

**PERFECTO GABRIEL AS ADMINISTRATOR OF THE ESTATE OF
SALVADOR VISTAN, PLAINTIFF AND APPELLEE, VS. ANASTACIA
TIONGSON, WIDOW OF VICENTE TORRES, DECEASED, DEFENDANT
AND APPELLANT. E...**

G.R. No. 14215. September 03, 1919

Ponente: JOHNSON, J.

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JOHNSON, J.:

The important question presented by this appeal is, whether or not the court may allow a reasonable sum as costs to commissioners or referees who have been appointed in accordance with the provisions of Act No. 190, to assist the court in the settlement of complicated accounts, and so forth.

While Act No. 190 provides for the appointment of referees or commissioners in certain cases by the courts, said Act makes no provision for the payment for the services of said referees or commissioners. The same may be said with reference to the appointment of receivers.

The question presented now has been presented to the courts many times, and it has been held that even in the absence of a statutory provision the courts are authorized to allow commissioners and referees as well as receivers a reasonable amount for their services. A referee is entitled to compensation for his services, which is usually fixed by statute, agreement, or order of court. (34 Cyc, 892.) In the case of Fitzsimmons's Appeal (4 Pa. St., 248), the court held that commissioners or referees were entitled to fees for distributing a fund paid into court, although such fee is not expressly authorized by statute.

Where a referee is appointed by the attorneys under a stipulation, such employment is sufficient to raise a presumption of a contract for the referee's services on behalf of the parties to the suit. (Keeler vs. Bell, 95 N. Y. S., 841.)

The duties of a referee, a commissioner, or a receiver, are often a very important part of the administration of justice. Diligence, intelligence and discretion are required; and, unless these essential qualities are present, the actual labor expended will often be useless. Can it be supposed that the Legislature intended to exact the time and skill of honest and competent men without allowing them remuneration? Unless suitable compensation is given and allowed, this useful function of the law cannot be fulfilled; for men of capacity and usefulness will not be found willing to expend their time for benefit of others, without some reward.

Everywhere courts are authorized to allow, and they have sanctioned and allowed, a reasonable amount to commissioners, referees and receivers for assisting the courts in the speedy and accurate settlement of difficult and complicated questions. We are fully persuaded that when the Legislature authorized the appointments of such persons to assist the courts as well as the parties, it intended that such persons should receive a reasonable compensation for their services.

Upon the question whether or not the amount allowed the referees in the present case was a reasonable amount for

the services which they rendered, we are persuaded, from an examination of the record which was before this Court, that the amount which the lower court allowed was reasonable amount; and, considering the length of time which has elapsed since said services were rendered, we find no reason for hearing additional proof appealed upon that question.

Therefore, the judgment appealed from is hereby affirmed with costs. So ordered.

Arellano, C.J., Torres, Araullo, Street, Malcolm, and Avanceña, JJ., concur.

Judgment affirmed.

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