

**[ Adm. Case No. 804, January 28, 2010 ]**

**MANILA LUMBER, INCORPORATED, COMPLAINANT, VS. PABLO ORO, RESPONDENT.**

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

**DIAZ, J.:**

The Manila Lumber, Incorporated, through the manager thereof, W. A. Smith, filed charges of malpractice against Attorney Pablo Oro for having collected from it allegedly exorbitant fees amounting to P2,251.89, his services having consisted merely in collecting from a judgment debtor 90 per cent of the sum of P5,004.20 or P4,503.78.

It appears from the facts stated in the pleadings of both the complainant and the respondent that the former, as collection agent, delivered to the latter for collection a bill held by Walter A. Smith against Walter A. Smith & Co., Inc., against which judgment had been rendered in civil case No. 9885 of the Court of First Instance of Iloilo entitled Pacific Commercial Co. vs. Walter A. Smith & Co., Inc.

Thanks to the efforts exerted by the respondent, who filed a third party claim, in said case in the name of the complainant which had been promised a commission of 90 per cent if it succeeded in collecting the sum in question, when the judgment rendered therein was being executed, the provincial sheriff succeeded in collecting said sum of P5,004.20 which he later turned over to the respondent, after deducting the incidental expenses of execution and the fees which said officer was entitled to collect under the law. The exact amount turned over by the provincial sheriff to the respondent was P4,503.78. Once said sum was in his possession, the respondent, desiring to have the amount of the fees, which he was entitled to receive for his professional services as attorney rendered to the complainant, determined, applied for that purpose to the Court of First Instance which issued the writ of execution, by filing a motion in the same case where said proceedings took place, praying that the fees in question be fixed at 45 per cent of said sum of P5,004.20, or one-half of P4,503.78. The complainant then appeared in said case to oppose the respondent's motion and maintained, as it again maintains now, that 45 per cent of P5,004.20, or one-half of P4,503.78, which the respondent attempted to collect as fees, was very excessive. The lower court, after hearing the parties and passing upon the reasons alleged by both, decided the incident in favor of the respondent by means of its order of January 20, 1937, the dispositive part of which reads as follows:

"Therefore, after considering the reasons stated by both parties in their respective pleadings, and taking into account the fact that it was due to the efforts exerted by the petitioner as attorney that the Manila Lumber, Incorporated, succeeded in collecting the sum of P5,004.20 representing its 90 per cent commission as collection agent, the court is of the opinion and so holds that said petitioner Mr. Oro is entitled to 45 per cent of the sum of P5,004.20, which is one-half of the commission collected by the oppositor Manila Lumber, Incorporated."