

### Title:

**\*\*The People of the Philippine Islands vs. Venancio Concepcion\*\***

### Facts:

Venancio Concepcion, President of the Philippine National Bank (PNB), was accused of violating Act No. 2747 of the Philippine Legislature by making an unauthorized loan of seven hundred and twenty-five thousand pesos (P725,000) to the Philippine Vegetable Oil Company. The case stemmed from events around April 1919, when six thousand shares of the Vegetable Oil Company, owned by alien enemies, were sold at auction. Concepcion and Phil C. Whitaker (President of the Vegetable Oil Company) had agreed that Concepcion would not bid for the shares in exchange for a P725,000 loan from PNB and two hundred shares at cost for himself. The shares were bought for the company, and Concepcion received his shares. However, the prosecution alleged that this transaction violated banking laws by indirectly providing financial benefits to Concepcion from PNB funds without board approval.

**\*\*Procedural Posture\*\***: Filed initially in the trial court, the prosecutors charged Concepcion for corrupt practices under Act No. 2747, specifically targeting the unauthorized loan provision and potentially benefiting from bank funds indirectly. Upon conviction by the trial court, imposing a fine and subsidiary imprisonment, Concepcion appealed to the Supreme Court, which thoroughly reviewed the procedural and evidential aspects. During the trial, the prosecution and defense extensively debated the legal boundaries of Concepcion's actions as PNB's President, eventually escalating the matter to the Supreme Court for final judgment.

### Issues:

1. Whether the accused, Venancio Concepcion, violated Act No. 2747 by making an unauthorized loan of P725,000 to the Philippine Vegetable Oil Company.
2. Whether the information charged a specific offense under Act No. 2747.
3. If the making of an excessive loan constitutes a crime under Act No. 2747.
4. Whether the conviction under paragraph 2 of section 17 should be sustained.

### Court's Decision:

The Supreme Court reversed the conviction against Concepcion for making an excessive loan under paragraph 2 of section 17 of Act No. 2747. The Court ruled that the information provided did not charge the defendant with a specific violation clearly and the evidences and arguments presented were insufficient to convict Concepcion under the said Act. The

Court highlighted that the banking law should be expressed in clear terms, and any ambiguity should be resolved in favor of the defendant. Consequently, Concepcion was acquitted of all charges due to the lack of clear, definitive evidence of a corrupt agreement or direct violation of specified banking regulations.

### ### Doctrine:

This case reiterates the principle that criminal statutes must be precisely drafted, and any ambiguity should be interpreted in favor of the accused. Furthermore, it underscores the procedural requirement that an information must clearly charge a specific offense for a valid conviction to be secured.

### ### Class Notes:

- **\*\*General Orders No. 58, Section 11\*\***: A complaint or information must charge but one offense, except in cases where the law prescribes a single punishment for various allied offenses.
- **\*\*Act No. 2747, Sections 17 and 35\*\***: Emphasizes limitations on the lending authority of bank presidents and prohibits the bank from directly or indirectly granting loans to any board members without proper authorization. Any ambiguities in criminal statutes are resolved in favor of the accused.

### ### Historical Background:

This case occurred in the context of post-World War I legal adjustments, addressing concerns over banking practices and corporate governance within the occupied or colonial territories managed by the United States. The legal framework sought to ensure accountability and proper conduct in financial institutions during a time when economic stability was crucial for the Philippines.