

SECOND DIVISION

[G.R. No. 172879, February 02, 2011]

**ATTY. RICARDO B. BERMUDO, PETITIONER, VS. FERMINA
TAYAG-ROXAS, RESPONDENT.**

[G.R. No. 173364]

**FERMINA TAYAG-ROXAS, PETITIONER, VS. HON. COURT OF
APPEALS AND ATTY. RICARDO BERMUDO, RESPONDENTS.**

D E C I S I O N

ABAD, J.:

These cases pertain to the right of an administrator, who happened to be a lawyer, to collect attorney's fees from the sole heir for successfully representing the latter in the suit contesting her right to inherit.

The Facts and the Case

On October 19, 1979 Atty. Ricardo Bermudo (Atty. Bermudo), as executor, filed a petition for his appointment as administrator of the estate of Artemio Hilario (Hilario) and for the allowance and probate of the latter's will before the Regional Trial Court (RTC) of Angeles City. The testator instituted Fermina Tayag-Roxas (Roxas) as his only heir but several persons, who claimed to be Hilario's relatives, opposed the petition. On October 28, 1987 the RTC rendered a decision, allowing the will and recognizing Roxas as Hilario's sole heir. On appeal, the Court of Appeals (CA) affirmed the RTC decision. This Court sustained the CA decision on December 7, 1992.

When the decision constituting Roxas as the sole heir became final, Atty. Bermudo who also served as counsel for her in the actions concerning her inheritance filed a motion to fix his legal fees and to constitute a charging lien against the estate for the legal services he rendered. On August 16, 1995 the RTC granted him fees equivalent to 20% of the estate and constituted the same as lien on the estate's property. Roxas appealed the order to the CA in CA-G.R. CV 53143.

On July 27, 2000 the CA rendered a decision that modified the RTC Order, limiting Atty. Bermudo's compensation as administrator to what Section 7, Rule 85 of the Rules of Court provides and making his lawyer's fees 20% of the value of the land belonging to the estate. Atty. Bermudo subsequently filed a motion with the RTC for execution and appraisal of the estate on which his 20% compensation would be based. On October 1, 2004 the RTC granted the motion and ordered Roxas to pay Atty. Bermudo P12,644,300.00 as attorney's fees with interest at the rate of 6% per annum. Roxas challenged the order before the CA through a petition for *certiorari*.