

**\*\*Title:\*\*** Acejas and Hernandez v. People of the Philippines: A Case of Direct Bribery in Government Transaction

**\*\*Facts:\*\***

The case originated from an incident on December 17, 1993, when BID Intelligence Agent Vladimir Hernandez and a reporter visited the residence of Japanese national Takao Aoyagi and his wife Bethel Grace Pelingon-Aoyagi in Parañaque, Metro Manila, to serve a Mission Order for investigation due to complaints against Aoyagi in Japan. Hernandez confiscated Aoyagi's passport as a guarantee for his appearance at the BID for investigation on December 20, 1993.

After the confiscation, the Aoyagis contacted SPO3 Expedito Perlas for assistance, who then referred them to Atty. Danton Lucenario of Lucenario Law Firm. Atty. Lucenario advised against Aoyagi's appearance at BID and instead had another attorney from the firm request information on the confiscation from BID. Despite further investigations suggesting Aoyagi undergo custodial probe, Hernandez later agreed to return Aoyagi's passport.

An entrapment operation by the NBI was set up on January 12, 1994, during the passport return at the Diamond Hotel, leading to the arrest of Francisco S.B. Acejas III (a partner of the law firm representing Aoyagis), Perlas, and Jose Victoriano, after passing an envelope with marked money allegedly demanded by Hernandez in exchange for the passport's return.

The Sandiganbayan convicted Hernandez and Acejas of direct bribery after trials, while Conanan and Victoriano were acquitted due to differing participation levels and evidence.

**\*\*Issues:\*\***

1. Whether Hernandez and Acejas conspired to extort money from the Aoyagis in exchange for the return of the confiscated passport.
2. Whether the participation of Hernandez in holding and negotiating the return of the passport falls under misconduct related to his official duties.
3. Whether Acejas, being the Aoyagis' lawyer, was acting within his professional duties in receiving the payoff money.

**\*\*Court's Decision:\*\***

The Supreme Court affirmed the Sandiganbayan's decision, finding Hernandez and Acejas

guilty of direct bribery. The court held that Hernandez's involvement in the extortion, despite being initiated under the guise of an official operation, went beyond his duties once it shifted to demanding money for the passport's return. Acejas's acceptance of the payoff money, purportedly as legal fees, was found to be inconsistent with the circumstances and betrayed his participation in the bribery scheme.

**\*\*Doctrine:\*\***

This case reiterates the elements of direct bribery under the Revised Penal Code, emphasizing that any public officer who receives gifts or presents in consideration of an act related to their official duties, whether or not such act constitutes a crime, is guilty of direct bribery. Additionally, it highlights the doctrine that the act of one conspirator is the act of all, underlining the concept of conspiracy in criminal law.

**\*\*Class Notes:\*\***

- Direct bribery involves a public officer receiving a gift/incentive related to their official duties.
- Elements: Public officer; Receives gifts/presents for themselves or another; In consideration of performing/abstaining from an act related to their duties.
- Conspiracy doctrine: Involvement of multiple individuals with a unified purpose to commit a crime makes each one responsible for the acts of others.

**\*\*Historical Background:\*\***

This case underscores the persistent challenges in combating corruption within public offices, stressing the need for integrity and accountability in government transactions. It reflects the judiciary's role in upholding legal and ethical standards among public officials and those interacting with them, emphasizing the importance of adherence to professional responsibilities and the law.