

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

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

The case began with Henry T. Go, a private individual and chairman of the Philippine International Air Terminals Co., Inc. (PIATCO), and Vicente C. Rivera, Jr., Secretary of the Department of Transportation and Communications, charged with violating Section 3(g) of Republic Act No. 3019. This law penalizes public officers entering into government contracts or transactions which are grossly disadvantageous to the government. The charge centered on their involvement in the Amended and Restated Concession Agreement (ARCA) for the construction of the Ninoy Aquino International Passenger Terminal III (NAIA IPT III), which allegedly contained terms grossly disadvantageous to the government. The case was filed with the Sandiganbayan, where Go's motion to quash (December 6, 2005) and his subsequent motion for reconsideration (March 24, 2006) were both denied, leading to his filing a motion for reconsideration with the Supreme Court.

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

1. Whether or not Section 3(g) of Republic Act No. 3019 can be applied to private individuals, notwithstanding their conspiracy with public officers, to commit actions manifestly and grossly disadvantageous to the government.
2. If liability exists for private individuals under separate provisions of Republic Act No. 3019 or other laws.

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

The Supreme Court granted Henry T. Go's motion for reconsideration, reversing and setting aside both the Sandiganbayan's resolutions and its decision dated April 13, 2007. The Court emphasized that Section 3(g) of Republic Act No. 3019 specifically targets public officers, and the liability of private individuals in conspiracy with public officers must be established under different provisions, such as Section 4(b) of the same act, which requires proof of criminal intent. Thus, the Court directed the dismissal of Criminal Case No. 28092 insofar as it concerned petitioner Henry T. Go.

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

The decision underscores the principle that penal statutes are construed strictly against the state and liberally in favor of the accused. Furthermore, it reiterates that specific provisions of law targeting specific classes of persons cannot be extended by implication to include others not expressly mentioned.

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

- **\*\*Malum Prohibitum vs. Malum in Se\*\***: Understanding that crimes classified as “malum prohibitum” focus on the act itself rather than the perpetrator’s intent.
- **\*\*Public Officers vs. Private Individuals\*\***: Noting the distinctions in liability under anti-graft laws, emphasizing how specific provisions target specific actor classes, with conspiracy charges requiring precise statutory support.
- **\*\*Strict Construction of Penal Laws\*\***: Penal statutes are to be strictly construed against the government and liberally in favor of the accused, a principle ensuring fairness and caution in the application of penal sanctions.
- **\*\*Relevant Provisions for Study\*\***:
  - Section 3(g) of Republic Act No. 3019 pertains solely to public officers.
  - Section 4(b) of Republic Act No. 3019 outlines the liability of private individuals inducing public offenses.

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

This case provides a significant view into the judicial interpretation of anti-graft laws in the Philippines, particularly focusing on the delineation of liabilities between public officers and private individuals in corrupt practices. It serves as an interpretive guide for how conspiracy is treated in transactions involving both parties, emphasizing the principle of legality and specificity of statutory offenses.