

4 Phil. 727

[ G.R. No. 1889. September 05, 1905 ]

**JOHN B. EARLY, PLAINTIFF AND APPELLEE, VS. SY-GIANG, DEFENDANT AND APPELLANT.**

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

**JOHNSON, J.:**

This was an action brought in the Court of First Instance of the city of Manila by the plaintiff against the defendant to recover the sum of \$500, United States currency, for professional services as a lawyer, rendered by the plaintiff to the defendant in the months of February, March, April, and May, 1901, and June, 1902.

After the complaint was filed the defendant appeared and made a motion asking the court to require the plaintiff to furnish a bill of particulars, showing in detail the particular services rendered by the plaintiff for the defendant. The court granted this motion. A bill of particulars was furnished by the plaintiff, whereupon the defendant answered the complaint, denying each and all of the allegations contained in the said complaint.

The issue being as thus indicated, the court proceeded to the trial of the cause, and rendered the following judgment, after hearing the proof:

“This is a cause commenced by the plaintiff against the defendant for the purpose of recovering the sum of \$500, gold, for professional services rendered by the plaintiff to the defendants, which were rendered at the defendant’s special instance and request, and it appearing to the court from the proof introduced during the

trial that the plaintiff was employed by the defendant as a lawyer, and that he rendered the defendant services, which services the plaintiff, after detailing the character of said services rendered, etc., it is declared that the account is reasonable.

“The defendant did not appear as a witness, and the court presumes that if the facts were not as the plaintiff declared the defendant would have appeared as a witness and answered.

“It is declared, therefore, by the court, that the plaintiff shall recover from the defendant Sy-Giang the said sum of \$500, gold, and the costs of the suit, for which sum the plaintiff may have an execution.

“Dated, Manila, Philippine Islands, March 7, 1904.

“JOHN C. SWEENEY, *Judge.*”

The defendant immediately took exception to this decision, and announced his intention to formulate and present at the proper time a bill of exceptions. On the 9th day of March, 1904, the defendant presented the following motion:

“You are hereby notified that on the 12th day of March, 1904, at 8 o'clock a. m., or as soon thereafter as parties can be heard, the defendant will ask the court to formulate his conclusions of fact in said cause, specifying clearly what were the concrete services which were rendered by the plaintiff for the defendant, and which were proven to have been rendered by the evidence adduced during the trial of said cause.

“Said motion is based upon the provisions of section 133 of Act No. 190, and upon the fact that the decision rendered by the court in said cause does not specify the facts which the court found to have been proven during the trial.”

On a later date the court heard the parties upon this motion, and denied the same.

The question presented here is whether or not the court below, in rendering its decision, complied with the provisions of section 133 of Act No. 190. Section 133 provides:

“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.”

This court decided in the case of Braga vs. Millora<sup>[1]</sup> that in deciding a cause involving issues of fact it is the duty of the trial court to make written findings (a) of the material facts admitted by the pleading; and (b) of the material facts presented in the issue and sustained by the evidence; and a failure to do so is reversible error.

There was a general denial filed by the defendant in this case. Therefore no fact stated in the complaint of the plaintiff was admitted. It is only necessary, therefore, to examine the decision of the court for the purpose of ascertaining whether the facts set out therein are sufficient upon which to base a judgment.

Upon reading said judgment it will appear that the facts stated therein are:

- (1) That the plaintiff was employed by the defendant as a lawyer;
- (2) That the plaintiff rendered to the defendant services as such lawyer; and
- (3) That the amount charged for said services was reasonable.

It may be inquired what fact or facts appear in the sentence which are sufficient upon which this court can render a judgment, either in favor of or against the plaintiff.

The purpose of section 133 is to require the judge of the inferior court to include within his sentence, in addition to the facts admitted by the pleadings, the other facts upon which he bases his conclusions, in order that this court may determine whether or not such facts are sufficient in law to justify the decision. Section 29 of the new Code of Procedure makes the following provision concerning lawyers' fees:

“Sec. 29. 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.”

We are of the opinion that the finding of facts in the said decision in this case is sufficient to justify the conclusion of the court. We do not deem it necessary for the court in a case like this to set out in detail the particular services rendered. The court found that the plaintiff had been employed and had rendered services for the defendant, and that the amount charged for his services was *reasonable*. These findings in an action to recover for legal services, in our judgment, are sufficient to justify the judgment of the court below, and it is therefore affirmed, with costs. After the expiration of twenty days judgment will be entered in accordance herewith, and the case will be remanded to the court below for 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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<sup>[1]</sup> 3 Phil. Rep., 458.

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