

4 Phil. 730

[ G.R. No. 2027. September 05, 1905 ]

**JOHN B. EARLY AND EDWARD H. WHITE, PLAINTIFFS AND APPELLEES, VS. SY-GIANG, EXECUTOR OF THE LAST WILL AND TESTAMENT OF JOAQUIN MARTINEZ SY-TIONG-TAY, DEFENDANT AND APPELLANT.**

## **D E C I S I O N**

### **JOHNSON, J.:**

This was an action brought by the plaintiffs against the defendant, as executor of the last will and testament of Joaquin Martinez Sy-Tiong-Tay, to recover the sum of \$2,500, gold, for professional services rendered by the plaintiffs as lawyers for the defendant.

After the filing of the complaint by the plaintiffs the defendant presented a motion requesting the court to order the plaintiffs to furnish a bill of particulars, showing in detail of what the said professional services consisted, which motion was granted by the court, and the plaintiffs thereupon filed a bill of particulars.

The defendant then filed his answer, the first paragraph of which denied each and all of the allegations contained in the complaint, and the second, that the defendant, during the time the said professional services were rendered by the plaintiffs to the defendant, was not the executor of the last will and testament of Joaquin Martinez Sy-Tiong-Tay. After hearing the evidence presented by the respective parties during the trial, the court rendered a judgment in favor of the plaintiffs and against the defendant for the sum of \$1,947.73, gold. The defendant being notified of the judgment of the court, presented a motion asking that the trial judge set out in his decision the facts upon which he based his conclusions that the plaintiffs were entitled to recover of the defendant said sum of money, whereupon the court

filed a new decision, which contained the following findings :

1. That the defendant, Sy-Giang, as executor of the last will and testament of Joaquin Martinez Sy-Tiong-Tay and guardian of the minor heirs of said deceased, did employ the plaintiffs as lawyers in the administration of said estate during the period from the 20th day of November, 1902, to the 15th day of August, 1903.
2. That said plaintiffs rendered to the defendant professional services as lawyers for the defendant during this period, as was alleged in the said complaint.
3. That the value of the property of the said estate was about 300,000 pesos, consisting of personal property, boats, commercial business, stock, and other credits.
4. That the proof taken during the trial of said cause established the fact that the services rendered by the plaintiffs to the defendant were well worth the amount charged by the plaintiffs, except that in certain particulars said charges were excessive, and which excess the court found to be the sum of \$227.27, gold. This amount which the court found to be excessive, together with a sum which had already been paid, subtracted from the amount claimed by the plaintiff, left the amount of \$ 1,947.73 gold.
5. The defendant did not appear during the trial and give testimony in his own behalf, although he was in Manila at the time.
6. That the proof adduced during the trial showed that the sum of \$1,947.73, gold, was a just and reasonable charge for the professional services rendered by the plaintiffs to the defendant.

An examination of the bill of particulars rendered by the plaintiffs to the defendant at the request of the latter shows that some of the services rendered by the plaintiffs could scarcely be considered as professional services. However, all of such services seem to have been rendered by the plaintiffs to the defendant in the administration and

settlement of the estate of said Joaquin Martinez Sy-Tiong-Tay. No question was raised during the trial with reference to the authority of the defendant as executor of the said estate to employ said plaintiffs as lawyers to perform the services rendered. Neither is that question presented here.

The judgment of the lower court is affirmed, with costs, and after the expiration of twenty days judgment should be entered in accordance herewith, and the case remanded to the court below for the execution of said judgment. So ordered.

*Arellano, C. J., Torres, Mapa, and Carson, JJ., concur.*

*Willard, J., did not sit in this case.*

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