

## Analysis of the Anti-Graft Law

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*SUBJECT(S): CRIMINAL*

*KEYWORD(S): ANTI-GRAFT, CORRUPTION, PUBLIC OFFICER*

The Article provides an examination of the salient provisions of Republic Act No. 3019, otherwise known as the Anti-Graft Act. It subdivides into five (5) main parts, namely: statement of policy, definition of terms, corrupt practices of public officers, prohibition on members of congress, and filing of statement of assets and liabilities. The Article begins by stating the policy of the law, which is “to repress certain acts of public officers and private persons alike which constitute graft and corrupt practices or which may lead thereto.” In line with this, it invokes the principle that “public office is a public trust,” and asserts that the same is to be used as a basic criterion in interpreting the law. The scope of the term “public officer” is also clarified to include those who do not receive compensation from the government.

Adriano notes that certain acts enumerated in Section 3 of the law constituting corrupt practices of public officers refer to other acts or omissions already penalized by existing law, such as the Revised Penal Code, among others. He goes on to tackle the various acts declared unlawful by the law, carefully identifying the requisites or elements of the same. These acts are: persuading, inducing or influencing the violation of rules and regulations or the commission of an offense; requesting or receiving any gift, etc.; acceptance of employment in a private enterprise; causing undue injury to any party or giving unwarranted benefits; official inaction for a malicious motive, etc.; execution of contracts grossly disadvantageous to the government; interest in contract where officer intervenes; interest of member of government board or panel in transactions before said board; knowing granting any license or benefit to unqualified persons, and; divulging of valuable information of confidential character. He discusses the several nuisances behind the acts, and relates them to other laws that penalize similar acts. Criticism is also passed upon Section 6 of the law relating to prohibitions on members of Congress, averring that the same features a facile and ready loophole for its evasion. Thus, the requirements of the provision that the member of Congress concerned must have authored the beneficent law, that his pecuniary interest be in a specific business enterprise, and that said specific business enterprise be directly and particularly favored by the

law concerned hardly make it possible for any public officer to be held liable under the act proscribed.