

### Title: **Nera v. Auditor General**

### Facts:

1. **Retirement Application**: Paulino V. Nera, a lieutenant colonel in the Armed Forces of the Philippines, retired on January 4, 1951. Nera applied for retirement gratuity under Republic Act (R.A.) No. 340, the Armed Forces Retirement Act.
2. **Gratuity Computation**: In computing his gratuity, Nera claimed sums of PHP 12,324.41 and PHP 983.01 as his longevity pay from January 4, 1951, to May 31, 1963, under R.A. No. 1134.
3. **Initial Denial**: On June 18, 1963, the General Auditing Office (GAO) denied his claim, stating that R.A. No. 1134, effective July 1, 1954, could not apply retroactively to Nera's case.
4. **Motion for Reconsideration**: Nera requested reconsideration from the GAO. The Deputy Auditor General denied the request on December 17, 1963, affirming the initial memo.
5. **Further Submission**: Persistently, on January 4, 1964, Nera filed another request for reconsideration, now citing R.A. No. 291, Section 846 of the Revised Administrative Code, and Section 95 of C.A. No. 1 (National Defense Act) to substantiate his claim. This was denied on February 10, 1964, and Nera received notice on February 20, 1964.
6. **Legal Representation and Continued Efforts**: Seventeen months later, on July 15, 1965, now with legal counsel, Nera again sought reconsideration of the rulings from December 17, 1963, and February 10, 1964. The request was denied on August 2, 1965, as the decision had already become final.
7. **Appeal to the President**: Nera had earlier filed an appeal to the Office of the President. The GAO informed the office that the decision was final and non-appealable.

### Issues:

1. **Timeliness of Appeal**: Whether the appeal filed by Nera to the Supreme Court was submitted within the reglementary period.
2. **Right to Counsel**: Whether the lack of representation by counsel in prior administrative proceedings invalidated those proceedings.
3. **Retroactive Application of Law**: Whether R.A. No. 1134 could retroactively apply to

Nera's claim of longevity pay for the period from January 4, 1951, to May 31, 1963.

### ### Court's Decision:

#### 1. **Timeliness of Appeal**:

- The court ruled that Nera's appeal was indeed filed out of time. He received the denial of his reconsideration motion on February 20, 1964. The 30-day reglementary period ended on March 22, 1964, rendering the decision final and unappealable. Arguments presented by counsel in the petition to consider the starting period from August 10, 1965, were dismissed.

#### 2. **Right to Counsel**:

- The right to assistance by counsel is crucial only in criminal proceedings, not in administrative ones. The absence of legal representation during administrative proceedings was not deemed a violation of due process. The Supreme Court highlighted that Nera was able to competently represent himself in the administrative proceedings.

#### 3. **Retroactive Application of Law**:

- The merits of whether R.A. No. 1134 applied retroactively were not discussed as the petition was dismissed for being filed out of time.

### ### Doctrine:

1. **Finality of Administrative Decisions**: Failure to appeal within the prescribed period makes the administrative decision final and constitutes a bar to subsequent actions challenging it.

2. **Due Process and Legal Representation**: In non-criminal proceedings, the right to counsel is not indispensable to due process. Administrative proceedings do not require representation by counsel, and an individual can validly act on their own behalf unless specific laws provide otherwise.

### ### Class Notes:

- **Key Legal Elements**:

- **Appeal Period**: Appeals of administrative decisions must be filed within 30 days from receipt of the decision.

- **Right to Counsel**: Representation by counsel is necessary in criminal but not in administrative proceedings unless specifically mandated.

- **Finality of Administrative Decisions**: Once the reglementary period lapses without appeal, decisions are final and unappealable.

- **Statutory Provisions**:
- **Article XI, Section 3 of the 1935 Constitution**: Decisions of the Auditor General could be appealed to the President or a court of record.
- **Commonwealth Act No. 327, Section 2**: Laid down the procedures for appealing Auditor General decisions.
- **Rule 44, Section 1 of the Rules of Court**: Procedural rules for appealing decisions from various governmental bodies to the Supreme Court.

### ### Historical Background:

- The case illustrates a post-World War II context when the Armed Forces Retirement Act and other military benefits laws underwent significant changes affecting service members' benefits. The interpretation of these laws impacted numerous retiree claims. The period marks complications arising from implementing new laws retroactively or with different effective dates, creating disputes resolved through judicial interpretation and administrative processes.