees to be paid to the petitioner had not been fixed, but the intention and promise to pay him is evidently shown by the records in this case. 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. (Panis vs. Yangco, 52 Phil., 499, 502.)

No hard and fast rule can be stated which will serve even as a guide in determining what is or what is not a reasonable fee. That must be determined from the facts in each case. (2 Thornton on Attorney at Law, p. 783.)

We have noted in the beginning that the services here were rendered in a case of an administrative nature. But that does not alter the application of the proper rule:

"Professional services, to prepare and advocate just claims for compensation, are as legitimate as services rendered in court in arguing a cause to convince a court or jury that the claim presented or the defense set up against a claim presented by the other party ought to be allowed or rejected. Parties in such cases require advocates; and the legal profession must have a right to accept such employment and to receive compensation for their services; nor can courts of justice adjudge such contracts illegal, if they are free from any taint of fraud, misrepresentation, of unfairness." (Stanton vs. Embry, 23 Law. ed [U. S.], 983, 985.)

As warranted by the records, it is obvious that as a result of the reduction of the rates of the tolls of the bridges in the said province, the respondents were benefited with an economy of P78,448. The refund to the said corporations of the amount of P50,000 is a great relief and enhancement of their business. Facts and circumstances considered, we are of the opinion that the reasonable compensation of the petitioner is P7,000, deducting therefrom, however, the sum of P1,280 which the petitioner had already received.

The judgment of the Court of Appeals is accordingly modified, without pronouncement regarding costs. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, and Concepcion, JJ., concur.

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