

### Title:

**\*\*Lauro G. Soriano, Jr. vs. The Honorable Sandiganbayan and The People of the Philippines\*\***

### Facts:

Assistant City Fiscal Lauro G. Soriano Jr. was accused of demanding a bribe of P4,000 from Thomas N. Tan, who was facing a complaint of qualified theft (I.S. No. 82-2964). Only P2,000 was raised by Tan, partially funded by the National Bureau of Investigation (NBI), which subsequently set up and executed a successful entrapment operation. Soriano was charged with violating Section 3(b) of Republic Act No. 3019 (the Anti-Graft and Corrupt Practices Act) by the Tanodbayan Special Prosecutor in Criminal Case No. 7393 before the Sandiganbayan. After trial, Soriano was found guilty, sentenced to imprisonment, disqualified from public office, and lost retirement benefits. Soriano's motion to reconsider was denied, leading to this petition to the Supreme Court.

### Issues:

1. Whether the preliminary investigation conducted by Soriano qualifies as a "contract or transaction" within the meaning of Section 3(b) of R.A. No. 3019.
2. Whether Soriano could be convicted of bribery under the Revised Penal Code (RPC) instead of violating Section 3(b) of R.A. No. 3019, without infringing his constitutional rights.

### Court's Decision:

The Supreme Court found that the preliminary investigation was neither a "contract" nor a "transaction" as understood in the context of Section 3(b) of R.A. No. 3019 because it does not involve a consideration analogous to a contract or credit transaction. The Court concluded that convicting Soriano under Section 3(b) was erroneous. Nonetheless, the Court also determined that Soriano could legally be convicted of direct bribery under Article 210 of the Revised Penal Code because the information filed clearly described an act of bribery, thus safeguarding Soriano's right to be informed of the accusation.

### Doctrine:

A preliminary investigation by a public officer does not constitute a "contract or transaction" within the purview of Section 3(b) of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act). However, a public officer can be convicted for direct bribery under the Revised Penal Code based on acts described in charges originally alleging violations of R.A. No. 3019, provided the requirements for bribery are met.

### Class Notes:

- **Direct Bribery under Article 210 of the RPC:** Occurs when a public officer agrees to perform or refrain from doing an act in consideration of any offer, promise, gift, or present.
- **Section 3(b) of R.A. No. 3019:** Prohibits public officers from directly or indirectly requesting or receiving any gift or benefit in connection with any contract or transaction wherein the public officer has to intervene under the law.
- In interpreting statutory language, terms should be understood in their context and in relation to the overall legislative intent.
- A public officer's right to be informed of the nature and cause of the accusation is preserved if the alleged acts clearly indicate the criminal offense, allowing for a potential conviction under a more appropriate statute.

### Historical Background:

This case underscores the dynamic interpretation of anti-corruption laws in the Philippines, particularly highlighting the judicial scrutiny over what constitutes a "transaction" or "contract" in cases of corruption and bribery. It illustrates the courts' efforts to adapt legal doctrines to the complexities of public administration and corruption prevention while ensuring defendants' rights are protected.