

Title: Henry T. Go vs. The Fifth Division, Sandiganbayan, and The Office of The Special Prosecutor, Office of The Ombudsman

Facts:

The nucleus of the case lies in the annulment by the Supreme Court of the 1997 Concession Agreement (and its subsequent amendments and supplements) between the Philippines' Department of Transportation and Communications (DOTC), the Manila International Airport Authority (MIAA), and the Philippine International Air Terminals Co., Inc. (PIATCO), for the Ninoy Aquino International Airport Passenger Terminal III (NAIA IPT III) project. This annulment set off a series of legal battles, culminating in Criminal Case No. 28092 where DOTC's then-Secretary Vicente C. Rivera Jr. and Henry T. Go, PIATCO's Chairman and President, were accused of violating Section 3(g) of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019). Specifically, the indictment centered on the Amended and Restated Concession Agreement (ARCA) deemed manifestly and grossly disadvantageous to the government. Despite Henry T. Go's motion to quash, based on his contention that he was not a public officer and thus could not be charged under RA 3019, the Sandiganbayan denied it, as well as his subsequent motion for reconsideration, prompting Go to seek certiorari from the Supreme Court.

Issues:

1. Whether Section 3(g) of RA 3019, which explicitly characterizes the commission of the proscribed acts by public officers, can likewise apply and extend liability to private individuals, such as Henry T. Go, allegedly conspiring with public officers.
2. Whether the specific allegations in the Information against Go sufficiently constitute the offense under Section 3(g) of RA 3019.
3. Whether there was grave abuse of discretion by the Sandiganbayan in denying the motion to quash and the subsequent motion for reconsideration filed by Go.

Court's Decision:

The Supreme Court upheld the Sandiganbayan's resolutions and dismissed Henry T. Go's petition. The Court clarified that private persons, when acting in conspiracy with public officers, may be indicted and held liable for violations of Section 3(g) of RA 3019. It emphasized that the framers of RA 3019 intended to repress corrupt practices not just by public officers but also by private individuals who might conspire with them. The Court found no grave abuse of discretion on the part of the Sandiganbayan, stating that the determination of probable cause belongs to the prosecutor, and that courts should not interfere with such determination unless compelling reasons exist.

Doctrine:

This case reaffirms the doctrine that private individuals, who conspire with public officers in committing acts declared unlawful under Section 3 of the Anti-Graft and Corrupt Practices Act (RA 3019), can be held liable together with those officers. The ruling emphasizes the applicability of anti-graft provisions to both public officers and private persons alike in conspiratorial contexts, in line with the law's aim to combat corruption and graft in government transactions.

Class Notes:

- Elements of a crime under Section 3(g) of RA 3019: (1) The accused is a public officer who (2) entered into a contract or transaction on behalf of the government, and (3) such contract or transaction is grossly and manifestly disadvantageous to the government.
- Conspiracy Principle: Private individuals conspiring with public officers in committing an act declared unlawful under Section 3 of RA 3019 can be held liable as co-principals, emphasizing the broad scope of the law in including both public and private actors in its attempt to curb corruption.
- Judicial Non-interference in Probable Cause Determination: The Court's doctrine upholds the principle that the determination of probable cause during a preliminary investigation is an executive function, primarily the purview of the prosecutor (or the Ombudsman, as in this case), and should not be interfered with by the courts absent strong compelling reasons.

Historical Background:

The case follows a significant legal and political controversy surrounding the NAIA IPT III project, which underscored issues of transparency, accountability, and the rule of law in public-private partnerships in the Philippines. The Supreme Court's decision in the preceding "Agan, Jr. vs. PIATCO" case laid the foundation for subsequent criminal charges, highlighting the judiciary's role in addressing graft and public policy violations in government contracts.