

## Analysis of the Anti-Graft Act (Second Installment)

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*SUBJECT(S): CRIMINAL*

*KEYWORD(S): GRAFT, CORRUPTION, PRIVATE INDIVIDUAL*

Proceeding from the previous issue, this Article tackles the various corrupt practices that may be committed by private individuals. These acts are embraced under the general and specific provisions of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act), specifically Subsection (b) of Section 4 and the second paragraph of Subsection (k) of Section 3, and Sections 4 and 5, respectively. The specific provisions refer to pure acts of private individuals or those that may be committed by private individuals separately and independently of acts or omissions of public officers. The general provisions consist of: (1) knowingly inducing a public officer to commit any of the offenses enumerated in Section 3, and; (2) giving present, share or benefit, etc. As to acts of private individuals, they are: (1) exploitation of family or personal relations with public official, and; (2) prohibition on certain relatives of the President, Vice-President, Senate President and House Speaker. The exceptions to the last prohibition are also set forth, hence, such relatives of the mentioned officials who have already been dealing with the government prior to their assumption of office, or those who have made any application whose approval is not discretionary on the part of the concerned officials are exempted from liability. The Article notes that because of the scope of the term "relatives" in relation to the four top officials as referring only to those within the third civil degree of affinity or consanguinity, a first cousin to the President, for instance, is immune from liability under Section 5 of the law; however, relative to the circumstances, he may be held responsible under Section 4. Finally, the proceedings and penalties provided by the law are laid down in detail.