

Title: People of the Philippines v. Henry T. Go

Facts:

The case against Henry T. Go stemmed from the Philippine Supreme Court's decision in *Agan, Jr. v. Philippine International Air Terminals Co., Inc. (PIATCO)*, which nullified the contracts awarded to PIATCO for constructing and operating the Ninoy Aquino International Airport International Passenger Terminal III (NAIA IPT III) due to irregularities.

A complaint was filed with the Office of the Ombudsman by Ma. Cecilia L. Pesayco against several individuals, including Henry T. Go, the then Chairman and President of PIATCO, for alleged violation of Section 3(g) of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019 or R.A. 3019). It was alleged that Go conspired with DOTC Secretary Arturo Enrile in entering into contracts that were grossly disadvantageous to the government.

The Deputy Ombudsman for Luzon found probable cause to indict Go and, though there was also probable cause against Secretary Enrile, he was not indicted due to his demise prior to the indictment.

The case against Go was docketed as Criminal Case No. 28090 in the Sandiganbayan. When the Sandiganbayan (SB) questioned its jurisdiction over the case because Enrile was deceased and Go was a private individual, the prosecution contended that jurisdiction was acquired through Go's voluntary appearance and posting of bail.

However, Go filed a Motion to Quash the Information, arguing the facts did not constitute an offense under Section 3(g) of R.A. 3019 and that, without a public officer charged, he could not be prosecuted for the act. In response, the SB quashed the Information and dismissed the case.

The prosecution appealed to the Philippine Supreme Court by filing a petition for review on certiorari, challenging the SB's resolution.

Issues:

1. Whether the Sandiganbayan erred in dismissing Criminal Case No. 28090 on the grounds that it had no jurisdiction over Henry T. Go.
2. Whether the jurisdiction was established over Henry T. Go due to the fact that he posted bail for his provisional liberty.
3. Whether the quashing of the Information and dismissal of Criminal Case No. 28090 contravened the equal protection clause of the Constitution.

Court's Decision:

The Supreme Court found the petition meritorious, reversing the Sandiganbayan's resolution on several grounds:

1. Conspiracy with Public Officers: The Supreme Court reiterated that private individuals can be held liable under Section 3 of R.A. 3019 if they conspire with public officers, even if the public officer is deceased or acquitted, or the conspiracy charge based on such association persists.
2. Jurisdiction over the Accused: The Court clarified that the posting of bail and voluntary actions (such as filing motions) in court proceedings constitute submission to the jurisdiction of the court. Therefore, the SB had jurisdiction over Go's person.
3. Death of a Public Officer: The Court explained that the death of a public officer does not preempt the prosecution or extinguish the conspiracy alleged in their involvement with a private individual for violating R.A. 3019.

Doctrine:

- Private individuals can be held liable under the Anti-Graft and Corrupt Practices Act (R.A. 3019) for conspiring with public officers, regardless of whether the public officer is deceased or the conspiracy charge persists.
- Voluntary appearance, posting of bail, and seeking affirmative relief by an accused in court proceedings constitute submission to the jurisdiction of the court.
- The death of a public officer does not extinguish the alleged crime or the criminal prosecution of conspiring private individuals related to violations of R.A. 3019.

Class Notes:

Conspiracy under R.A. 3019:

- A private person may be held liable for conspiracy if they act in concert with a public officer to commit an offense proscribed under the Anti-Graft and Corrupt Practices Act.
- To establish conspiracy, it is not necessary that all conspirators be tried or convicted; the act of one is considered the act of all.
- Jurisdiction is established over an accused in criminal proceedings when the accused voluntarily submits through actions such as posting bail or filing motions for relief.

Historical Background:

The case reflects the ongoing efforts in the Philippines to combat corruption and to enforce accountability against individuals, both public officials and private citizens, who use public

office to perpetrate graft and corrupt practices. The Supreme Court's ruling underscores its commitment to uphold the rule of law and to ensure that justice is served, even posthumously for involved public officers, thereby maintaining the integrity of the legal system and upholding the state's anti-corruption policies.