

**BEATRIZ DE ZUZUARREGUI VDA. DE REYES, PETITIONER, VS.  
HONORABLE COURT OF APPEALS AND ANTONIA RUSCA VDA. DE  
CENIZA, RESPONDENTS.**

*G.R. No. 60368. September 11, 1982*

Ponente: ABAD SANTOS, J.

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**ABAD SANTOS, J.:**

In Civil Case No. Q-23186 of the Court of First Instance of Rizal , Senen S. Ceniza vs. Beatriz de Zuzuarregui Vda . de Reyes, the plaintiff sought from the defendant the payment of P60,000.00 as attorney's fees in connection with Civil Case No. 5957 of the Court of First Instance of Rizal which Ceniza handled for Mrs. Reyes. Civil Case No. 5957 where Mrs. Reyes was one of several defendants was dismissed by the trial court; a motion for reconsideration was denied; and an appeal to this Court by certiorari proved equally fruitless.

Before the CFI could render judgment in Civil Case No. Q-23186, Atty. Ceniza died. His widow, Antonia Rusca Vda . de Ceniza was substituted as plaintiff.

The affirmative defense of Mrs. Reyes in the trial court is that she never engaged the services of Atty. Ceniza in connection with Civil Case No. 5957. The trial court found that she did and gave judgment in favor of Mrs. Ceniza as follows:

"WHEREFORE, judgment is hereby rendered ordering the defendant to pay plaintiff Antonia Rusca Vda. de Ceniza, who substituted her hus-band:

1. The amount of P35 ,000.00 with interest thereon at the legal rate from the date of the filing of the instant complaint on May 19, 1977 until fully paid, and
2. The amount of P3,500.00 as reasonable attorney's fee and costs of suit."

Mrs. Reyes appealed to the Court of Appeals and that court rendered the following judgment:

"WHEREFORE, finding no reversible error in the appealed decision, We hereby AFFIRM the same, with costs against the appellant."

We are now asked to review the decision of the Court of Appeals.

There are two principal issues in the present appeal, namely:

1. Whether or not there was a lawyer-client relationship between Atty. Ceniza and Mrs. Reyes. Both the trial court and the Court of Appeals found that there was indeed a lawyer-client relationship between those two persons. We cannot disturb this factual finding.
2. The reasonableness of the award for attorney's fees. We can deal with this issue because the matter of attorney's fees falls within the domain of the judiciary.

It appears that the property which was the subject of the litigation handled by Atty. Ceniza had at the time of the

suit a market value of P95 ,000.00. In this light the award of P35 ,000.00 as attorney's fees appears to be excessive and unreasonable. The amount of P14 ,250.00 or 15% of the market value of the property is more reasonable.

WHEREFORE, the judgment of the Court of Appeals is hereby modified: The petitioner shall pay to the private respondent the following: 1. P14,250.00 as attorney's fees in Civil Case No. 5957 with interest at the legal rate from May 19, 1977 until fully paid; and 2. P1,500.00 as attorney's fees in Civil Case No. Q-23186. Costs against the private respondent.

**SO ORDERED.**

Barredo, (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ.,concur.

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