

SECOND DIVISION

[G.R. NO. 155224, August 23, 2006]

VINSON B. PINEDA, PETITIONER, VS. ATTY. CLODUALDO C. DE JESUS, ATTY. CARLOS AMBROSIO AND ATTY. EMMANUEL MARIANO, RESPONDENTS.

D E C I S I O N

CORONA, J.:

The subject of this petition for review is the April 30, 2002 decision^[1] of the Court of Appeals in CA-G.R. CV No. 68080 which modified the order^[2] of the Regional Trial Court (RTC) of Pasig City, Branch 151, in JDRC Case No. 2568 entitled *Ma. Aurora D. Pineda v. Vinson B. Pineda*.

The facts follow.

On April 6, 1993, Aurora Pineda filed an action for declaration of nullity of marriage against petitioner Vinson Pineda in the RTC of Pasig City, Branch 151, docketed as JDRC Case No. 2568. Petitioner was represented by respondents Attys. Clodualdo de Jesus, Carlos Ambrosio and Emmanuel Mariano.

During the pendency of the case, Aurora proposed a settlement to petitioner regarding her visitation rights over their minor child and the separation of their properties. The proposal was accepted by petitioner and both parties subsequently filed a motion for approval of their agreement. This was approved by the trial court. On November 25, 1998, the marriage between petitioner and Aurora Pineda was declared null and void.

Throughout the proceedings, respondent counsels were well-compensated.^[3] They, including their relatives and friends, even availed of free products and treatments from petitioner's dermatology clinic. This notwithstanding, they billed petitioner *additional* legal fees amounting to P16.5 million^[4] which the latter, however, refused to pay. Instead, petitioner issued them several checks totaling P1.12 million^[5] as "full payment for settlement."^[6]

Still not satisfied, respondents filed in the same trial court^[7] a motion for payment of lawyers' fees for P50 million.^[8]

On April 14, 2000, the trial court ordered petitioner to pay P5 million to Atty. de Jesus, P2 million to Atty. Ambrosio and P2 million to Atty. Mariano.

On appeal, the Court of Appeals reduced the amount as follows: P1 million to Atty. de Jesus, P500,000 to Atty. Ambrosio and P500,000 to Atty. Mariano. The motion for reconsideration was denied. Hence, this recourse.

The issues raised in this petition are:

(1) whether the Pasig RTC, Branch 151 had jurisdiction over the claim for additional legal fees and

(2) whether respondents were entitled to additional legal fees.

First, a lawyer may enforce his right to his fees by filing the necessary petition as an incident of the main action in which his services were rendered or in an independent suit against his client. The former is preferable to avoid multiplicity of suits.^[9]

The Pasig RTC, Branch 151, where the case for the declaration of nullity of marriage was filed, had jurisdiction over the motion for the payment of legal fees. Respondents sought to collect P50 million which was equivalent to 10% of the value of the properties awarded to petitioner in that case. Clearly, what respondents were demanding was additional payment for legal services rendered *in the same case*.

Second, the professional engagement between petitioner and respondents was governed by the principle of *quantum meruit* which means "as much as the lawyer deserves."^[10] The recovery of attorney's fees on this basis is permitted, as in this case, where there is no express agreement for the payment of attorney's fees. Basically, it is a legal mechanism which prevents an unscrupulous client from running away with the fruits of the legal services of counsel without paying for it. In the same vein, it avoids unjust enrichment on the part of the lawyer himself.

Further, Rule 20.4 of the Code of Professional Responsibility advises lawyers to avoid controversies with clients concerning their compensation and to resort to judicial action only to prevent imposition, injustice or fraud. Suits to collect fees should be avoided and should be filed only when circumstances force lawyers to resort to it.^[11]

In the case at bar, respondents' motion for payment of their lawyers' fees was not meant to collect what was justly due them; the fact was, they had already been adequately paid.

Demanding P50 million on top of the generous sums and perks already given to them was an act of unconscionable greed which is shocking to this Court.

As lawyers, respondents should be reminded that they are members of an honorable profession, the primary vision of which is justice. It is respondents' despicable behavior which gives lawyering a bad name in the minds of some people. The vernacular has a word for it: *nagsasamantala*. The practice of law is a decent profession and not a money-making trade. Compensation should be but a mere incident.^[12]

Respondents' claim for additional legal fees was not justified. They could not charge petitioner a fee based on percentage, absent an express agreement to that effect. The payments to them in cash, checks, free products and services from petitioner's business — all of which were not denied by respondents — more than sufficed for the work they did. The "full payment for settlement"^[13] should have discharged