



CHAPTER IV

ANTI-CORRUPTION

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4.1 Number of Cases Commenced and Concluded

In 2002, the CCAC recorded a total of 1,116 complaints, 10% less than the 1,265 complaints recorded in 2001. There were 115 criminal offences cases commenced in 2002, indicating a slight increase over the 112 such cases in 2001. The fact that the number of complaints recorded dropped while the number of cases commenced increased and hence the percentage of cases successfully commenced for investigation goes up indicates that the complaints lodged by the public tend to be more well-founded, with sufficient evidence and clues facilitating in-depth investigations. This can be further interpreted as a sign that citizens are more ready to come out courageously and report criminal acts that happen around them. As a result, the number of complaints more truly reflects the realities of the society.

Table 9
Number of criminal cases commenced in 2002, by source of origin

Sources of complaints recorded		Criminal offences cases	Percentage
Citizens	Anonymous or requesting anonymity	61	53.0%
	Signed or willing to provide personal data	35	30.4%
Referred / reported / requested by public entities		17	14.8%
Referred / reported by media		1	0.9%
Initiated by the CCAC		1	0.9%
Total		115	

As shown above, of the 115 cases relating to criminal offences, 96 cases, accounting for 83.4% of the total were reported or substantiated with information by citizens. This presents an increase of more than 10% over 2001, when the number of cases reported by citizens accounted for 73.2%. This is an indication that more and more citizens are willing to cooperate with the CCAC in combating corruption. Of the citizens reporting crimes, 61 cases accounting for 53% remain anonymous or request anonymity. This figure is 5% lower than that of 2001, indicating that despite their faith and confidence in the CCAC, they still have certain worries.

In the area of criminal offences, there are a total of 197 cases handled in 2002, including 115 cases commenced in the year, a backlog of 78 cases from 2001, one re-opened case and 3 referral cases from the Ombudsman Bureau after being handled. A total of 133 criminal cases were concluded in 2002.

Table 10
Progress analysis of criminal cases in 2002

Cases brought forward from 2001	78
Cases commenced in 2002	115
Cases re-opened in 2002	1
Referral cases from the Ombudsman Bureau after being handled	3
Total number of cases to be handled	197

Table 11
Classification of criminal cases concluded in 2002

Cases filed	102
Cases incorporated with other files / cases	3
Cases referred to the Public Prosecutions Office	24
Cases re-opened and filed	4
Total number of cases concluded	133

4.2 Cases Referred to the Public Prosecutions Office and the Matters Involved

In 2002, the CCAC had a total of 24 cases referred to the Public Prosecutions Office, with 61 illegal acts being involved in them. Individual cases differed from those of the past in the degree of complexity and scope involved. For example, the CCAC received a seemingly insignificant complaint against a corruption act involving only MOP150. The complainant intended to drop the case and stop any contact with the CCAC after the initial report. However, with the repeated persuasion and encouragement of the CCAC investigating staff, the complainant became willing to provide details and evidence. The investigators, after analyzing the background of the suspect and the methods adopted in the criminal act, began to trace the case in the direction of organized crime. After about six months' investigation and collection of evidence from outside Macao, the CCAC discovered that it was a case involving more than 600 persons, as many as 400 of them being listed as suspects with sufficient documented evidence running over ten thousand pages. This is a case involving the largest number of people in recent years, thus rendering 2002 a record year in the number of people involved in corruption cases.

Table 12
Crimes involved in cases referred to the Public Prosecutions Office

Forgery of document	17
Fraud and deception	12
Falsification of testimonial	4
Acceptance of bribe for illegal act	3
Fabrication of technical notation	3
Abuse of authority	3
Dereliction of duty or malpractice	3
Bribery	2
Counterfeit and forgery by public servant	2
Forgery of document with special value	2
Use of falsified testimonial	2
Acceptance of bribe for regulated act	1
Deception and fraud relating to insurance / obtaining food	1
Provision of false testimonial	1
Illegal employment of labour	1
Transgression of power or duty	1
Use of forbidden weapon	1
Organized crime	1
Triad	1
Total	61

Following is a summary of some of the excerpts of the cases solved by the CCAC in 2002 and referred to the Public Prosecutions Office in chronological order:

January: In collaboration with the staff of the Economic Services Bureau, the CCAC tracked down an illegal refueling station, which was located in Taipa and suspected to have been operated by a public servant of the Civic and Municipal Affairs Bureau. This public servant had been absent from work for nearly two years. Instead, he engaged himself in his own private dealings by falsifying his work attendance records. Seven men and one woman were involved in the case, and the daily profit of the illegal refueling station ranged from about MOP7,000 to MOP12,000.

February: The CCAC exposed a case in which a public servant took bribes while several persons used MOP8,000 to MOP10,000 to buy forged Philippine driving licences in order to apply for driving licences later in Macao. A public servant from the Traffic and Transport Department of the Civic and Municipal Affairs Bureau was suspected of demanding fees 3 to 4 times higher than normal application fees from holders of foreign driving licences applying for Macao driving licences, claiming that he could help them through the application process and that physical check-ups could be exempted. The applicants were given health certificates issued by a certain doctor, who was suspected of forgery.

March: The CCAC detected two cases of suspected unjustified absenteeism and forgery of documents. In the first case, three employees of the Civic and Municipal Affairs Bureau were suspected of being absent from work over the past two years but engaged in private dealings while still on the public payroll.

The sum involved was estimated to be in excess of MOP100,000. It was also believed that there had been arrangements for somebody else to check in/out on their behalf and they were suspected of falsifying attendance records. In the second instance, two doctors of the Health Bureau were suspected of making false certificates and a nurse was suspected of using false certificates for absence from work.

April: The CCAC discovered that the directors and chief of the former Macao Municipal Council were suspected of procuring goods and awarding construction and/or service contracts anomalously during their terms of office. Investigation findings indicated that somebody did not comply with the law in withdrawing from the awards of contracts involving personal interests. It was also found that some of the awards were not made according to the normal procedures, in which the officer-in-charge failed in performing his duties in approving the contracts. In addition, the alleged contracting company fell short of part of the bidding requirements. The suspects were 2 directors and 1 chief from the former Macao Municipal Council who were working for the Civic and Municipal Affairs Bureau in the time when the case was exposed. The case involved 7 procurement of goods, awards of construction and service contracts that totalled around MOP8 million.

April: The CCAC detected a case of organized corruption and premeditated crime of fraud with the use of forged trading invoices. From January 1996 to March 2002, certain public servants from the Post Office, when procuring everyday office goods, conspired with the suppliers in raising the prices and forging invoices, thus gaining illegal benefits. The case involved 2 businessmen, 6 current staff of the Post Office and 1 retired public servant. The benefits gained by

the public servants involved ranged from several hundreds Patacas to over 100,000 Patacas.

May: In a raid on the a custodial ward of the Hospital Centre S. Januario, the CCAC found some goods that were suspected to be restricted in prison, including mobile phone, DVD player, MD player and number of VCDs. In addition, batons and handcuffs belonging to the on-duty warders were found inside the wardrobe of the custodial ward. It was suspected that somebody breached his duty and abused his power. The case involved 7 persons, including 6 current prison warders and 1 retired policeman.

July: The CCAC detected 3 cases, the first one being illegal practice of medicine with counterfeited certificates of medical qualification, the second one being use of forged passport for residency in Macao, and the third one being abuse



RAEM

Comissariado interrompe "férias" de recluso

BENDITA PRISÃO

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Seis guardas prisionais e outros tantos agentes policiais estão sob investigação do CCAC. Por "apaparicarem" um detido, alegado "patrão", internado no S. Januário

A MADRAGADA de ontem: lá, alta quanto uma equipa de investigadores do Comissariado Contra a Corrupção (CCAC) interrompeu Hospital Centro de S. Januário. A operação-surpresa, desenhada por uma denúncia e, sobre o PÓRTO PRIMA, com o apoio das autoridades da gentileza do Colégio, resultou em efeitos desejados e horas depois seis guardas prisionais e um agente da PSP na reforma foram encaminhados para a Ministério Pública.

A história - que "tudo é bem vai ter a última do género", como assegura uma fonte parceira do meio - é simples de contar. Enquanto os dois guardas prisionais encarregados da vigilância do detido, de baixa naquela instituição de

Constataram-se proibidos desenhados em operação bem sucedida contrabandavam com a "presa" sem autorização para e efetiva.

of power by a public servant. In the first case, the suspect allegedly spent more than RMB10,000 to buy several certificates of medical qualification and transcripts from a certain medical college in the mainland. He then had them certified by the relevant authority in Macao, and obtained the license for practicing medical in Macao. In the second instance, the suspect was believed to have submitted to the Public Security Police a forged document from the Guinea-Bissau government for application of residency in Macao. As to the third case, the suspect was a market inspector from the Civil and Municipal Affairs Bureau, who allegedly asked for, in recent years, provision of free food from hawkers of poultry stalls, meat stalls and vegetables stalls in the S. Domingos Municipal Market.

August: The CCAC uncovered a corruption and document forgery case in which it was suspected that over 600 persons have exchanged Macao driving licences with forged Philippine driving licences. The amount involved totalled around MOP2.3 million. 417 persons were listed as suspects, in which 6 were suspected to be masterminds of the case, this included a public servant working in the Civic and Municipal Affairs Bureau (CMAB). The modus operandi involved a batch of intermediaries touting Philippine driving licences to those who wanted a short cut or did not fulfil the driving test requirements. MOP1,000 to MOP20,000 were sought for each driving licence. The intermediaries, through the CMAB public servant, arranged all the procedures for the change of Philippine driving licences to Macao driving licences.



September: The CCAC revealed a case in which a public servant working for the First Office of the Public Notary was suspected of buying petrol with the refuelling coupons issued by the Public Notary, refuelling both the cars for office use and his own private car. The public servant was also believed to have defrauded petrol with different methods, including counting his own refuelling expenses into the government refuelling bills, overstating the refuelling expenses of cars for office use and seeking cash refund from the oil station, using government refuelling coupons for the purchase of various petrol products for private use.

October: The CCAC exposed a case of fraud involving insurance claims. The suspect first reported a car accident, then contacted the pre-arranged traffic police to handle the accident, thus fabricating a traffic accident report. Meanwhile, the person-in-charge of a garage provided false car repair quotation. There were 3 current traffic police involved in the case, who were suspected of conspiracy to defraud insurance claims from 3 insurance companies. The amount involved totalled over MOP400,000, while there were 19 suspects involved.



December: The CCAC uncovered a case of document forgery and use of forged document by public servants. The suspects allegedly got sick leave certificates from doctors without having medical consultation, and used these certificates as evidence for their absence from work. Doctors from the Health Bureau, public servants from the Lands, Public Works and Transport Bureau, and from the Public Security Police were involved in the case.

4.3 Assistance in Investigations of Cross-Regional Cases of Corruption

Regarding investigative work, there was an increase in the number of cross-regional cases of corruption in 2002, side by side with the increase of cases requiring the assistance of law enforcement departments outside of Macao. This situation indicates that crimes of corruption are getting internationalized and the activities of the offenders extend beyond the scope of Macao, thus making international cooperation an important subject of study for the anti-corruption organizations in all regions of the world today. A total of 28 such cases were handled in 2002, a slight increase as compared to 25 cases in 2001, with 17 of them concluded and 11 still under investigation.



A press meeting illustrating details of the case of corruption and document forgery, in which forged Philippine driving licences were used to apply for Macao driving licences.

4.4 Cases Adjudicated by the Court

Table 13
Cases adjudicated by the Court in 2002

Date of adjudication	Name of defendant / suspect	Status of defendant / suspect	Sentence
5 March 2002	Chan X Fai	Prisoner	Extortion: 3 years and 9 months imprisonment
	Kam X Ieng	Taking extorted money for Chan X Fai	Not guilty
8 March 2002	Cheong X Kong	Taking extorted money for Hoi X Seng	Increase penalty for extortion: 1 year and 6 months imprisonment
	Hoi X Seng	Prisoner (at large)	Increase penalty for extortion: 5 years and 3 months imprisonment
	Hong X Iek	Prisoner	Increase penalty for extortion: 4 years and 9 months imprisonment
	Wong X Wai	Prisoner	Increase penalty for extortion: 4 years and 9 months imprisonment
	Wong X	Prisoner	Increase penalty for extortion: 4 years and 9 months imprisonment
	Wong X	Prisoner	Increase penalty for extortion: 4 years and 9 months imprisonment
	Lam X	Prisoner	Increase penalty for extortion: 4 years and 9 months imprisonment
	Cheong X Hong	Prisoner	Increase penalty for extortion: 4 years and 9 months imprisonment
	Lei X Man	Warder of the Macao Prison	Not guilty of power abuse
19 April 2002	Ng X Hou	Cameraman of the Government Tourist Office	Fraud involving big sums: 1 year and 9 months imprisonment, suspended for 2 years
23 April 2002	Ng X Lan	Citizen	Fraud: 1 year imprisonment, suspended for 2 years; return of MOP30,000 with interest within 6 months
22 July 2002	Cheok X Pou	Policeman of the Public Security Police	Wounding: 7 months imprisonment, suspended for 2 years; compensation of MOP17,000 to be paid to Wong X Lam
	Wong X Lam	Citizen	Runaway after causing a traffic accident: 2 months imprisonment, suspended for 1 year; driving licence suspended for 1 month; compensation of MOP2,000 to be paid to Cheok X Pou
08 November 2002	Iun X X	Driver of the Legislative Assembly	Not guilty because of insufficient evidence
13 December 2002	Pang X	Policeman of the Public Security Police	Not guilty because of insufficient evidence
13 December 2002	Rogério X de X	Section Chief of the Hospital Centre S. Januario	Abuse of public trust: 1 year and 3 months imprisonment, suspended for 2 years; compensation of MOP20,000 to be paid to the Macao SAR Government within 3 months

4.5 Work on the “Declaration of Incomes and Properties”

As regulated by the existing law, public servants are required to declare their incomes and properties, together with their spouses or those with whom they live as spouses, when they join the civil service or when there is a change of position or when they leave the civil service. At the same time, the law also stipulates that if the above circumstances do not occur to them, they only need to update their declaration by completing the forms every five years. Public servants are scheduled to renew their declaration in 2003 and the CCAC have started reviewing and making preparations in 2002, such as launching a series of promotion activities and measures to streamline the process and maximize efficiency. It is estimated that in 2003, around 11,000 public servants need to submit their updated or renewed declaration on their incomes and properties. In 2002, the CCAC received a total of 2,639 declaration submitted by public servants. Of these, 422 were submitted by those leaving the civil service, 710 by those joining and 1,507 by those who need to update their declaration owing to change of positions.



Reception of public servant submitting “Declaration of Incomes and Properties” (Mimic photo)