

14 Phil. 584

[G.R. No. 4871. December 10, 1909]

**LEONCIO IMPERIAL, PLAINTIFF AND APPELLEE, VS. ALFONSA TOLEDO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

TORRES, J.:

On the 25th of July, 1907, Attorney Leoncio Imperial filed a written complaint against Alfonsa Toledo, alleging that on or about the year 1903, the plaintiff as a practicing lawyer had rendered professional services to the defendant in the matter of the testate estate of her deceased husband, Juan Pascual, pending in the Court of First Instance of Albay; that the value of the said services amounted to P1,398 Philippine currency, but that, notwithstanding his repeated demands, the defendant had not paid said sum nor any portion thereof, for which reason he prayed the court to enter judgment in his favor and against the said defendant for the above-named sum of P1,398, the value of his unpaid professional services, for interest thereon from the 19th of June, 1906, with the costs and any other just and equitable relief.

On September 2 of the same year, in view of the fact that the defendant had been duly summoned on the 24th of July previous, and that she had not appeared nor answered the complaint, notwithstanding the lapse of the legal term, the plaintiff prayed the court to enter a judgment by default and to appoint a day and hour for the taking of evidence.

On the 7th of September the court below granted the prayer for judgment by default and appointed the 14th of said month for the taking of the evidence, and in view of the declaration of the plaintiff the trial judge entered judgment in his favor for the recovery of the amount claimed, together with the legal interest thereon from the date of the sentence, and costs.

On the 28th of September, 1907, the defendant appeared through her attorney who, for reasons stated, requested that a new trial be granted in the discretion of the court,

permitting the defendant to answer the complaint and, in spite of the plaintiff's objection, the judge, on the 11th of November of the same year, set aside the judgment by default and the final sentence because of the reasons therein stated, and granted the defendant ten days in which to answer the complaint and ordered the trial to proceed in the usual manner.

The plaintiff excepted to this ruling.

The defendant, by a writing dated the 15th of the said month of November, answered the complaint, stating that she denied all and each of the paragraphs of the same.

At the trial of the case, evidence was adduced by both parties, and their exhibits were made of record; on the 3d of March, 1908, the court below entered judgment against the defendant and in favor of the plaintiff for the sum of P1,398 and costs. The defendant excepted to said decision and moved in writing for a new trial on the ground that the evidence did not justify the judgment; the motion was overruled, to which exception was taken by the defendant, who subsequently presented the corresponding bill of exceptions, which was approved and forwarded to the clerk of this court.

In the first paragraph of her brief the defendant appellant begins by stating that because the evidence adduced in the present case has not been submitted to this court, it can not be reviewed on appeal. From the wording of the order of March 30, 1908, it appears that the documentary evidence was forwarded together with the bill of exceptions, but the testimony of the witness was not submitted for the reasons stated in said order admitted by both parties.

This court, in view of the objection of the appellant, and also of the fact that none of the contending parties raised the question of procedure as to whether or not the judgment appealed from may be reviewed, bearing only in mind the result of the documentary evidence because the testimony of witnesses was not submitted, has simply examined the question with respect to whether or not the said judgment is in accordance with the law.

The judgment of the Court of First Instance is impugned as erroneous because it does not conform to the provisions of sections 29 and 133 of the Code of Civil Procedure following:

“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. But in such cases the court shall not be bound by the opinion of lawyers as expert witnesses 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.

“Upon the trial of a question of fact, the decision of the court must be given in writing and filed with the clerk; but the statement of facts must contain only those facts which are essential to a clear understanding of the issues presented and of the facts involved.”

The judgment states that the court does not consider that the sum of P1,398 is excessive for the professional services rendered by the plaintiff.

The trial judge considered that the amount claimed is therefore a just compensation for the services rendered to the defendant, and that the same is not unconscionable or unreasonable; and consequently the decision ordering its payment is a just one and in accordance with the provisions of the preinserted section 29 of Act No. 190, because whatever is reasonable and just can not be excessive; and if there is really an excess, this fact does not appear in the amount claimed, upon which reason, in accordance with law, the judgment undoubtedly rests.

As to the other error assigned, it must be taken into account that the court admitted the affirmation of the plaintiff relative to the fact that he rendered professional services as a lawyer to the defendant in the matter of the testate estate of the late Juan Pascual, and against this ruling, based on the result of the evidence adduced at the trial, no other conclusion may be alleged with any legal foundation, inasmuch as the said judgment is not susceptible of being reviewed, as the appellant herself has claimed.

The facts which the court below considered proven, that the plaintiff had been employed by the defendant in the matter of the said testate estate, and that the former had rendered to the latter his services as a lawyer, are in our opinion sufficient to support the legality and justice of the judgment appealed from, since the amount claimed is not excessive, but is a just and reasonable compensation for the said professional services, and therefore the said judgment is likewise in accordance with the provision of section 133 of the Code of Civil Procedure.

In view of the foregoing it is our opinion that the judgment appealed from should be and is hereby affirmed, with the costs against the appellant, and it is so ordered.

Arellano, C. J., Mapa, Johnson, Carson, and Moreland, JJ., concur.

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