



廉政

Anti - corruption
Annual Report 2013

中 華 民 國 102 年
工 作 年 報



目錄

Table of Contents

序 言 14

Message from the Director General

編輯說明 18

Editing Description

壹、編輯目的 19

I.Editing Purposes

貳、內容說明 19

II.Content Description

參、凡例 20

III.Notes

第一部分 調查局廉政處簡介 24

Part One. Profile of the Anti-Corruption Division, Investigation Bureau

壹、法令依據 25

I.Legal and Regulatory Basis

貳、組織沿革 27

II.Organizational Timeline

參、業務分工 31

III.Operational Task-sharing

肆、工作目標	34
IV.Work Objectives	
一、查緝重大貪瀆，貫徹肅貪決心	34
A.Determination of implementing the corruption eradication for corruption crackdown	
二、澄清政府採購，防制黑金介入	35
B.Purging of governmental procurement to prevent the infiltration of illicit capital	
三、提昇查賄效能，端正投機選風	36
C.Enhancement of vote-buying crackdown performance to rectify electoral practices	
四、強化蒐證品質，嚴守程序正義	37
D.Strengthening of the evidence-gathering quality to uphold procedural justice	
五、秉持行政中立，落實依法行政	38
E.Upholding of the administrative neutrality to implement a lawful administration	
伍、工作重點	38
V.Work Emphases	
一、案件偵辦工作	38
A.Case Investigation and Processing Work	
(一) 貪瀆案件	38
1.Corruption/malfeasance Cases	
(二) 賄選案件	40
2.Vote-buying Cases	

二、專業精進工作 40

B. Professional Refinement Work

(一) 教育訓練 40

1. Educational Training

(二) 諮詢會議 41

2. Consultation Meetings

第二部分 廉政工作執行概況與成果 42

Part Two. Anti-corruption Work Implementation Status and Results

壹、案件偵辦工作 43

I. Case Investigation and Processing Work

一、移送案件統計 44

A. Statistics on Referred Cases

(一) 歷年移送統計 45

1. Statistics on Referred Cases Over the Years

(二) 移送法律統計 55

2. Statistics on Applicable Laws of Referred Cases

(三) 嫌疑人資統計 70

3. Statistics on Suspect Demographics

二、賄選案件統計	78
B.Statistics on Vote-buying Cases	
(一) 歷年起訴統計	79
1.Statistics on Indictment Cases Over the Years	
(二) 起訴法條統計	83
2.Statistics on Applicable Articles of Indictment Cases	
(三) 賄選型態統計	84
3.Statistics on Vote-buying Modes	
貳、專業精進工作	89
II.Proficiency Refinement Work	
一、辦理廉政專精講習	89
A.Staging Anti-corruption Refinement Seminars	
二、運用網路交流學習	90
B.Utilizing the Internet to Exchange Learning	
三、研編案例研究報告	91
C.Researching and Compiling Case Study Reports	
四、召開公共工程諮詢委員會議	92
D. Convening Consultation Committee Meetings for Public Projects	

第三部分 102 年社會矚目案件偵辦輯要 94

Part Three. Summary of Investigating High Profile Cases in 2013

壹、高雄關稅局關員涉嫌集體貪瀆案 95

I. Suspected Collective Corruption Case of Customs Employees in Kaohsiung Customs Bureau

貳、臺北雙子星大樓開發涉嫌不法案 97

II. Suspected Illegal Case for the Development of Twin-Tower Building in Taipei

參、新竹縣議員林○○等涉嫌集體收取地方補助款回扣案 98

III. Suspected Case of Kickbacks Received by Legislator Lin ○○ and others in Hsinchu County from Local Subsidies

肆、僑力公司簡○○涉嫌行賄仲裁委員等不法案 100

IV. Illegal Case of Jian○○ in Sunlit Corp. Bribing Judges

伍、臺中市議會秘書長陳○○等涉嫌不法等案 102

V. Illegal Case of Secretary General Chen ○○ in Taichung City Council

第四部分 102 年起訴案例簡介 103

Part Four. Summary of Indictment Cases in 2013

案例 01 補助款類 104

新竹縣議員林○○等涉嫌集體收取地方補助款回扣案

Case 01 Subvention

Suspected Case of Kickbacks Received by Legislator Lin ○○ and others in Hsinchu County from Local Subsidies

案例 02 公共工程類 105

臺北雙子星大樓開發涉嫌不法案

Case 02 Public Construction

Suspected Illegal Case for the Development of Twin-Tower Building in Taipei

案例 03 採購類 107

中油大林廠煉油廠廠長林○○等辦理四號浮筒海底管線
檢測採購涉嫌不法案

Case 03 Procurement

Illegal case of the Head of CPC Refinery Lin ○○ in Dalin on Procuring the Underwater Pipeline for Testing Buoy No. 4

案例 04 採購類 108

苗栗縣竹南鎮公所清潔隊辦理垃圾車採購涉嫌不法案

Case 04 Procurement

Illegal Case of Cleaning Team in Zhunan Township Administration, Miaoli County on Procuring Garbage Trucks

案例 05 司法貪瀆類 109

僑力公司簡○○涉嫌行賄仲裁委員等不法案

Case 05 Corruption

Illegal Case of Jian ○○ in Sunlit Corp. Bribing Judges

案例 06 司法貪瀆類 110

臺灣高等法院臺中分院法官胡○○涉嫌向當事人索賄案

Case 06 Corruption

Suspected Bribery of Judge Hu ○○ in Taiwan Supreme Court of Taichung

案例 07 關務類 111

高雄關稅局關員涉嫌集體貪瀆案

Case 07 Customs

Suspected Collective Corruption of Customs Employees in Kaohsiung Customs Bureau

案例 08 警政類 112

高速公路警察第五隊等查緝超載勾結業者陳○○涉嫌不法案

Case 08 Police Administration

Suspected Illegal Case of Highway Police Force No. 5 as Accomplice with Overloading Truck Drivers Chen ○○

案例 09 警政類 113

電玩業者劉○○等涉嫌勾結行賄警方不法案

Case 09 Police Administration

Suspected Illegal Case of Telecommunication company Liu ○○ Bribing Police

案例 10 地政類 114

內政部土地重劃工程處賴○○涉嫌浮報差旅費不法案

Case 10 Land Administration

Suspected Illegal Case of Lai ○○ in Engineering Team of Land Re-development under Ministry of Internal Affairs for False Budgeting

案例 11 環保類 115

新竹縣環保局人員涉嫌包庇達鑫公司不法案

Case 11 Environmental Protection

Suspected Illegal Case of Employees in Environmental Protection Bureau of Hsinchu County Covering up for Dashin Corp.

案例 12 其他類 117

嘉義縣大林鎮瑞記碾米廠李○○盜賣公糧涉嫌不法案

Case 12 Others

Suspected Illegal Case of Lee ○○ in Ruiji Rice Grinding Factory in Dalin Town Selling Public Rice in Private

案例 13 農漁會賄選類 118

102 年基隆區漁會理事長選舉候選人謝○○涉嫌賄選案

Case 13 Bribery within Farmers' and Fishermen's Associations

Suspected Bribery of Hsieh ○○ in Chairman Election of Keelung Fishermen's Association in 2013

案例 14 農漁會賄選類 119

102 年新北市泰山區農會理事長候選人林○○涉嫌賄選案

Case 14 Bribery within Farmers' and Fishermen's Associations

Suspected Bribery of Lin ○○ in Chairman Election of Taishan (New Taipei City) Farmers' Association in 2013

案例 15 農漁會賄選類 120

102 年桃園縣農會理事候選人郭○○等涉嫌賄選案

Case 15 Bribery within Farmers' and Fishermen's Associations

Suspected Bribery of Kuo ○○ in Chairman Election of Taoyuan County Farmers' Association in 2013

案例 16 農漁會賄選類 121

102 年南投縣國姓鄉農會理事長候選人莫○○涉嫌賄選案

Case 16 Bribery within Farmers' and Fishermen's Associations

Suspected Bribery of Mo ○○ in Chairman Election of Guoxing County Farmers' Association (Nantou County) in 2013

表 目 錄

List of Tables

表 2-01 102 年案件偵辦工作統計總表	122
------------------------	-----

Table 2-01 Summary Table of the Investigation Work Performed in 2013

表 2-02 102 年移送案件統計總表	123
----------------------	-----

Table 2-02 Summary of Statistics on Cases Referred in 2013

表 2-03 近五年移送案件統計表	124
-------------------	-----

Table 2-03 Statistics of Cases Referred in the Past 5 Years

表 2-04 102 年移送案件案源統計表	125
-----------------------	-----

Table 2-04 Statistics of Case Sources on Cases Referred in 2013

表 2-05 102 年移送案件主要適用法律統計表	126
---------------------------	-----

Table 2-05 Statistics of Key Applicable Laws on Cases Referred in 2013

表 2-06 近五年移送案件主要適用法律統計表之一 (以案數統計)	127
--------------------------------------	-----

Table 2-06 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years
(By No. of Cases)

表 2-07 近五年移送案件主要適用法律統計表之二 (以人數統計)	128
--------------------------------------	-----

Table 2-07 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years
(By No. of Suspects)

表 2-08 近五年移送案件主要適用法條統計表之一 (以貪污治罪條例為主要適用法條)	129
---	-----

Table 2-08 Statistics of Key Applicable Articles of the Anti-corruption Act on Cases Referred in the Past 5 Years

表 2-09 近五年移送案件主要適用法條統計表之二 (以刑法為主要適用法條)	130
---	-----

Table 2-09 Statistics of Key Applicable Articles of the Criminal Code on Cases Referred in the Past 5 Years

表 2-10 近五年移送案件嫌疑人資料統計表 (以身分及性別統計)	131
--------------------------------------	-----

Table 2-10 Statistics of Suspects' Personal Information in Cases Referred in the Past 5 Years (By Status and Gender)

表 2-11 102 年移送案件嫌疑人資料統計表之一 (以主要適用法律及身分統計)	132
--	-----

Table 2-11 Statistics of Suspects' Personal Information in Cases Referred in 2013 (By Applicable Laws and Status)

表 2-12 102 年移送案件嫌疑人資料統計表之二 (以學歷及身分統計)	133
--	-----

Table 2-12 Statistics of Suspects' Personal Information in Cases Referred in 2013 (By Education and Identification)

表 2-13 近五年移送民選公職人員統計表	134
-----------------------	-----

Table 2-13 Statistics of Elected Public Servants Referred in the Past 5 Years

表 2-14 歷年賄選案件起訴情形統計表 (以案數統計)	135
---------------------------------	-----

Table 2-14 Historical Statistics of Indicted Vote-buying Cases Investigated by the Bureau (By No. of Cases)

表 2-15 近十年賄選案件起訴情形統計表 (以人數統計)	136
----------------------------------	-----

Table 2-15 Statistics of No. of Suspects in Indicted Vote-buying Cases in the Past 10 Years (By No. of Suspects)

表 2-16 102 年賄選案件起訴情形統計表 (以主要適用法條及被告人數統計)	137
---	-----

Table 2-16 Statistics of Vote-buying Cases Indicted in 2013
(By Key Applicable Laws and No. of Defendants)

表 2-17 近六年賄選案件賄選型態統計表	138
-----------------------	-----

Table 2-17 Statistics of Vote-buying Cases Indicted in the Past 6 Years

圖 目 錄

List of Figures

圖 2-01 102 年移送案件案源比例圖	139
-----------------------	-----

Figure 2-01 Scale Drawing of Case Sources on Cases Referred in 2013

圖 2-02 102 年移送案件主要適用法律比例圖之一 (以案數統計)	140
--	-----

Figure 2-02 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2013
(By No. of Cases)

圖 2-03 102 年移送案件主要適用法律比例圖之二 (以人數統計)	141
--	-----

Figure 2-03 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2013
(By No. of Suspects)

圖 2-04 102 年移送案件嫌疑人性別比例圖 (以身分及性別統計)	142
--	-----

Figure 2-04 Bar Chart of Ratios of Suspects' Gender Information on Cases Referred in 2013 (By Status and Gender)

圖 2-05 近五年移送公職人員身分比例圖	143
-----------------------	-----

Figure 2-05 Bar Chart of Ratios of Public Servants' Status Information on Cases Referred in the Past 5 Years

圖 2-06 近五年移送公職人員學歷比例圖	144
-----------------------	-----

Figure 2-06 Bar Chart of Ratios of Public Servants' Education-level Information on Cases Referred in the Past 5 Years

圖 2-07 102 年賄選案件賄選型態比例圖	145
-------------------------	-----

Figure 2-07 Pie Chart of Ratios of Vote-buying Cases Indicted in 2013

序言

Forewords



序言
Forewords

101年6月7日行政院第3301次院會通過「黃金十年 國家願景」計畫之願景三「廉能政府」之施政主軸一：「廉政革新」策略作法。其目標：「一、不願貪：型塑誠信反貪意識，健全國家廉政體制。二、不必貪：完善員工福利待遇，激勵提升服務品質。三、不能貪：強化公私部門治理，促進決策程序透明。四、不敢貪：打擊公私部門貪腐，維護社會公平正義。」政策方向，為實現「黃金十年」廉政革新願景，全力推動「廉能政府、透明台灣」之廉能政策主軸，讓民眾「安心」、「放心」，奠定廉政堅實基礎，以全面提升國家競爭力，落實聯合國反貪腐公約。

On June 7th 2012, the 3301 meeting in Executive Yuan passed a plan of “National Priorities for the Next Golden Decade” and “building a clean government” is one of the key focuses. It also includes “rolling out innovative policies to ensure a clean government” with the following goals: 1. Not willing to take bribery: build a culture of anti-corruption and implement a sound system. 2. No need to take bribery: provide better benefits and welfare for employees and incentivize civil servants to improve their services. 3. Unable to take bribery: strengthen the governance for both public and private sectors and ensure a transparent decision making process. 4. Afraid to take bribery: crack down on corruption cases in both public and private sectors to sustain justice in the society. To realize these visions, we will push for a clean government and a transparent country wholeheartedly by creating a “safe” and “worry-free” environment for our people. By building a strong anti-corruption foundation, we hope to improve our national competitiveness and implement United Nations Convention against Corruption.

「整飭貪瀆」自民國45年即為本局法定職掌之一，貪瀆防制工作內涵包括反貪、防貪與肅貪3方面，本局即置重心於肅貪案件偵辦，長年以來本局內外勤同仁秉持戰戰兢兢態度，戮力肅貪工作，歷年成果頗具成效，符合民眾、社會與上級機關期待。隨著時空環境的轉變，為契合時代需求，配合上述「廉能政府」之施政主軸，審酌貪瀆現況及趨勢，本局廉政工作執行重點及方式更須調整，朝向深耕轄區經營、針對易發生貪瀆舞弊之中央

或地方各級政府機關，全力發掘具指標性重大貪瀆線索，進行專案管理及辦案資源整合，採集體及計畫性辦案，積極提升案件偵辦能力，交出亮麗的肅貪成績。

Rectifying corruption culture has been one of the legal responsibilities of the Bureau since 1956. More specifically, our job includes anti-corruption initiatives, preventing and fighting corruption. The Bureau has been focusing on fighting corruption, and our colleagues have been very careful in stamping out corruption cases for the longest time whether they work in or out of the office. The result has proved to be quite effective and we have successfully met up with the expectations of people and our supervisors. As times and the environment have changed, we need to adjust our priorities and implementation methods in order to ensure that we are working towards our focus of building a “clean government” as afore-mentioned. We have shifted our focus to build more relationships within local precincts and excavate important leads that may lead to major corruption breakouts within central or local governments at all levels. We now focus on project management and coordinating resources to improve our ability to crack cases by collaborating with different parties in pre-planned projects. Ultimately, we hope to present an impressive result.

廉政署自 100 年 7 月成立後，本局肅貪案件偵辦工作，不再一枝獨秀，具獨占地位，民眾另有檢舉貪瀆案件管道，本局案源確受一定程度影響，惟打擊貪污無死角，僅賴本局執行肅貪尚難克盡其功，配合政府肅貪工作多元策略，整合國家廉政部門事權，結合廉政署共同肩負反貪重任，發揮「分進合擊、火網交叉」功能，達資源共享、集中能量、共同或協力偵辦之原則，形成檢察、調查、廉政統合的鐵三角關係，發揮結合肅貪能量，貫徹「國家廉政建設行動方案」，共同完成政府反貪腐的使命。

Ever since the Agency Against Corruption (AAC) was established in July 2011, our Bureau is no longer the only government agency to work on anti-corruption. People in Taiwan have more channels to report corruption cases so it is true that our sources of leads were affected. However, we must note that there shouldn't be any blind spot when cracking any case, so our Bureau must still be alert to fulfill our missions and accommodate the multi-disciplinary strategies of the government to coordinate the administrative responsibilities with different departments of anti-corruption and carry the responsibility of fighting corruption together with AAC. We should “attack our enemies together from different angles and crossfire” to combine and share our resources as well as energies to build an unbreakable triangle relationship between related departments of detection,

investigation and anti-corruption. We must leverage our anti-corruption energy to implement an “Action Plan of National Anti-corruption Constructions” to fulfill our mission of fighting corruption together.

任忠一

謹識

中華民國 103 年 7 月

Joey Chang

Date: July 2014

編輯說明

Editing description





編輯說明

Editing Description

壹、編輯目的

Editing Purposes

法務部調查局（下稱本局）廉政處每年皆編輯出版廉政工作年報（下稱本年報），旨在提供讀者瞭解本局廉政工作內容及各年度執行概況，期望藉由年報逐年的回顧與檢討，使本局廉政工作能不斷地精進調整。

The Anti-Corruption Division, Investigation Bureau (hereinafter referred to as the Bureau), Ministry of Justice compiles and publishes the Anti-Corruption Yearbook (hereinafter referred to as the Yearbook) on a yearly basis, aiming at helping readers understand the Bureau's anti-corruption work content and yearly execution statuses, in anticipation that by the annual reflection and review of the Yearbook, the Bureau will be able to continually refine and adjust its anti-corruption work.

貳、內容說明

Content Description

一、本年報第一部分「調查局廉政處簡介」，係針對本局廉政工作之法令依據、組織沿革、業務分工、工作目標及工作重點作說明，期使外界瞭解本局廉政處之組織架構、工作理念及執行方式。

Part One, “Profile of the Anti-Corruption Division, Investigation Bureau,” of the Yearbook aims at describing the legal and regulatory basis, organizational timeline, operational task-sharing, work objectives, and work emphases of the Bureau anti-corruption work, in anticipation that all sectors can understand the organizational structure, work philosophy, and execution methods of the Bureau's Anti-Corruption Division of the Bureau.

二、第二部分「廉政工作執行概況與成果」，係將本局廉政處於 102 年間業務推動情形，分案件偵辦工作及專業精進工作 2 部分，作統計分析與說明。

Part Two, “Anti-corruption Work Implementation Status and Results,” offers the statistical analysis and description on the operational promotional status of the Bureau’s Anti-Corruption Division in 2013, which encompasses two parts – the case investigation and processing work and the proficiency refinement work.

三、第三部分「102 年社會矚目案件偵辦輯要」，係就本局 102 年間偵辦且當時受社會矚目與政府重視之案件中，擇取 5 案例簡要敘述其調查歷程與影響，俾讀者瞭解本局承辦案件之艱辛不易。（英文版年報不含此部分）

Part Three, “2013 Summary of Investigating High Profile Cases” focuses on 5 major cases investigated by the Bureau in the year of 2013 that have attracted attention from both the society and the government by describing briefly the processes and influences of the investigation, so that the readers can understand the difficulties that the Bureau faces while undertaking cases. (This part is excluded from English version)

四、第四部分「102 年起訴案例簡介」，係篩選本局近兩年調查移送而檢察機關於 102 年間起訴之代表性案例 16 則，依案件類型編排，以方便讀者參閱各類型案件之犯罪態樣與手法。（英文版年報不含此部分）

Part Four, “2013 Summary of Prosecuted Cases,” discusses 16 representative cases investigated by the Bureau, which were referred to the District Prosecutors Offices in the past two years, and were then dealt with in 2013; these cases are arranged according to their case types, so that readers can conveniently refer to the criminal patterns and techniques of the various case types. (This part is excluded from English version)

參、凡例

Notes

一、本年報所用各項單位，年以國曆為準，案件以案為準，嫌疑人以人為準，金額以新臺幣為準。其中案件數量之計算，於移送時，1 份移送書計 1 案；逕行起訴時，1 份起訴書計 1 案。嫌疑人人數之計算，以移送書犯罪嫌疑人或起訴書被告之人次為準。其他項目之計算單位，則分別於各文章或圖表中說明。

1. For the units referred in the Yearbook, the “year” is “calendar year” , the “case” is in unit of “case” , the suspects are in unit of “person” , and the “amount” is in unit of “TWD” (Taiwan Dollar) . As for the counting of cases, when in the referral stage, each referral is counted as one case per document; in the indictment stage, one indictment is counted as one case. The count of suspects is based on the number of suspects in referral, or as defendants in the indictments. The units of other items are described in articles or figures.

二、各項數字之百分比，依實際需要之位數，採四捨五入計算。

2. The percentage of the figures is according to the actual number of digits necessary and calculated by rounding.

三、「貪瀆案件」與「非貪瀆案件」之區分，係以犯罪嫌疑人所觸犯之法條是否屬公務員身分犯（含適用刑法第 134 條規定加重其刑者）之法條為標準，若同案中有 1 人以上屬公務員身分犯，則該案件歸類為貪瀆案件。

3. The difference between “corruption/malfeasance cases” and “non-corruption/malfeasance cases” is based on whether the suspect is defined as a civil servant when violating the applicable law (including those applicable to additional penalties based on Article 134 in Criminal Law) ; if there is at least one civil servant involved in the case, then it is categorized as a corruption/malfeasance case.

四、移送案件「類型」之歸類原則，若公共工程弊端（含工程採購及其他公共工程弊端）同時屬醫療、教育、環保等型態，以公共工程類統計；若採購弊端（含勞務及財物採購）同時屬其他型態時，以採購類統計。

4. Classification principles for referred cases: “Maladministration of Public Works” (including public works procurement and other maladministration in public works), if also is some kind of “education” , “medical care” or “environment protection,” can be classified as category “public works” . “Maladministration of Procurement” (including labor and property procurement), if also is some kind of other categories, is classified as category “procurement.”

五、「公職人員」包含高階公務員、中階公務員、低階公務員、準公務員及民意代表；「非公職人員」係指不屬前述 5 項身分之人。「高階公務員」係指簡任 10 至 14 職等或層級相當之公務員；「中階公務員」係指薦任 6 至 9 職等或層級相當之公務員；「低階公務員」係指委任 5 職等以下或層級相當之公務員；「準公務員」定義有二，一為 95 年 6 月 30 日前移送或檢方逕行起訴之案件，係指貪污治罪條例第 2 條修正前所稱受公務機關委託承辦公務之人，二為 95 年 7 月 1 日以後移送或檢方逕行起訴之案件，係指刑法第 10 條第 2 項第 2 款所稱受國家、地方自治團體所屬機關依法委託，從事與委託機關權限有關之公共事務之人；「民意代表」包含中央及地方之各級民意代表。

5. “Public servant” refers to high, middle and low-ranking civil servant, quasi civil servant and representatives; “non-public servant” refers to people other than above five statuses. “High-ranking civil servant” refers to civil servants in position levels of 10-14, or equivalent; “middle-ranking civil servant” refers to civil servants in position levels of 6-9, or equivalent; “low-ranking civil servants” refers to civil servants in position levels of 5 and below, or equivalent. “Quasi civil servant” has two definitions; 1) cases referred to or prosecuted by prosecutors before June 30, 2006, and those who were commissioned by government agencies before the amendment of Article 2 of the Anti-corruption Act; 2) cases referred to or prosecuted by prosecutors after July 1, 2006, and those who were commissioned by the central government, local self-governing organizations, and their subordinate organizations, and were involved in public affairs within the authority of commissioned units according to Subparagraph 2, Paragraph 2, Article 10 of the Criminal Code. “Representatives” includes central and locally elected representatives at all levels.

六、「貪污金額」係指公務員、準公務員或其共犯因涉嫌貪瀆所獲之不法利益；「圖利金額」係指因公務員觸犯職務上或非職務上之圖利罪，受圖利人所獲之不法利益；「採購金額」係指採購案件中發生違法情事標案之決標金額或預算金額；「其他犯罪金額」係指不屬前述 3 項之犯罪金額。

6. “Corruption amount” refers to the illegal profits earned by civil servants, quasi-civil servants, or their accomplices while under suspicion of corruption. “Profiting amount” refers to the illegal profits generated by civil servants with mercenary intention, whether utilizing the capacity of their offices. “Procurement amount” refers to the final tender price or budget amounts in

procurement cases that involved illegal collusion. “Others” refers to crime amounts that did not belong to the above categories.

- 七、「主要適用法律」及「主要移送法條」，係指案件或嫌疑人所適用之法律（法條），若同一案件或嫌疑人觸犯 2 種以上之法律（法條）時，以法定刑較重之法律（法條）統計。
7. “Key applicable laws” and “key applicable articles on referral” refer to the law applicable to the cases or to the suspects. When the same case or suspect involves in offenses under two or more applicable laws, the heavier punishable law shall prevail.
- 八、「學歷統計」，以犯罪嫌疑人畢業之學歷為準，若屬肄業者，則以次一級之學歷統計。
8. “Education statistics” are based on the graduation qualifications of the suspects; if they did not graduate, they are categorized in the next lower level of education level.

第一部分 調查局廉政處簡介

Part One. Profile of the Anti-Corruption Division, Investigation Bureau



第一部分

Part One. Profile of the Anti-Corruption Division, Investigation Bureau

調查局廉政處簡介

調查局廉政處簡介



第一部分 調查局廉政處簡介

Part One. Profile of the Anti-Corruption Division, Investigation Bureau

壹、法令依據

I. Legal and Regulatory Basis

修正前之法務部調查局組織條例第 2 條規定：「法務部調查局掌理有關危害國家安全與違反國家利益之調查、保防事項。前項調查、保防事項，由行政院定之。」謹就歷年來行政院修正核定本局職掌與廉政工作相關部分，簡要說明如下。

As stipulated under Article 2 of the pre-amended Investigation Bureau, Ministry of Justice Organization Act: “The Investigation Bureau, Ministry of Justice is in charge of the investigative and safeguard matters related to the endangerment of national security and the violation of national interests. The aforesaid investigative and safeguard matters are to be defined by the Executive Yuan.” An abridged explanation on what the Executive Yuan has amended and promulgated, over the years, of the Bureau’ s administrative responsibility and the portion related to the anti-corruption work is provided below.

行政院於民國（下同）45 年 8 月 27 日以臺 45（內）字第 4711 號令頒布本局 10 項工作職掌，其中第 5 項「貪污瀆職事項」及第 10 項「上級機關特交之調查保防事項」，即為本局執行廉政工作之法令依據。

The Executive Yuan has on August 27th, 1956 promulgated the Bureau’ s ten administrative responsibilities, and among them, item 5 “corruption and malfeasance matters” and item 10 “investigative and safeguard matters specifically entrusted by superior agencies” have come to provide the legal and regulatory basis of the Bureau’ s execution of anti-corruption work.

自 80 年第 2 屆國民大會代表選舉開始，本局即奉行政院及法務部指示，以專案方式投入歷次選舉之賄選查察工作；迄 87 年 10 月 30 日，行政院以臺 87 法字第 53381 號函

修正核定本局職掌為 9 項，其中第 4 項「貪瀆防制及賄選查察事項」，明確將查察賄選工作列為本局職掌，另第 9 項則將文字修正為「上級機關特交有關國家安全及國家利益之調查、保防事項」。

At the onset of the second National Assembly representative elections in 1991, the Bureau received instructions from Executive Yuan and Ministry of Justice through the means of special project to join the vote-buying investigation and crackdown work in successive elections; until October 30th, 1998, the Executive Yuan approved the Bureau' s nine administrative responsibilities subject to Official Document No. 53381 issued by Ministry of Justice (1998) , and among them, item 4 “corruption/malfeasance prevention and vote-buying investigation and crackdown matters,” has clearly enlisted vote-buying investigation and crackdown work as part of the Bureau' s administrative responsibility, while item 9 has the text amended to “pertinent national security and national interest investigative and safeguard matters specifically entrusted by superior agencies.”

96 年 12 月 19 日，總統華總一義字第 09600170531 號令，修正公布法務部調查局組織法名稱（原名稱：法務部調查局組織條例）及全文 16 條；97 年 3 月 20 日，行政院授研綜字第 0972260255 號令，定自 97 年 3 月 1 日施行。該法第 2 條以列舉方式明文規定本局掌理之 20 項事項，其中第 4 款「貪瀆防制及賄選查察事項」及第 20 款「上級機關特交有關國家安全及國家利益之調查、保防事項」，即為本局執行廉政工作之法令依據。

On December 19th, 2007, the Organic Act for Investigation Bureau, per Official Document No. 09600170531 issued by President' s Office, Ministry of Justice (formerly the Organic Statute for Investigation Bureau, Ministry of Justice) amended and announced all of its 16 articles, and have gone into effect on March 1st, 2008 subject to the order issued by Executive Yuan No. 0972260255 dated March 20th 2008. Article 2 of said law itemized the Bureau' s 20 categorized responsibilities, and among them, Subparagraph 4 “corruption/malfeasance prevention and vote-buying investigation and crackdown matters” and Subparagraph 20 “pertinent national security and national interest investigative and safeguard matters specifically entrusted by superior agencies” have come to provide the legal and regulatory basis of the Bureau' s execution of anti-corruption work.



貳、組織沿革

II. Organizational Timeline

本局廉政工作在民國 68 年 5 月以前，原由本局第一處負責辦理。由於是年我國政、經遭到鉅變，行政院為有效遏阻經濟犯罪，保障民眾權益，維護經濟秩序，經多次召集專案會議，於同年 5 月責令本局成立「經濟犯罪防制中心」，接辦原第一處有關犯罪調查業務，並報奉行政院 68 年 6 月 8 日台 68 法字第 5584 號函核准後正式運作。同年 8 月復依據院頒「端正政風整肅貪污方案」，將該中心擴編為「貪污及經濟犯罪防制中心」，以加強貪污及經濟犯罪之防制工作。

The Bureau's anti-corruption work, up to May 1979, was handled by Division One of the Bureau. Yet with drastic changes taking place in Taiwan's politics and economy that year, the Executive Yuan, in a bid to deter economic crime, safeguard the public equity, and maintain the economic order, summoned project meetings on a number of occasions, and, in May of the same year, ordered the Bureau to establish the "Economic Crime Prevention Center" to take over Division One's pertinent crime investigation operations. The Center was declared to and approved by Executive Yuan to begin its formal operation on June 8th, 1979. In August of the same year, once again according to the "Rectification of Political Practices and Eradication of Corruption Plan" the Executive Yuan has promulgated, said center has been expanded and organized into the "Corruption and Economic Crime Prevention Center" in order to step up the prevention work against corruption and economic crime.

嗣因各界對澄清吏治、檢肅貪瀆之期盼日益殷切，本局乃奉行政院第 2095 次院會決議及行政院 78 年 2 月 14 日臺 78 法字第 3984 號函指示，於 78 年 2 月成立「肅貪處」專責辦理肅貪業務，置處長 1 人由副局長兼任、執行長 1 人、副處長 2 人，下設 5 個科，並就當時現有人力調派 505 人，在各外勤調查處、站成立肅貪科、組，另同時成立北、中、南、東 4 個地區機動工作組，專責偵辦重大貪瀆案件。至此，廉政工作遂與本局其他犯罪調查業務區隔，獨立為一重點工作。

Subsequently, in response to the increasing anticipation for administrative governance transparency and corruption/malfeasance eradication by all sectors of the society, the Bureau, as ordered by the Executive Yuan, subject to the Meeting Resolution of No. 2095 in Executive Yuan with Official Document No. 3984 issued by Ministry of Justice (1989) dated Feb 14th, 1989, has established the

“Division Against Corruption” in February 1989 to be specifically responsible for handling anti-corruption operations. This Division was manned by one Division Director, held concurrently by the Deputy Director General of the Bureau, one Executive Officer, two Division Deputy Directors, and was supported by five sections, where, by its existing manpower, 505 associates were staffed at the time. These associates were assigned to inaugurate Sections and Units Against Corruption at various Field Investigation Divisions and Offices. Simultaneously, in northern, central, southern, eastern Taiwan, four Region Mobile Office Units were established to be specifically responsible for investigating and processing major corruption/malfeasance cases. At such point, the anti-corruption work has been segregated from the Bureau’ s other crime investigation operations as an independent focused taskforce.

79 年間，經研討再做業務上之精進與作業流程的改進，確立肅貪工作最高指導原則為「預防重於偵辦，偵辦也為預防」，報奉行政院 79 年 10 月 4 日臺 79 法字第 28363 號函核准，於 80 年 2 月 1 日將「肅貪處」更名為「廉政處」，除全面指導外勤調查處、站及機動工作組主動發掘偵辦重大貪瀆案件外，更積極協調各機關政風機構及稅、關務監（督）察等相關單位加強貪瀆預防的措施，以求達到端正政風，澄清吏治之目的。

In 1990, with further research made for operational refinement and process flow improvement, the anti-corruption work’ s foremost guidance principle was established as “prevention outweighs investigation, and investigation is also made for prevention.” A declaration made with the Executive Yuan on October 4th, 1990 has approved to rename the “Division Against Corruption” on February 1st, 1991 to “Anti-Corruption Division” subject to Official Document No. 28363 issued by Ministry of Justice (1990) which not only acts to instruct Field Investigation Divisions and Offices, and mobile office units to actively uncover, investigate, and process major corruption/malfeasance cases, but also to actively coordinate various agencies’ Government Employee Ethics Units and taxation and customs inspection (supervision) units to step up anti-corruption prevention measures in a bid to attain the objectives of rectifying political practices and bringing transparency to administrative governance.

嗣奉行政院 81 年 3 月 26 日第 33 次及同年 4 月 23 日第 34 次治安會報主席裁示，為加強公共工程弊端案件之防制與偵辦，本局於 81 年 5 月 1 日在廉政處成立「公共工程弊端防制專案小組」，負責規劃、推動、執行本項業務，另調派東部地區機動工作組全員成立「重大公共工程弊端查察小組」，專責辦理重大公共工程弊端案件，並責成所屬各外勤處、站、組加強結合政風機構人員，針對該類案件強化情資之掌握，積極蒐證偵辦。



According to the Executive Yuan chairperson's rulings at the 33rd and 34th security enforcement meetings held on March 26th and April 23rd respectively in 1992, in order to step up the prevention, investigation, and processing of public works project fraud cases, the Bureau has on May 1st, 1992 established the "Public Works Project Fraud Prevention Taskforce" in the Anti-Corruption Division. It is responsible for planning, promoting, and implementing the operation. All members of the Eastern Region Mobile Office Unit were assigned to form the "Major Public Works Project Fraud Investigation and Crackdown Taskforce." This taskforce is specifically responsible for handling major public works project fraud cases, and has also ordered various pertaining field divisions, offices, and units to step up the integration of Government Employee Ethics Officers aiming at enhancing the grasp of information by an active gathering of evidence and pursuit of investigation and processing on such cases.

91 年 1 月 16 日東部地區機動工作組歸建，另為簡化廉政案件審核流程、提昇工作效能，秉持「案件指導一貫性」之原則，於同年 7 月 1 日起重新調整廉政處各科之業務分工如下：第一、二、三科為偵辦科，第四科為預防科，第五科為綜合科，原「公共工程弊端防制專案小組」業務歸第一科辦理，同時將原由第三科承辦之賄選查察業務移由第一科辦理，迄 95 年 9 月 8 日查賄工作復劃歸由第四科接辦。

On January 16th, 2002, the Eastern Region Mobile Office Unit was restructured. And also, in a bid to simplify the verification process of corruption cases and enhance work efficiency by upholding the "case guidance consistency" principle, the operational task-sharing for various Sections under the Anti-Corruption Division have been readjusted as of July 1st of the same year as follows: Sections One, Two, and Three are the Investigation Sections, Section Four is the Prevention Section, and Section Five is the General Section. The previous "Public Works Project Fraud Prevention Taskforce" is now revamped to being under the operations of Section One, while vote-buying investigation and crackdown operation once processed by Section Three was taken over by Section One, and from September 8th, 2006, the vote-buying investigation and crackdown work is reclassified and taken over by Section Four.

民國 90 年代，國內重大貪瀆弊案迭起，新聞媒體爭相追逐報導，社會大眾反貪腐意識高漲，法務部擬定之「反貪行動方案」於 95 年 11 月 30 日經行政院核定生效，從肅貪、防貪二方面著手整飭貪瀆、澄清吏治，本局為配合政府政策，經內、外勤單位多次開會研商後，研定「強化廉政工作方案」，從「簡化辦案流程」、「調整肅貪人力」、「修定績效評定要點」及「提高廉政工作績效比重及行政獎勵」，導引各外勤單位提昇主動發掘案

件能量，善盡主動調查權責，嚴守辦案程序正義，加速案件處理時效，偵辦重大指標性案件，並申設 0800-007-007 免付費「反貪腐專線」，鼓勵民眾踴躍檢舉，以具體行動展現反貪、肅貪決心。

From 2000 to 2010, with the repeated major anti-corruption cases in Taiwan drawing intense coverage by the news media, prompting the masses with a rising anti-corruption awareness, the Ministry of Justice has formulated an “Anti-corruption Action Proposal,” and the Executive Yuan has on November 30th, 2006 approved for it to go into effect. Eradicating corruption/malfeasance and upholding administrative governance transparency are approached from two aspects, corruption eradication and corruption prevention, which the Bureau, in supporting the government policy, has convened meetings with internal duty and field duty units on several occasions to study, discuss, and finalize the “Stepped-up Anti-corruption Task Proposal,” and this is to be manifested through “Simplifying the case-processing flow,” “Adjusting the anti-corruption manpower,” “Amending the performance evaluation guideline,” and “Increasing anti-corruption work performance weighing and administrative rewards,” by which to guide all field duty units to raise their energy in actively uncovering the cases, fulfill their powers and responsibilities in active investigation, strictly uphold justice in case processing procedure, accelerate case processing effectiveness, investigate and process major benchmark cases, and also to install a toll-free “anti-corruption hotline” 0800-007-007 to encourage the general public to send in tips and leads with tangible action to demonstrate their anti-corruption and corruption eradication determination.

96 年 12 月 19 日總統公布、97 年 3 月 1 日施行之法務部調查局組織法，將廉政處法制化，另法務部 97 年 10 月 17 日法令字第 0970803813 號令 修正發布調查局處務規程全文 27 條，並溯自 97 年 3 月 1 日施行，依據第 4 條第 1 項第 2 款「廉政處，分五科辦事。」及第 6 條「廉政處掌理下列事項：一、貪瀆、賄選案件調查與預防工作之規劃、指導、協調及考核。二、上級機關特交有關國家安全與國家利益及廉政相關之調查。三、其他有關廉政事項。」即為廉政處組織及職掌現況。

The Organic Act for Investigation Bureau, Ministry of Justice, which was announced on December 19th, 2007, by the president, went into effect on March 1st, 2008 to legalize the Anti-Corruption Division. The Ministry of Justice has also amended and announced all of the 27 Articles in the Investigation Bureau’ s Regulations for Departmental Affairs on October 17, 2008 subject to an order



issued by Ministry of Justice No. 0970803813, and which had been implemented back in March 1st, 2008, and according to Subparagraph 2, Paragraph 1, Article 4, “The Anti-Corruption Division is to carry out its mission through five sections,” and Article 6, “The Anti-Corruption Division is in charge of the following undertakings: I. The planning, guidance, coordination, and evaluation of corruption/malfeasance and vote-buying case investigation and prevention work. II. National security, national interest, and anti-corruption-related investigation specifically entrusted by superior agencies. III. Other pertinent anti-corruption undertakings.” which constitute the current state of Anti-Corruption Division’ s organization and administrative responsibility.

參、業務分工

III.Operational Task-sharing

廉政處主管本局廉政業務，置處長綜理處務，副處長、專門委員襄助處理處務。

The Anti-Corruption Division is in charge of the Bureau’ s anti-corruption operations, and is headed by the Division Director, who oversees the overall management of departmental affairs, and the Deputy Director and Senior Specialists, who assist with the processing of departmental affairs.

一、101 年 4 月 9 日以前，廉政處下設 5 個科，各科業務分工分述如下：

A.Prior to April 9th, 2012, the Anti-Corruption Division is divided into five sections, where each section’ s operations task-sharing is described below:

第一科：掌理公共工程弊端案件、財物勞務採購舞弊案件之偵查偵辦、行政處理等策劃督導業務。

Section 1:In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, and monetary goods and labor rendered procurement fraud cases.

第二科：掌理北部及東部地區一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Section 2: In charge of the operational planning and supervision on the investigating and administrative processing of general corruption/ malfeasance cases in the northern and eastern regions, and cases specifically assigned by superior agencies.

第三科：掌理中部及南部地區一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Section 3: In charge of the operational planning and supervision on the investigating and administrative processing of general corruption/ malfeasance cases in the central and southern regions, and cases specifically assigned by superior agencies.

第四科：掌理查察賄選專案之規劃執行，移送案件偵辦流程複閱審查，貪瀆案例研究報告審核，本局內部網路廉政資料庫建置更新，廉政工作年報編輯，廉政工作手冊、犯罪調查作業手冊之編修訂等業務。

Section 4: In charge of operations on the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases, the review and approval of the study reports of the corruption/ malfeasance cases, the installation and update of the internal network anti-corruption database of the Bureau, the editing and compiling of the anti-corruption yearbook, and the compiling and amending of the anti-corruption work handbook and criminal investigation operations handbook.

第五科：掌理廉政工作之策劃管考、業務統計、教育訓練、績效評定等綜合業務，籌備公共工程諮詢委員會議及不定期業務研討會議等，協調聯繫財政部賦稅署第四組等單位及辦理本處一般行政業務。

Section 5: In charge of general operations on the planning, monitoring, evaluation, business statistics, educational training, and performance evaluation of the anti-corruption work, the organizing of public works consultative committee meetings and irregular operations review



meetings, the coordinating and contacting of Division Four, Taxation Agency, Ministry of Finance among other pertinent units, and the processing of the general administrative operations in the Division.

二、101 年 4 月 9 日以後，廉政處暫整合為 4 個科，各科業務分工分述如下：

B.As of April 9th, 2012, the Anti-Corruption Division has been temporarily restructured into four sections, where each section's operations task-sharing is described below:

北部偵辦科：掌理北部地區及金門、馬祖、宜蘭等地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Northern Region Investigation Section:

In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the northern region, and Kinmen, Matsu and Yilan areas, and cases specifically assigned by superior agencies.

中部偵辦科：掌理中部地區及花蓮、臺東等地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Central Region Investigation Section:

In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases in the central region, and Hualien and Taitung areas, and cases specifically assigned by superior agencies.

南部偵辦科：掌理南部地區及澎湖地區之公共工程弊端案件、財物勞務採購舞弊案件、一般貪瀆案件及上級特交案件之偵查偵辦、行政處理等策劃督導業務。

Southern Region Investigation Section:

In charge of the operational planning and supervision on the investigating and administrative processing of public works fraud cases, monetary goods and labor rendered procurement fraud cases, general corruption/malfeasance cases

in the southern region and Penghu area, and cases specifically assigned by superior agencies.

賄選查察科：掌理廉政工作之策劃管考、業務統計、教育訓練、績效評定等綜合業務，籌備公共工程諮詢委員會議及不定期業務研討會議，協調聯繫財政部賦稅署監察組及關務署督察室等單位，檢調業務連繫，查察賄選專案之規劃執行，移送案件偵辦流程複閱審查，貪瀆案例研究報告審核，本局內部網路廉政資料庫建置更新，廉政工作年報編輯，廉政工作手冊、犯罪調查作業手冊之編修訂及辦理本處一般行政業務。

Vote-buying Investigation Section:

In charge of general operations on the planning, monitoring, evaluation, business statistics, training, and performance evaluation of the anti-corruption work; organizing consultation committee meetings for public projects and operations review meetings on an irregular basis; coordinating and contacting Taxation Agency and Customs Administration under Ministry of Finance as well as other units to review coordination among different units; reviewing the planning and execution of the vote-buying investigation and crackdown project, the reexamination and review of the investigation and processing procedure of the referred cases; reviewing and approving the case studies of the corruption/malfeasance cases; building and updating internal anti-corruption database; editing and compiling anti-corruption yearbook, manual and criminal investigation operations SOP, as well as administrative works.

肆、工作目標

III.Work Objectives

一、查緝重大貪瀆，貫徹肅貪決心

A.Determination of implementing the corruption eradication for corruption crackdown

本局素為我國肅貪機關之一，五十餘年來肩負整飭貪腐使命，累積豐富貪瀆案件偵辦經驗，除培養出大批幹練的第一線調查人員外，亦建置精實的科技、鑑識與通訊監察等後勤支援，可謂是一支訓練精良、組織嚴謹的肅貪打擊部隊。

The Bureau, one of Taiwan's corruption eradication agencies, has consistently shouldered the mission of eradicating corruption and graft for more



than fifty years, and has accumulated an abundance of corruption/malfeasance case investigation and processing experience. Not only has it culminated many frontline investigation personnel, but also installed solid logistical support, such as technology, forensic identification, communication, and surveillance, making it a well-trained, highly organized anti-corruption infiltration unit.

政府為展現打擊貪腐決心，回應民眾期許，於 100 年 7 月 20 日成立專責廉政機構—法務部廉政署，從事反貪、防貪與肅貪工作，惟仍期許本局繼續執行原來職掌之一「貪瀆案件調查工作」，與廉政署分進合擊，為建設廉潔家園而共同努力。是以，本局仍將秉持一貫的肅貪決心，側重案件偵辦，尤其專注發掘層級高、集團性或犯罪金額龐大之重大貪瀆線索，以具體查緝行動，支持政府達成澄清吏治之目標。

The government, to demonstrate its determination in fighting corruption and graft and respond to public anticipation, has on July 20th, 2011 established a full-time anti-corruption institution – Agency against Corruption, Ministry of Justice. It is in charge of conducting anti-corruption, corruption prevention, and corruption eradication work, yet still anticipates the Bureau to continue executing one of its previous responsibilities, “corruption/malfeasance case investigation work,” and by working alongside the Agency against Corruption, they look to build a transparent and clean homestead of transparency through joint efforts. With that said, the Bureau will continue to uphold its consistent corruption-eradicating determination by focusing on case investigation and processing, particularly emphasizing on the uncovering of major corruption/malfeasance leads, such as those that are on a higher level, are of organized crime, or involve a substantial amount of money, and the tangible crackdown action to support the government’s objective of achieving administrative governance transparency.

二、澄清政府採購，防制黑金介入

B.Purging of governmental procurement to prevent the infiltration of illicit capital

本局偵辦公務員利用經辦公共工程採購、財物採購或勞務採購之機會從事收賄、舞弊等貪瀆犯行，歷年來均占當年度貪瀆案件偵辦類型之相當大比例。廠商為爭食政府採購，往往不擇手段，財力雄厚或勢力強大者則邀集他家廠商共同圍標，分配利益，另為確保得標或獲取更高額利潤，則對具影響力之公務員施以賄賂或其他手段，由於「額外成本」增加，因此履約必須偷工減料，然而為順利通過驗收，尚須再次對具影響力之公務員施以賄賂或其他手段。經此公務員與廠商分贓分食之政府採購，品質確實堪憂，公帑為之浪費，

故本局廉政工作重點之一，在藉偵辦手段，嚴懲並防制黑金介入，尤以重大公共工程與巨額採購為注偵目標，期能建構一個公平潔淨的政府採購環境。

Over the years, the Bureau' s investigation and processing of civil servants who seize the opportunity of engaging in corruption/malfeasance criminal conducts, such as accepting bribery and committing fraud through the processing of pubic construction procurement, monetary goods procurement, or labor rendered procurement have consistently accounted for a significant percentage of the types of corruption/malfeasance cases invested and processed in that particular year. Contractors, in fighting for government procurement, tend to be reckless, where well-heeled or powerful ones tend to call together other contractors to perform bid rigging and distribute the benefits. While, to ensure securing the bid or obtaining higher profit margins, these contractors would solicit influential civil servants with bribes or by other means. Due to increased "extra costs" , contractors would be invariably led to jerry build in order to meet contract requirements; however, to successfully pass the acceptance inspection, there is the need to once again solicit influential civil servants with bribes or by other means. Through colluding and sharing the proceeds of government procurement between civil servants and contactors, the quality is to be worried, and public funds are wasted, thus one of the Bureau' s anti-corruption work focuses, through the means of investigation, is on the severe punishment and prevention of illicit funding infiltration, particularly honing in on major public works and large sum procurement as the focused investigation targets, in anticipation to construct a fair and clean government procurement environment.

三、提昇查賄效能，端正投機選風

C.Enhancement of vote-buying crackdown performance to rectify electoral practices

賄選文化係貪瀆弊端發生主因，治本之道在結合檢察、調查及警察機關之力量，加強地方首長、民意代表選舉查察賄選工作，以收正本清源之效。歷年來，針對各項公職人員、農漁會或農田水利會選舉，本局皆成立專案配合檢察機關執行查賄工作，並全力動員內外勤同仁，機先發掘賄選情資，積極查處賄選案件，貫徹政府端正選風、維護選舉秩序之決心，藉以樹立公平乾淨的選舉環境。

With the vote-buying culture being the main reason leading to the occurrence of corruption and malfeasance practices, a permanent cure lies in the



combination of strength of the prosecution, investigation, and police agencies, where they step up the vote-buying investigation and crackdown work on local senior official and representative elections to achieve effectiveness by getting to the root of the problem. Over the years, in response to various public servant, farmers' and fishermen's association, or irrigation association elections, the Bureau invariably sets up a taskforce to support the prosecution agency in executing the vote-buying investigation and crackdown work, and also fully mobilizing its internal duty and field duty associates to uncover and obtain vote-buying information, actively investigate and process vote-buying cases, by which to enforce the government's determination to rectify election practices and maintain the election order, and in turn to erect a fair and transparent voting environment.

四、強化蒐證品質，嚴守程序正義

D.Strengthening of the evidence-gathering quality to uphold procedural justice

現行法院實務對於證據之證據能力，要求越趨嚴格，辯方也常以控方證據調查過程具有瑕疵為由，加以抗辯，因此提升本局偵辦案件之定罪率，達到懲奸除惡目的，是本局終極目標。本局於 93 年訂定各項辦案程序規章，並因應法規修正而隨時調整細部內容，每年亦舉辦廉政工作專精講習，其目的均在教育同仁嚴守程序正義，務使證據調查過程合乎法令，以完足而有效的證據證明嫌疑人犯罪。

With the current court practice becoming increasingly stringent with the evidential power of the evidence presented, the defendant often resorts to the counterargument that the evidence investigation process provided by the plaintiff contains defects; hence, increasing the conviction rate on cases that the Bureau investigates and processes and attaining the objective of punishing and eradicating the unscrupulous has been the Bureau's ultimate goal. In 2004, the Bureau formulated various SOPs and guidelines, and adjusted the details subject to law amendments in a timely manner. The Bureau has also held anti-corruption seminars on a yearly basis to remind and educate our fellow associates to strictly abide by procedural justice and to ensure that their evidence-gathering process conforms to the legal requirements. So when they prove any suspect to be guilty, they have complete and effective evidence in hand.

五、秉持行政中立，落實依法行政

E.Upholding of the administrative neutrality to implement a lawful administration

「行政中立」是本局的一貫立場，為精實我國民主法治根基，無論涉嫌對象所屬政黨、地方派系或宗教，只要具有貪瀆、賄選等犯罪嫌疑，本局定當依法偵辦，進行調查，務使民眾感受「調查局是國家的調查局、民眾的調查局、服務的調查局」。

Maintaining “administrative neutrality” has been the consistent stance of the Bureau, and in a bid to strengthen the foundation of Taiwan’s democratic nomocracy, regardless of the political party, local fraction, or religion of the alleged suspects, as long as there are suspicion of criminal acts, such as corruption/malfeasance, or vote-buying, the Bureau will invariably investigate and prosecute the cases in compliance with the law, ensuring that the general public is able to perceive that “the service-oriented Investigation Bureau is here to serve the nation and the general public with the greater public good in mind.”

伍、工作重點

V.Work Emphases

一、案件偵辦工作

A. Case Investigation and Processing Work

(一) 貪瀆案件

1.Corruption/malfeasance Cases

偵辦公務員貪瀆犯罪，是本局廉政工作核心業務。所謂「貪瀆案件」，指刑法第 10 條第 2 項規範之公務員違犯貪污治罪條例、刑法瀆職罪章、刑法第 134 條不純粹瀆職罪或其他法律規定具此公務員身分始得成立之犯罪案件。

The investigation and processing of civil servants corruption/malfeasance crime is the core operation of the Bureau’s anti-corruption work. The so-called “corruption/malfeasance cases” refer to criminal cases where civil servants breach the Punishment of Corruption Act stipulated under Paragraph 2, Article 10 of the Criminal Code, breach of Offenses of Malfeasance in Office Chapter of the Criminal Code, non-simple breach of Offenses of Malfeasance in Office as



stipulated under Article 134 of the Criminal code, or where a civil servant identify is required as stipulated by other laws before a case may sustain.

本局一旦發現貪瀆案件線索，即立案進行調查，務求毋枉毋縱。然而有若干線索，如廠商圍標借牌行為、司法詐欺行為、民眾破壞國土行為、民眾觸犯環保法令之行為，形式上雖非屬前述「貪瀆案件」，惟鑒於該等行為與公務員勾聯之可能性相當高，本局亦予立案調查，經查證後認無公務員牽涉其中者，則列為「非貪瀆案件」。

When leads are discovered in anti-corruption/malfeasance cases, the Bureau immediately sets up a case to conduct investigation and upholds the principle of not charging falsely or condoning. Yet, a number of leads, such as the act of contactor engaging in bid rigging or license borrowing, judicial fraudulent conduct, destruction of state property by members of the general public, acts of breaching environmental protection laws and regulations by members of the general public, may not formally fall under the aforesaid “corruption/malfeasance cases,” yet, in view of how such conducts have a high probability of being associated with civil servants, the Bureau would also set up a case to conduct investigation, and once investigated and verified that no civil servants are involved in it, the case would be enlisted as a “non-corruption/malfeasance case.”

公立學校教師、公立醫院醫護人員及公營事業機構人員，其身分於 95 年 7 月 1 日刑法修正前為公務員，如涉嫌貪瀆犯罪，當屬貪瀆案件。刑法修正後，前述人員絕大部分已非屬公務員，惟本局對於同樣涉犯侵占、詐欺、偽造文書等行為，仍予立案調查，亦列為「非貪瀆案件」。

Cases where public school teachers, public hospital medical staff, and public enterprise personnel, whose identities are classified as civil servants prior to the amendment of the Criminal Code on July 1st, 2006, allegedly involve themselves in corruption/malfeasance crimes, would be classified as corruption/malfeasance cases. Following the amendment of the Criminal Code, a majority of the aforesaid personnel is no longer public servants; however, the Bureau would still set up cases to conduct investigation on conducts that are constituted as embezzlement, fraud, forging and tempering of documents, and these cases would be enlisted as “non-corruption/malfeasance cases.”

(二) 賄選案件

2. Vote-buying Cases

違反總統副總統選舉罷免法、公職人員選舉罷免法、農會法、漁會法、農田水利會組織通則及刑法妨害投票罪章之行賄與受賄行為，屬本局職掌「賄選案件」之範疇，均為本局查察對象。

The conducts of soliciting and accepting bribes that breach the Presidential and Vice Presidential Election and Recall Act, Public Officials Election and Recall Act, Farmers Association Act, Fishermen's Association Act, Organic Act of the Irrigation Association, and the offenses of interference with voting Chapter of the Criminal Code do fall under the scope of "vote-buying cases" under the Bureau's responsibilities, and are all investigation and crackdown subjects of the Bureau.

二、專業精進工作

B. Professional Refinement Work

(一) 教育訓練

1. Educational Training

終身學習是使公務員專業知能與時俱進的途徑，本局定期辦理廉政工作專精講習，不定期辦理內勤與外勤同仁間之業務意見交流會議，另依據業務需求與實務見解研編工作手冊，運用本局內部網路「廉政資料庫」提供最新資訊，例如將最新法令與行政規則、某特殊類型案件之成功偵辦經驗「案例研究」等資料置於其上，期使同仁嫻熟各項辦案程序與法律規章，加強偵查實務技巧，達到相互觀摩學習、經驗交流之目的，俾提昇專業水準、增進工作績效。

With lifelong learning offering a viable means for civil servants to advance their professional competency to keep up with the times, the Bureau holds anti-corruption work refinement seminars on a regular basis, holds internal duty and field duty associates' operational opinion exchange meetings on an irregular basis, and also researches and compiles work handbooks based on operational needs and practical views, and uses the internal network, the "anti-corruption database" of the Bureau to offer the latest information; for example, uploading information, such as the latest laws, regulations and administrative directions,



the successful investigation and processing experience of certain special types of cases in the form of “case study reports” onto the database, in anticipation that the Bureau associates would be familiar with various case processing procedures and laws and regulations, by which to step up their practical investigative skills, achieve the goals of mutual observation and learning and experience exchange, and in turn to raise the professional standards and enhance the work performance.

(二) 諮詢會議

2. Consultation Meetings

82 年 12 月 1 日成立「公共工程諮詢委員會」，敦聘國內公共工程相關領域之學者、專家及社會賢達擔任諮詢委員，透過會議召開，進行專題討論或以個案諮詢方式，提供各項防弊建議，加強公共工程調查評鑑方法，以防制弊端。本會諮詢範圍如下：

On December 1st, 1993, The “Public Works Consultative Committee” was established. Taiwan’ s scholars, experts, and community leaders related to the public works field are hired to be consultative committee members, where they utilize topical discussions or case consultation means to offer various fraud-prevention recommendations, by which to step up the investigation and evaluation methods of public works projects to prevent fraud. The commission’ s range of consultation is as follows,

1. 公共工程專業知識之諮詢。

a. Consultation on the professional knowledge of public works projects.

2. 公共工程之品質評鑑。

b. Evaluation of public works projects.

3. 公共工程實務問題之探討。

c. Exploration and discussion of problems in public works projects.

4. 其他防制公共工程弊端事項。

d. Other matters regarding fraud prevention of public works projects.

第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results



第二部分

Part Two. Anti-corruption Work Implementation Status and Results

廉政工作執行概況與成果

廉政工作執行概況與成果



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

壹、案件偵辦工作

I. Case Investigation and Processing Work

表 2-01 係 102 年本局廉政處案件偵辦工作整體概況，分「廉政案件」及「賄選案件」兩類，102 年共計偵辦 662 案，其中「廉政案件」583 案，含移送檢方偵查者 553 案，函送後經起訴者 17 案，本局配合檢方偵辦後檢方逕行提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者 13 案；「賄選案件」79 案，則係經本局配合檢方偵辦，由檢察機關於 102 年間提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者。

Table 2-01 depicts the overall state of the 2013 case investigations and processing work of the Anti-Corruption Division of the Bureau, which is divided into two categories, namely “anti-corruption cases” and “vote-buying cases,” with a total of 662 cases investigated and processed in 2013. Among them, 583 cases pertained to “anti-corruption cases,” which comprised 553 cases that were referred officially to the prosecutors for indictments after investigations, 17 cases that were forwarded to the prosecutors with written reports and indicted afterward, and 13 cases that were cooperated with the prosecutors in the investigation, whereby the prosecution agencies have brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio in 2013. Another 79 cases pertained to “vote-buying cases,” in which the Bureau supported the prosecutor’s office in the investigation and processing, where the prosecutor’s office had, in 2013, brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio.

為確實呈現本局在貪瀆防制及賄選查察案件偵辦工作之執行情形，自 92 年起，「廉政案件」之統計分析依據，由起訴資料改為移送資料，而「賄選案件」則配合實務運作情

形，維持以檢察機關處分資料為統計分析依據。102 年案件偵辦工作，仍將針對「移送案件」及「賄選案件」分別作專章介紹。

To truthfully demonstrate the execution state of investigation and processing work of the corruption/malfeasance prevention and vote-buying investigation and crackdown cases, starting from 2003, the basis of statistical analysis for “anti-corruption cases” has been revamped from prosecutorial data to referral data, while the basis of statistical analysis for “vote-buying cases” is still on the panel data of the prosecutor’s office in support of the practical operation state. The 2013 case investigation and processing work will be introduced separately in designated chapters focusing still on “referred cases” and “vote-buying cases.”

一、移送案件統計

A. Statistics on Referred Cases

移送案件分為「貪瀆」及「非貪瀆」兩大類，以移送時之主要適用法條為分類依據。貪瀆案件類型，參照「國家廉政建設行動方案」例示之易發生弊端業務類別，計分為公共工程、採購、司法貪瀆、警政、消防、矯正、都市計畫、建管、地政、稅務、關務、金融、醫療、教育、工商登記、監理、殯葬、環保、破壞國土、河川及砂石管理、社福補助、補助款等 22 類，案件性質難以歸入該等特定類型者則歸為「其他」類。非貪瀆案件則分為公共工程、採購、司法詐欺、醫療、教育、環保、破壞國土及其他等 8 類，其中司法詐欺類自 78 年起素為本局偵辦重點之一，屬上級機關特交事項，目的在維護良善司法風氣、發掘司法貪瀆線索；醫療、教育 2 類係因應 94 年刑法第 10 條公務員定義之修正，公立醫院醫師、公立學校教師及國營事業人員原則已不具公務員身分，不適用貪污治罪條例，惟該等人員執行業務涉及刑法侵占、詐欺、背信或其他犯罪之案件，本局業務分工仍劃歸廉政處辦理；至環保、破壞國土 2 類亦係上級機關特交事項，自 88 年起本局職掌涵括濫墾、濫葬、濫伐、盜採河川砂石、濫挖農地砂石、傾倒廢土、濫倒事業廢棄物等單純違反水土保持法、山坡地保育利用條例、水利法、森林法、都市計畫法、區域計畫法、殯葬管理條例、刑法竊盜罪、廢棄物清理法等法律之案件。

The referred cases comprise two major categories, namely “corruption/malfeasance” and “non-corruption/malfeasance,” which is classified based on the key applicable articles at the time of referral. The corruption/malfeasance case types, through mirroring the type of fraud practices prone to occur as demonstrated in the “National Integrity Building Action Plan,” were divided into 22 categories, namely public works, procurement, judicial corruption and



malfeasance, police administration, fire fighting, correction, urban planning, construction management, land administration, taxation, custom affairs, financial affairs, medical care, education, company registration, motor vehicle management, funeral and interment, environmental protection, spoil of land conservation, rivers and gravel management, public welfare subsidy, subvention, while those that were unable to be classified into these specific categories were grouped under the “others” category. Non-corruption/malfeasance cases were divided into 8 categories, namely public works, procurement, judiciary fraud, medical care, education, environmental protection, spoil of land conservation, and others. Among which the category of judiciary fraud has become one of the main focuses of investigation and processing by the Bureau since 1989, which is a matter that the superior agency has particularly instructed, whose goal is to maintain a good judicial culture, to uncover judicial corruption and malfeasance clues. The two categories, medical care and education, are a response to the 2005 amendment of the definition of civil servants in Article 10 of the Criminal Code, where in principle, physicians in public hospitals, teachers in public schools and staff of state-owned enterprises no longer have the civil servant identity, and corruption/malfeasance laws, such as Anti-corruption Act are not applicable. However, the division of labor of the operations at the Bureau still classified the processing of cases involving embezzlement, fraud, abuse of trust, or other criminal offenses under the Criminal Code of these personnel to the Anti-Corruption Division. The two categories, environmental protection and spoil-of-land conservation, are also matters that the superior agency has particularly instructed. Since 1999, the responsibilities of the Bureau covers cases, such as excessive cultivation, burial abuse, deforestation, illegal mining of sand and gravel in rivers, excessive digging of gravel in agricultural land, dumping of waste soil, and abuse of industrial waste pouring that simply violate laws, such as Soil and Water Conservation Act, Slope Land Conservation and Utilization Act, Water Act, Forestry Act, Urban Planning Act, Regional Planning Act, Mortuary Service Administration Act, Larceny of the Criminal Code, and Waste Disposal Act.

(一) 歷年移送統計

1. Statistics on Referred Cases over the Years

表 2-02 為 102 年移送各類型案件之案數、人數及涉案標的統計，表 2-03 則為 98 年至 102 年移送各類型案件之案數統計。

Table 2-02 depicts the statistics on the case count, suspect count, and the amount of money involved in the various types of cases referred in 2013; Table 2-03 depicts the statistics on the case count of the various types of cases referred from 2009 to 2013.

102 年總計移送檢察機關 553 案，其中「貪瀆案件」共 328 案 1,973 人，含公務員及準公務員 1,058 人、民意代表 64 人、非公職人員 851 人，與 101 年相較，移送案數增加 108 案，增加幅度 49.1%（108 案 /220 案）；移送嫌疑人數增加 850 人，增加幅度 75.7%（850 人 /1,123 人）。在 328 案貪瀆案件中，移送案數較多者為公共工程、採購及警政，5 年來均呈相同趨勢。

A total of 553 cases were referred to the prosecution agency in 2013, and among them, 328 were “corruption/malfeasance cases” involving 1,973 individuals, comprising 1,058 civil servants and quasi-civil servants, 64 elected representatives, and 851 non-public servants. Comparing to the figures in 2012, the referred case count increased by 108, a rate of increase of 49.1% (108 cases/220 cases), and the referred suspect count increased by 850, with a rate of increase of 75.7% (850 individuals/1,123 individuals). Among the 328 corruption/malfeasance cases, the majority of the referred cases were in the category order of public works, procurement, and police administration. For the past five years, the trend has been similar.

「公共工程」類 45 案 429 人，發包單位除公立學校 3 案，其餘皆是一般政府機關或公營事業機構。犯行主要有洩漏評審委員名單、底價、領標廠商等應秘密資料、浮報預算價額、監工不實、驗收不實、違法護航特定廠商承作、明知實際承作者依法應利益迴避卻未依法解約、惡意刁難拖延付款等，而後收受賄賂、回扣，或以前述手段圖利特定私人；犯行發生階段以工程發包施工階段者最多，其次為驗收付款階段，再次為規劃擬定、設計預算、施工估驗等階段；涉案工程種類則以道路維護改善、辦公廳舍改建、景觀綠美化等工程居多，其餘鐵路橋樑、管線汰換、納骨塔興建工程、交通設施、排水改善等不一而足的工程。

45 cases were in the “public works” category, involving 429 individuals, except where three contracting units pertained to public schools, the rest were all general government agencies or public enterprises. The main criminal conducts were leaking out mandated confidential information that should be confidential, such as the jury list, base price, and leading bidder, falsely declaring the budget amount, performing false supervision, performing false inspection, illegally



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

escorting the execution of specific contractors, knowing that the actual executor should have avoided conflicts of interest, but failed to terminate the contract according to the law, maliciously making things difficult and delaying payment, and so forth, and then accepting bribes, kickbacks, or using the aforesaid means for profit on specific individuals. The stage at which most criminal acts occur in the stage of contracting and construction of the project, followed by the stage of acceptance inspection and payment, and trailed by the stages of formulating the plan, budgeting for design, and assessing the construction. The projects are mostly about maintaining/improving roads, renovating offices, and building green landscapes in public areas. Others include building railroads and bridges, replacing old pipes, constructing columbarium, and improving drainage etc.

「採購」類 156 案 919 人，採購單位除一般政府機關、公營事業機構外，公立學校有 105 案、公立醫院 7 案、軍事單位則有 3 案。公立學校案數較往年高出許多，其原因係本局北、中、南外勤處站各接受檢察官指揮，偵辦國立大學教師受國家科學委員會委託辦理研究計畫，採購研究器材等物品卻以不實發票或進貨單據核銷經費之不法案件多起，涉及全國數所大學與多名教師；公立醫院案件則係醫師分別接受國科會或衛生署等機關委託研究計畫，辦理採購研究器材等物品，亦同公立學校教師以不實發票或銷貨憑單核銷經費；軍事單位案件亦有國軍醫院之軍醫師於辦理國科會委託計畫，與前兩者相同，以不實單據核銷。採購類犯行主要有浮編預算價額、洩露標案底價、配合圍綁標之參標廠商違法審標及開標、驗收不實、違法護航特定廠商承作、藉故拖延付款等，而後收受賄賂、回扣，或以前述手段圖利特定私人，亦有以不實發票核銷經費詐領公款之情形。102 年移送涉貪採購案件中，殊值注意是涉案對象層級達地方自治團體之縣長及中央三級機關首長，於督導辦理採購，透過白手套尋找特定有意承作廠商，索要標案金額一成不等回扣或賄款，雙方達成期約合意後，利用首長職權，主導變更招標規範，並採限制性招標方式，或以協助取得預算金額、向廠商洩露評選委員名單等資料及疏通內聘評選委員，護航廠商得標，索賄金額達數千萬元。涉案標案種類大致分為財物採購與勞務採購 2 類，前者採購例如電腦及周邊設備、醫療器材、消防設備、監視系統、廣播系統、制服及運動服、資料庫整合平台等；後者採購例如病媒蚊防制噴藥、廢棄物委託清除運、清潔維護、管線檢測、觀光活動企劃、工程委託規劃設計監造等不一而足的採購。

156 cases were in the “procurement” category, involving 919 individuals, where the procurement units involved not only general government agencies and public enterprises, but also public schools for 105 of the cases, public hospitals for 7 of the cases, and military units for 3 of the cases. The reason that the number of public school cases were much higher than the previous years is due

to the acceptance of the prosecutor' s command by the north, central, and south field divisions and offices to investigate and process the research projects that were entrusted to the teachers at national universities by the National Science Council to process. However, there were many illicit cases through the declaring the funds of false invoices and sales vouchers in the procurement of objects, such as research equipment, which involved several universities nationwide and a number of teachers. For public hospital cases, they are mostly about doctors entrusted with research projects or procuring research materials from National Science Council or Department of Health, or teachers in public schools using untruthful receipts to claim for reimbursement. In the military, there are cases where military doctors entrusted with research projects from National Science Council committing fraud with untruthful receipts. For procurement projects, there are cases of reporting higher-than-actual budget, disclosing the minimum pricing in a bidding to the bidders, reviewing bidders and open for biddings illegally as an accomplice, conducting untruthful verification after construction, playing favoritism to certain vendors and procrastinating payment on purpose in order to receive kickbacks or benefit several individuals by fraud documentation. Among the procurement cases that legal departments have reviewed in 2013, we noticed that the people involved include the head of county in local self-governing groups and heads of the central government (above level 3) who favored certain vendors and ask for 10% (more or less) kickback as a return when they supervise procurement. Once both parties agreed to collaborate and sign the contract, they took initiative to change the rules of bidding and limit the number of bidders, or assisted certain vendors to acquire budget, or disclosed the name list of judges to the bidders and distorted millions of NTD. There are two types of procurements: materials and labor force. The examples of procuring materials include computers and accessories, medical devices, fire equipment, surveillance systems, broadcasting system, uniforms and sportswear, and platforms for resource consolidation. The latter examples include spraying pesticides, cleaning garbage, cleaning and maintain constructions, testing pipelines, planning tourist events, planning, designing and supervising constructions.

「警政」類 40 案 260 人，包庇以牽涉賭場經營的案件最多，次為牽涉性交易應召站或有女陪侍歡愉場所之案件，再次為牽涉毒品之案件，犯行主要與下列 3 項業務相關：

（一）犯罪查緝，例如侵占扣押毒品、縱放毒品吸食者以換取他人販毒線索、計誘他人運毒以詐領破案績效獎金、收受色情業者、賭場業者之賄賂或性交易招待等不正利益，而後



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

透露稽查訊息或包庇不予取締、為圖個人查緝績效及獎金，以教唆陷害、栽贓非實際持有槍砲、彈藥等管制武器者，充當人頭頂替予以查緝；（二）行政取締，多與道路交通管理相關，如攔查違規超載重車輛後收受賄賂不予舉發；（三）機密資料查詢，如違反作業規範私下查詢他人之車籍、前科、檢舉人個資後洩漏予委託查詢之人。

40 cases were in the “police administration” category, involving 260 individuals, where the cases involving casino operators were the most, followed by those involving sex trade call stations or locations where females accompany for pleasure, trailed by those involving drugs, where the criminal conducts were primarily related to the following three operations: (I) Criminal investigation and crackdowns, such as embezzlements of and detaining drugs, letting loose of drug addicts in exchange for drug trafficking clues of others, planned luring of others to traffic drugs in order to embezzle case-solving performance bonuses, receiving bribes or sexual services from the pertinent business owners and casino managers in exchange for disclosing inspection timetables or covering up the crackdowns, or falsely designating someone who is not in possession of guns or other controlled weapons to admit committing crimes in order to improve one’ s performance on crackdowns and received more bonuses; (II) Administrative crackdowns are mostly related to traffic control, such as taking bribes from people who overload their cars and then hide the crime; (III) inquiring for classified information, such as inquiring for information of someone’ s car registration, criminal record or private information.

至於「其他」類 48 案中，公營事業有 2 案，軍事單位有 4 案，中央部會所屬機關單位有 6 案，其餘案件則發生於各層級地方自治團體政府與民意機關。犯行可分成幾個主要類型：（一）以不實憑證核銷詐領款項，例如村里長詐領村里基層工作費或里鄰建設服務補助經費，議員詐領助理薪資補助費，退輔會所屬安養中心員工詐領代管榮民遺產，一般公務員詐領薪資、差旅費、加班費、工作費等；（二）侵占財物，例如國軍軍事院校教師侵占軍用品，農田水利會職員利用收繳會員給水費用未入公庫據為已有，民間碾米廠業者盜賣託管公糧等；（三）憑恃首長人事權「賣官位」，例如鄉鎮長分別違反公務人員任用法及公職人員利益衝突迴避法，進用配偶或近親屬擔任課室主管；（四）利用權勢索賄，鄉鎮民代表以消弭民怨為由，至承包商施工現場監督，以辱罵、咆哮等方式阻擾施工，迫使廠商無償提供施作契約項目外之工程或設施，鄉鎮長以補償鄉民損失，要求在地設廠高污染事業廠商，提供數百萬元不等之敦親睦鄰回饋金；（五）圖利私人，例如國營事業單位主管利用辦理勞務採購機會，要求得標廠商提供駐點人員，負責處理非屬採購範圍內之私人私務等；（六）偽造文書，例如軍方後勤眷管單位人員，辦理軍眷籍審查作業，將已

亡故眷戶不實編入購宅人員名冊，並參與抽籤，使不符合資格者獲配新眷舍，軍事作戰部隊軍官，以偽造不實體檢報告，提交常訓或演習單位，逃避常訓或基地演習等軍事訓練等。

Of the 48 cases that fell under the “others” category, 2 cases pertained to public enterprises, 4 cases to military units, 6 cases to government agency units under the central government departments and ministries, while the remaining cases occurred in local-governing bodies/governments and elected representative assemblies of all levels. Criminal conducts can be divided into several major types: (I) Using untruthful receipts for reimbursement, such as borough presidents using fraud documentation to win the subsidies for constructions and services aimed at improving local life, councilors embezzling salary subsidies of councilor assistants, the Veterans Affairs Council taking away the properties of deceased veterans in the retirement house, general civil servants using untruthful documentation to reimburse for their salaries, travelling expense, over-time payment and work salary; (II) embezzlement, such as teachers in military schools taking away military supplies, or staff in Department of Irrigation and Engineering embezzling the watering cost collected from members, or rice grinding owners selling public rice in private etc; (III) “selling positions in government-owned businesses” , such as borough chiefs in towns employing their spouses or relatives as office managers, and violating Civil Service Employment Act and Act on Recusal of Public Servants Due to Conflicts of Interest; (IV) Elected representatives in the villages or towns forcing construction contractors to provide additional services unlisted in the contract by shouting and disturbing the work from continuing in the name of “supervision” , and asking vendors who are interested in establishing businesses that may jeopardize local environment to offer more than a million NTD as a return to local dwellers; (V) Managers in government-owned companies using their titles to profit, such as asking vendors to delegate a specialist and procure things unnecessary for work ; (IV) Forge documents, such as backend staff in the military adding deceased veterans into the list of new housing procurement for lottery, or military officers in the base forging untruthful physical reports in order to avoid regular training or drills in the base.

從歷年年報統計資料顯示，貪瀆案件中與政府採購相關之「公共工程」類及「採購」類，無論移送案數、嫌疑人數、貪污金額或圖利金額，均占相當高之比例，顯見政府採購仍係不肖公務員或民意代表藉以攫取不法利益之主要工具。其餘不涉政府採購事項者，通



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

常係公務員或民意代表假借職務上之權力、機會，勒索利害關係人財物、詐取公庫財物、收受賄賂等貪瀆行為，其中「警政」類移送案數，歷年來均高居首位。

As can be extrapolated from the statistical data in past yearbooks, corruption/malfeasance cases in government procurement-related “public works” and “procurement” categories continue to account for rather high percentages in terms of the referred cases, suspect count, corruption amount, or profiting amount, which highlights how government procurement continues to be the primary tool by which unscrupulous civil servants or elected representatives extort illicit gains. The rest that do not involve government procurement often pertain to the corruption/malfeasance act of civil servants or elected representatives who resort to their positional powers and opportunities to blackmail related parties for monetary property, defraud treasury and property, or accepting bribes, and so forth, and among them, the number of cases referred under the “police administration” category continues to take the top spot over the years.

102 年移送之「非貪瀆案件」共 225 案 685 人，含公務員及準公務員 26 人、非公職人員 659 人，較 101 年減少 33 案 22 人，減少幅度分別為 12.8%（33 案/258 案）及 3.1%（22 人/707 人）。

A total of 225 “non-corruption/malfeasance cases” were referred in 2013, which involved 685 individuals, comprising of 26 civil servants and quasi civil servants, 659 non-public servants, down by 33 cases or 22 individuals when compared with that of 2012, with reductions of 12.8% (33 cases/258 cases) and 3.1% (22 individuals/707 individuals).

表 2-03 顯示，非貪瀆案件「採購」類及「公共工程」類之移送案數，歷年來均分居前 1、2 位，犯罪事實多係投標廠商違反政府採購法第 87 條各項罪名者，其次為「破壞國土」類，犯罪事實多係民眾盜採公有土地砂石、違法開發山坡地、竊佔國有地搭建住屋或經營農牧事業、非都市土地使用違反縣市政府編定用途者。再次為「其他」類，犯罪事實多係公營事業員利用經辦業務及活動機會詐領工資、餐費或高階主管利用職權，違反交易常規，背信圖利私人，環保類案件 11 案總計查獲非法廢棄物達 24,077 公噸；至教育類 6 案中，多係本局偵辦前述國立大學教師詐領國科會專案研究計劃補助經費案時，另行發現部分教師涉嫌以「人頭助理」詐領助理薪資、出席費、差旅費、稿費或研究助理共同參與委託研究計畫之不實單據核銷等。

Table 2-03 shows that the number of referred cases in non-corruption/malfeasance cases under the “procurement” and “public works” categories

continues to take the first and second spots over the years, where the criminal facts often pertain to bidders breaching various criminal charges stipulated under Article 87 of the Government Procurement Act, followed by the “spoil of land conservation” category, where the criminal facts often pertain to members of the public stealing public-owned land or sand/gravel, illegally developing hillsides, illegally occupying public lands to build residential houses or run a farming business, violating the usage of non urban-land areas as classified by the County/City Governments. On the other hand, in the “others” category, a majority of crimes involve employees in government-owned business leveraging their work or event planning to receive extra wage and food expense, or senior managers violating transaction rules to profit for their own good. Crimes related to environmental protection totaled 11, and the illegal waste is up to 24,077 tons; as for the 6 crimes related to education, a majority of them involve professors in public universities forging documents to apply for funding for research projects from National Science Council. And some of them apply for unnecessary salary for assistants that they never hire, as well as attendance fee, travel expense, cost of writing essays or engage research assistant to join entrusted research projects with untruthful receipts.

非貪瀆案件之偵辦，主要係因公務員涉嫌貪瀆之線索於查證後，貪瀆部分犯罪事證不明確，或公務員所犯之法律非屬貪瀆罪名，或非屬刑法第 10 條第 2 項各款所定義務公務員身分，如學校教職員工、公營事業員工等涉犯刑法或其他刑事法規，因此最後以非貪瀆案件移送地檢署。該類案件，內容多與公務員之風紀及公務機關形象關係密切。例如在非貪瀆類採購案件中，承辦採購業務之公務員與投標廠商合意圍標，該公務員雖未歸類為貪瀆罪犯，但嚴重破壞政府機關風紀；又如司法詐欺案件中，司法黃牛假仲介行賄之名行詐騙之實，亦破壞司法的公正形象。因此，是類案件之偵辦對廉潔政府之建立亦有相當助益，即使並非直接涉嫌貪瀆，仍有杜絕必要。

The investigation and processing of non-corruption/malfeasance cases primarily begins after the verification of the clues about the alleged involvement of civil servants in corruption/malfeasance, where the portion of criminal evidence on corruption/malfeasance is deemed unclear, or the law a civil servant has breached is other than the charge of corruption/malfeasance, or people who do not qualify for the definitions of “civil servants” under Paragraph 2 Article 10 in Criminal Code, such as employees and teachers at school or staff in government-owned businesses become involved in crimes or violating other Criminal Code,



thus eventually, these are referred to the prosecutor's office as non-corruption/malfeasance cases. Of said types of cases, the content is often closely related to the civil servants' ethics and government agencies' image. For example, of the procurement cases that fall under the non-corruption/malfeasance category, where a civil servant undertaking the procurement operation has colluded with bidders in bid rigging, even though the said civil servant may not be classified as a criminal suspect of corruption/malfeasance, he or she has, however, severely sabotaged the government agencies' ethics; also, just as in judiciary fraud cases, where judicial brokers who resort to brokering bribery and engaging in factual fraud is also poised to sabotage the judiciary's just image. Consequently, the investigation and processing of such type of cases also contribute greatly to establishing a clean government, and even if the cases do not involve corruption/malfeasance directly, it is still necessary to eliminate the crime.

值得注意的是，法務部廉政署（下稱廉政署）於 100 年 7 月 20 日成立¹，在此之前，本局為我國職司廉政業務之唯一司法警察機關，此後二機關共同肩負貪瀆犯罪調查重任，本局不再獨占肅貪業務優勢，雖推行多年的反貪、防貪工作中止，惟核心業務—肅貪工作（即案件偵辦工作）繼續貫徹執行，持平而言，此項變革影響較大者應在外部因素—線索來源，除民眾檢舉多了一個選擇管道，中央及地方機關政風機構線索通報匯集廉政署，對本局受理的線索數量仍具一定程度衝擊，而線索乃案件啟動調查的「著力點」，優質線索有助於案件調查之成功遂行，係影響調查機關案件偵辦工作總體成效的因素之一。

It's worth noting that the Agency Against Corruption, Ministry of Justice (hereinafter referred to as AAC) was established on July 20th, 2011¹. Before this, the Bureau was the only judicial police agency whose operational duty has been anti-corruption. After that day, the two agencies jointly shoulder the huge responsibility of investigating corruption/malfeasance crimes. The Bureau is no longer the only team that works on anti-corruption. Even though after years of efforts on fighting and preventing corruption, this has now ceased to be one of our job descriptions, however, our core business on prosecuting corruption cases

¹ 我國專責廉政機構，專責於國家廉政政策規劃，執行防貪、反貪及肅貪業務，成立初期首重防貪與反貪工作，於執行貪瀆或相關犯罪之調查職務時，與本局相同亦具有司法警察權，此外，全國各機關政風機構相關業務與組織人員管理等事項，歸由該署掌理。

¹ A dedicated anti-corruption institute in Taiwan that is responsible for national anti-corruption policy planning, it executes the operations of corruption prevention and corruption eradication. In the beginning, it focused on corruption prevention work, where when executing investigation duties on corruption/malfeasance or related crimes, it also has judicial police powers, just like the Bureau. In addition, this Agency is in charge of matters related to operations in all the government ethics organizations and organizational personnel management, and so forth.

will continue to remain as part of our job. To be honest, what changes the most is that our sources of leads will be affected. People in Taiwan now have one more channel to report suspicious cases, and the central and local governments are required to report to AAC so our sources of leads will definitely suffer. Clues are the “focus” when initiating the investigation of a case. Quality clues help successfully carry out the investigation of cases, which is one of the factors that influences the overall effectiveness of the case investigation and processing work of investigating authorities.

表 2-04 為本局 102 年移送案件之線索來源案數統計，並以圖 2-01 呈現該年度移送案件各類線索來源占全部移送案數之比例。我們發現：（一）整體線索來源前 3 名，分別為本局主動發掘、檢察署發交及民眾檢舉，其中貪瀆案件之各類線索來源前 3 名，與前述整體線索數呈現一致現象，非貪瀆案件之各類線索來源前 2 名，亦與整體線索數排名相同，差異在「其他」類別，非貪瀆案件線索來源「其他」類別如行政機關函報資料等，在案數超越民眾檢舉，顯示行政機關信賴本局，主動提供優質線索，希本局受理後發揮戰力整飭不法。（二）政風機構提供線索且「成案」之案數占整體線索數之比例僅 3.3%，在貪瀆案件線索來源僅 1 案，係廉政署未成立前，由政風機構通報線索經偵辦移送，在非貪瀆案件線索來源由政風機構通報案數有 17 案，主要係全國各機關（構）政風單位發掘廠商圍標等單純違反政府採購法案件，移由本局進行調查，來自政風機構提供線索，其中不乏優質、深具追查價值者，從中發掘貪瀆案件加以偵辦。（三）線索來源屬本局主動發掘者，居全部各類線索來源之冠，比例高達 61.8%（342 案 / 553 案），在貪瀆案件及非貪瀆案件線索來源數均係各居第 1 位，主要係因本局偵辦私立大專院校教師辦理國科會等機關委託研討計畫，以不實單據核銷經費詐領公款案件，從中發掘其他涉案對象，主動加以偵辦移送，足見此類線索仍為本局執行肅貪工作的根本，亦為本局特有的無形資產。

Table 2-04 shows the statistics of case sources on cases referred in 2013 , and figure 2-01 shows the percentage of these sources among total cases. We found out the following pattern: (I) the top 3 sources include our own efforts, sources transferred from Detective Agency and reports from random people. Among all the cases, non-corruption cases are the top two and the result is in accordance with the overall source of clues. The difference is that the number of sources for leads in the “others” category (such as documents within administrative departments) outnumbers those reported from random people, indicating that other administrative departments show trust to our Bureau and actively provide information source with the hope that we will do our best to investigate and rectify illegal matters. Out of all the sources of leads, only



3.3% belong to the ones provided by ethical institutes and sustain as cases to be investigated. There was only 1 source of lead for corruption case and it was prosecuted after reported by ethical institutes before the establishment of AAC. There were 17 cases of non-corruption sources of leads reported by ethical institutions. A majority of them are about violation against Government Procurement Act reported by all levels of ethical institutes and the Bureau was investigating these cases. There are many qualified and valuable sources from ethnical institutes related to corruption that worth investigation. The Bureau found most of the sources for leads to criminal cases, accounting for as high as 61.8% (342/553 cases), topping all sources in corruption and non-corruption cases. This is because the Bureau investigated the research projects of universities entrusted by National Science Council so many cases involve using untruthful receipts for reimbursement. And among these cases, we found more targets that we took initiative to transfer to other legal entities for investigation. Evidently, this type of source is still the basis for fighting corruption and also our tangible asset unfound in other institutes.

(二) 移送法律統計

2. Statistics on Applicable Laws of Referred Cases

表 2-05 係統計 102 年各種類型移送案件之主要適用法律情形。

Table 2-05 depicts the statistics on the state of key applicable laws for the various types of referred cases in 2013.

102 年移送之 328 案「貪瀆案件」中，以貪污治罪條例為主要適用法律移送之 299 案最多，占 91.2% (299 案 /328 案)，詳細情形，併表 2-08 說明。以刑法移送者次之，計 27 案，占 8.2% (29 案 /328 案)，嫌疑人有鄉鎮區長、鄉鎮民意代表、仲裁人員、大學教職員、警察、監獄管理員、監理站職員、檢驗單位人員、軍職人員、稅關務人員、電信公司員工、國小教職員、縣市政府職員、鄉鎮公所職員、村里長；所犯罪名以公文書登載不實罪 12 案最多，洩露國防以外之秘密罪 5 案次之。

Among the 328 “corruption/malfeasance cases” referred in 2013, most of them were referred by the key applicable law of Anti-corruption Act with 299 cases, which accounted for 91.2% (299 cases/328 cases), with detailed circumstances as described in merged table 2-08. Followed by those referred by the Criminal Code with 27 cases, which accounted for 8.2% (29 cases/328

cases), with suspects encompassing borough presidents in local townships, representatives in the townships, arbitrators, employees and teachers at universities, policemen, officers in prisons, employees in vehicle supervision station (*equivalent to DMV in the US), inspectors, military officers, staff in tax bureaus, employees in telecom companies, employees in elementary schools, employees in county or city government, employees in township councils, borough chiefs for villages; 12 of the crimes involve forging untruthful reports and documents, which accounts for the highest percentage. The second frequent crime involves disclosing classified information unrelated to national defense with 5 cases.

102 年移送之 225 案「非貪瀆案件」中，以政府採購法移送之 157 案最多，占 69.8% (157 案 /225 案)，其中又以該法第 87 條第 5 項「意圖影響採購結果或獲取不當利益，借用他人名義或證件投標罪」（俗稱借牌投標）移送之 105 案最多；以第 87 條第 3 項「以詐術或其他非法之方法，使廠商無法投標或開標發生不正確結果罪」（俗稱詐術圍標）移送之 27 案次之；以第 87 條第 4 項「意圖影響決標價格或獲取不當利益，協議使廠商不為投標或不為價格競爭罪」（俗稱聯合圍標）移送之 14 案再次之；其餘 4 案係 87 條第 6 項未遂犯移送；以第 88 條第 1 項：「意圖為私人不法利益，對技術、工法、材料、設備、規格或廠商資格為違反法令之限制或審查罪」（俗稱綁標）移送者則有 5 案，同條第 2 項未遂罪移送有 2 案。違犯該等政府採購法案件之嫌疑人，絕大部分是參與投標的廠商，其中有 3 案之主嫌係具公務員身分，均與圍標廠商基於共同犯意而犯之。涉案廠商所染指之採購案發包機關，除中央部會所屬單位、縣市政府或鄉鎮市公所、公立醫院、公立學校等外，台灣電力公司、中華電信公司等公營事業也包含在內，值得注意者，軍事機關國防部軍備局等發包之採購案即占 22 案，可見不肖廠商不因發包機關性質較為敏感特殊，而有所忌諱。

Among the 225 “non-corruption/malfeasance cases” referred in 2013, most of them were referred by the Government Procurement Act with 157 cases, which accounted for 69.8% (157 cases/225 cases), and among them, most of them were referred by “offenses of borrowing others’ name or credential documents to enter bid in an attempt to influence the procurement result or obtain improper gains” (commonly known as entering bid by borrowing someone else’ s license) as stipulated under Paragraph 5, Article 87 of said law with 105 cases; followed by those referred by “offenses of using fraud or other means to prevent the bidders from entering the bid or mislead the bid opening with inaccurate results” (commonly known as fraudulent bid rigging) as stipulated under Paragraph 3,



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

Article 87 with 27 cases; trailed by those referred by “offenses of negotiating for other bidders not to enter the bid or participate in price competition in an attempt to influence the bid price or obtain improper gains” (commonly known as joint bid rigging) as stipulated under Paragraph 4, Article 87 with 14 cases; the rest 4 cases were referred of an attempt under Paragraph 6 Article 87; and there are also 5 cases referred by “offenses of restricting or reviewing techniques, construction methods, materials, equipments, specifications, or contractor specifications that are in violation of laws, in an attempt for personal illicit gains” (commonly known as tie bid rigging) as stipulated under Paragraph 1, Article 88. 2 cases were referred of an attempt under Paragraph 2 Article 88. Most of the suspects are vendors involved in the bidding process and 3 of the major suspects are civil servants who collaborate with vendors. The institutes who open the bids involving the cases include central governments, county/city governments, township councils, public hospitals, public schools, Taiwan Power Company, Chunghwa Telecom and some government-owned businesses. It’s worth noticing that there are 22 cases related to procurements for military institutes such as Armaments Bureau under Ministry of National Defense, indicating that the vendors in Taiwan are not afraid of leveraging sensitive procurements for illegal profits.

225 案「非貪瀆案件」中，以刑法移送之 47 案次之，占 18.2%（47 案/225 案），公共工程類 6 案與採購類 12 案之移送法條多為普通詐欺罪或業務登載不實罪；至於同為觸犯普通詐欺罪之「司法詐欺」類案件則有 6 案，犯行以佯稱熟識司法官或調查官得以擺平官司計 2 案，其餘 4 案則係佯稱自己為律師，得藉此身分協助處理官司，而後騙取受害人金錢；屬「教育」類之案件有 6 案，其中 5 案亦係觸犯普通詐欺罪，主要是國立大學教師、公立小學教職員詐領活動費、出差費、上課鐘點費等，餘 1 案為學校人員涉嫌觸犯業務侵占、偽變造私文書等罪名；另「破壞國土」類 12 案多為竊佔國有土地之竊佔及盜採河川案件；其餘 5 案移送罪名為公營事業人員業務行為背信或詐取財物。至於以其他法律移送者有 21 案，占 9.3%（21 案/225 案），有屬「環保」類之廢棄物清理法案件 11 案，有屬「破壞國土」類之山坡地保育利用條例、水土保持法、區域計畫法等案件，計 8 案，屬「採購」類之案件有 1 案，案係國小教務主任利用經辦採購由民間團體捐款贊助之學校師生旅遊活動，以不實單據核銷詐財，另「其他」類 1 案係山老鼠集團盜伐國有林木之森林法案件。

Among the 225 “non-corruption/malfeasance cases,” 47 cases were referred by the Criminal Code, being the second most, which accounted for 18.2%

(47 cases/225 cases). The articles used to refer the 6 cases from the public works category and the 12 cases from the procurement category are mostly offenses of fraud or false entry in occupational documents; there are 6 “judicial fraud” cases that also are offenses of fraud violations, 2 cases were the criminal conducts of which were mostly those pretending to be acquainted with the judicial officers or investigation officer and can settle the lawsuit, the other 4 cases were those pretending to be a lawyer, used the identity to assist in handling affairs, and defrauded the victims of money afterwards; there were 6 cases belonging in the “education” category, of which 5 cases violated the offenses of fraud, most of which are teachers at national universities and public primary schools staff embezzling activity fee, travel expenses, class hourly fees, and so forth, while the remaining 1 case was where school personnel were suspected of criminal charges, such as violating the offenses of embezzling properties possessed during business, and offenses of forging private documents; the 12 cases in the “spoil of land conservation” category are all usurping cases with offenses of usurping state-owned land and illegal sandstone quarrying; the referred criminal charges of the rest 5 cases are breaches of trust or gaining access to properties illegally committed by employees in government-owned businesses. 21 cases were referred by other laws, which accounted for 9.3% (21 cases/225 cases); 11 cases pertained to the Waste Disposal Act under the “environmental protection” category, a total of 8 cases pertained to the Slope Land Conservation and Utilization Act, Soil and Water Conservation Act, Regional Planning Act, and so forth under the “spoil of land conservation” category, 1 case under the “procurement” category, involving a director of academic affairs using untruthful receipts for reimbursing a trip for students and teachers sponsored by civic groups, and 1 case under the “others” category, where Mountain Rat Group committed the offenses of illegally logging state-owned forests under the Forestry Act.

表 2-06 係 98 年至 102 年移送案件以「主要適用法律」作歸類之案數統計，圖 2-02 則顯示 102 年移送案件以「主要適用法律」作歸類之案數統計比例。

Table 2-06 depicts the case count statistics on cases referred between 2009 and 2013 classified by “key applicable laws,” and Figure 2-02 depicts case count statistics by percentage on cases referred in 2013 classified by “key applicable laws.”



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

本局偵辦之廉政類案件，歷年來均以貪污治罪條例之適用比例最高，其次為政府採購法及刑法。以 102 年而言，貪污治罪條例 299 案占移送總數 54.1%（299 案/553 案），政府採購法 157 案占移送總數 28.4%（157 案/553 案），刑法 74 案占移送總數 13.4%（74 案/553 案）；而適用其他法律者僅 23 案，占移送總數 4.1%（23 案/553 案），多為非貪瀆案件，其中廢棄物清理法係環保犯罪案件之主要適用法律，近五年來均高居第 4 位。

Of the anti-corruption type cases the Bureau had investigated and processed, those that fell under the Anti-corruption Act has consistently ranked the highest, followed by those under the Government Procurement Act and the Criminal Code. In terms of 2013, 299 cases were referred by the Anti-corruption Act, which accounted for 54.1% out of all cases referred (299 cases/553 cases), 157 cases were referred by the Government Procurement Act, which accounted for 28.4% out of all cases referred (157 cases/553 cases), and 74 cases were referred by the Criminal Code, which accounted for 13.4% out of all cases referred (74 cases/553 cases); only 23 cases were referred by other laws, which accounted for 4.1% out of all cases referred (23 cases/553 cases), which largely pertained to non-corruption/malfeasance cases, of which the Waste Disposal Act was one of the key applicable laws on environmental conservation criminal cases, which ranked fourth place over the past five years.

表 2-07 係 98 年至 102 年移送案件以「主要適用法律」作歸類之人數統計，圖 2-03 則顯示 102 年移送案件以「主要適用法律」作歸類之人數統計比例。

Table 2-07 depicts the head count statistics on cases referred between 2009 and 2013 classified by “key applicable laws,” and Figure 2-03 depicts head count statistics by percentage on cases referred in 2013 classified by “key applicable laws.”

102 年以貪污治罪條例移送之嫌疑人人數為 1,532 人，占移送總數 57.2%（1,532 人/2,680 人），以政府採購法移送者 604 人次之，占移送總數 22.5%（604 人/2,680 人），再次為觸犯刑法罪名者 460 人，占移送總數 17.2%（460 人/2,680 人）。98 年至 102 年之移送人數排序，除 99 年外，原則上依次為貪污治罪條例、政府採購法及刑法，至於以廢棄物清理法移送者，為數亦不少，102 年案數雖略為減少，近 5 年年排序位居當年度第 4 位或第 5 位。102 年以商業會計法第 71 條罪名移送 24 人，位居年度第 4 位，分隸於 9 案，多為公司行號負責人或會計，惟該 9 案之主要嫌疑人係觸犯貪污治罪條例、刑法等法律。

The head count on suspects referred by the Anti-corruption Act in 2013 were 1,532 individuals, which accounted for 57.2% of all suspects referred (1,532 individuals/2,680 individuals), those referred by the Government Procurement Act was 604 individuals, which accounted for 22.5% of all suspects referred (604 individuals/2,680 individuals), and there were 460 individuals that breached the Criminal Code, which accounted for 17.2% of all suspects referred (460 individuals/2,680 individuals). Of the ranking on suspect count referred between 2009 and 2013, except for 2010, which were in the order of the Anti-corruption Act, the Government Procurement Act, and the Criminal Code in principle, as to those referred by the Waste Disposal Act, the number was fairly significant, though it was a slight decrease in the number of cases in 2013, it has been ranked in the fourth or fifth place in the past five years. In 2013, 24 individuals in 9 cases were referred by the charges stipulated under Article 71 of the Business Accounting Act, which ranked fourth place of that year, most of which are the persons in charge or accountants of a company, except that the key suspects of said 9 cases have violated laws, such as the Anti-corruption Act or the Criminal Code.

表 2-08 係 98 年至 102 年以貪污治罪條例移送之案件，各罪名適用情形。該表顯示移送案數排名除 102 年外，前 3 者為第 6 條第 1 項第 4 款、第 5 條第 1 項第 2 款、第 4 條第 1 項第 5 款，且在近五年均呈現相同之排序情形。

Table 2-08 depicts the cases referred by the Anti-corruption Act and the state of applicable charges between 2009 and 2013. Said table shows, except 2013, the top three in the case referral rankings were Subparagraph 4, Paragraph 1, Article 6; Subparagraph 2, Paragraph 1, Article 5; and Subparagraph 5, Paragraph 1, Article 4, and that the state of rankings has been identical for the past five years

102 年以貪污治罪條例為主要適用法律者有 299 案，其中以同法第 5 條第 1 項第 2 款「利用職務上詐取財物」移送之 157 案最多，其次為第 6 條第 1 項第 4 款「對於主管或監督事務圖利罪」43 案，再次依序為第 4 條第 1 項第 5 款「違背職務收受賄賂罪」28 案、第 5 條第 1 項第 3 款「不違背職務收受賄賂罪」25 案、第 4 條第 1 項第 3 款「經辦工程或採購舞弊罪」19 案、第 4 條第 1 項第 1 款「竊侵占公有財物罪」12 案、同條項第 2 款「藉勢藉端勒索或強占財物罪」8 案、第 6 條第 1 項第 5 款「對於非主管或監督事務圖利罪」4 案、第 6 條第 1 項第 3 款「竊取侵占非公用私有財物罪」2 案、第 6 條第 1 項第 1 款「抑留職務上應發之財物」1 案。



In 2013, those referred by the Anti-corruption Act as the key applicable law totaled to 299 cases, and among them, the most were referred by Subparagraph 2, Paragraph 1, Article 5 of the same Act “offenses of defrauding monetary property by seizing the opportunity of one’ s position” with 157 cases, followed by those referred by Subparagraph 4, Paragraph 1, Article 6 “offenses of profiting on matters under one’ s administration or supervision” with 43 cases, and trailed by those referred by Subparagraph 5, Paragraph 1, Article 4 “offenses of accepting bribes and breaching one’ s duties” with 28 cases, then those referred by Subparagraph 3, Paragraph 1, Article 5 “offenses of accepting bribes without breaching one’ s duties” with 25 cases, then those referred by Subparagraph 3, Paragraph 1, Article 4 “offenses of fraud on one’ s project or procurement under management” with 19 cases, then those referred by Subparagraph 1, Paragraph 1, Article 4 “offenses of embezzling public monetary property” with 12 cases, then those referred by Subparagraph 2 of the same Paragraph and Article “offenses of blackmailing for or embezzling monetary property by relying on one’ s power” with 8 cases, then those referred by Subparagraph 5, Paragraph 1, Article 6 “offenses of profiting on matters not under one’ s administration or supervision” with 4 cases, then those referred by Subparagraph 3, Paragraph 1, Article 6 “offenses of embezzling non-public, private monetary property” with 2 cases, and those referred by Subparagraph 1, Paragraph 1, Article 6 “withholding public funds or public property which should be lawfully distributed” with 1 case.

以「利用職務上機會詐取財物罪」係公務員常觸犯的貪瀆罪名，犯行大致可歸納為 2 類，一係以虛偽人頭、發票或其他憑證向相關機關詐領公款，另一係利用民眾不諳公務員職務內容、權限範圍或作業規定而騙取民眾金錢，通常以第一類占大多數，嫌疑人利用請領經費機會，明知未墊支費用、未實際交易或舉辦活動，卻心存僥倖，持假造單據、不實人員名冊報銷請款，藉此欺瞞手段獲取金錢利益。102 年移送之 157 案：一、涉及政府採購業務者均屬第一類犯行，主要為國立大學教師受國家科學委員會委託辦理研究計畫，向廠商索取不實發票核銷經費，形式上購置研究實驗器材或物品，實際上卻購買私人用品，或根本未購買器材或物品而逕將核銷款項歸入私囊，計 105 案，另有公立醫院人員辦理研究器材或醫療器材採購，以前揭同樣手法詐領公款，計 7 案。二、未涉政府採購業務者有補助款及「其他」等類型。犯行屬第一類者，除前述國立大學教師受託辦理研究計劃補助，不實核銷詐領經費外，另有向機關申報與實情不符之出差旅費、膳雜費、加班費、薪資、特別費、助理費、村里基層工作費，或有利用辦理活動機會，事後以不實現場紀錄、單據或偽造相關證明文件，核銷經費等；犯行屬第二類者，有（一）鄉鎮長為拉攏鄉內人

民團體政治支持，藉故辦理災後復建工作為由，向上級縣市政府爭取焚化廠營運回饋等經費補助，待款項核撥移作他用，再以不實單據辦理核銷（二）縣市政府委託民間團體管理社區活動中心，未依委託機關所訂定管理規則，擅自未經核准，出借給營利事業團體使用，未將收取租金入公庫，挪作他用。

“Offenses of defrauding monetary property by seizing the opportunity of one’ s position” is a common corruption/malfeasance crime civil servants often commit, where the criminal conducts can roughly be summarized into two types, one being to embezzle public funds from relevant agencies by using figureheads, invoices, or other proof of receipt, and the other being to defraud the public’ s money by seizing the public’ s unfamiliarity with civil servants’ job content, scope of authority, or operating guideline, the majority is usually of the first type, where the suspects had the power or opportunity to make claim for funding, and knowingly aware that no funds were paid in advance, no actual trading or no event was staged, has opportunistically presented fake receipts and false staff lists to request for reimbursements, and by such means, defraud monetary gains. Among the 157 cases referred in 2013: A. Those involving government procurement operations all belong to the first type of criminal conduct, which are mainly from the research projects that were entrusted to the teachers at national universities by the National Science Council to process, with 105 cases, where they declared the funds of false invoices obtained from companies; in form, they purchased research laboratory equipment or goods, but, in reality, purchased personal items, or didn’ t even purchase equipment or goods and just pocketed the declared amount. There is also the handling of the procurement of research equipment or medical equipment by public hospital personnel, with 7 cases, using the same aforesaid approach to embezzle public funds. B. Those not involved in government procurements and subsidies, or “others” , are categorized as type 1. Other than the aforementioned case involving professors in public universities claim for reimbursement for research projects with untruthful receipts, there are cases of people claiming for work travel expense, meal allowance, overtime payment, salaries, special expense, assistant’ s salary, work expense for local works in the villages with untruthful receipts, or people forging related documents by leveraging event coordinating opportunities. Type 2 refers to (1) using fraudulent documents to claim reimbursement from county/city governments for refunds of running incinerators as a way to gain political support from civic groups in the name of “post-disaster reconstruction” , and (2) people renting



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

out public community centers in the county/city government to profit and use the proceeds in other areas rather than depositing into government' s treasury, violating management rules of entrusted institutes.

102 年查獲公務員「違背職務要求、期約或收受賄賂」計 28 案，公共工程類 4 案，多係嫌疑人監督或承辦公共工程及監工、驗收之權力，藉故刁難廠商，要求廠商招待前往有女陪侍酒店消費，配合給予展延工期及不實驗收、部分亦以掌握發包資訊洩露工程底價等招標訊息，向投標廠商收受取為數不等賄款或要求性招待、工程標案發包施作期間，承辦及督辦人員圖利承攬廠商，未依營造工程物價總指數調整、追加或調降預算金額，並索要數拾萬元不等賄款。

In 2013, there were 28 cases in which civil servants were found “breaching one’ s duty by demanding, agreeing promissorily to, or accepting bribery,” where 4 cases fell under the public works category, most of which the suspects supervising or undertaking public works used their authority to give a hard time to vendors, requesting vendors to pay for entertainments with working girls, and extending delivery date or conducting fraudulent verification after construction. Some of the cases involve disclosing the minimum price of bidding projects to the bidders in exchange for bribes or sexual entertainment. Others involve administrators or supervisors adding or lowering the budget without considering the total price index of construction and engineering materials to profit certain vendors in exchange for more than thousands of bribery from them.

警政類 11 案，主要係不肖員警收取賭場、色情或聯結車等業者之金錢，以洩漏臨檢勤務時間等應秘密事項、護航不予稽查取締為對價。採購類 8 案次之，分別為公立醫院 2 案、國營事業 1 案及中央及地方自治機關共 5 案，均係採購案承辦人或監辦人勾結廠商並收受賄賂，以浮編預算、綁標或洩漏採購需求、規格、底價等方式協助廠商得標，明知廠商履約情況不符招標規範卻護航驗收通過為對價。以此罪名移送之類型，尚有矯正、建管、司法貪瀆、環保、「其他」等，嫌疑人違背職務收受賄賂之對價，例如：監獄管理員違反戒護規定為受刑人夾帶違禁管制物品、縣政府工務局人員查報拆除違章建物，以登載不實方式放水免予拆除、縣政府環保局人員對於查報廢棄物清運業者非法傾倒及回填廢棄物，未依法裁罰。

11 cases fell under the police administration category, which primarily pertained to unscrupulous policemen collecting cash from operators, such as casino operators, sex trade operators, or tractor and trailer operators, and used leaking out mandated confidential information, such as rummage duty times, and

escorting without investigating and interdicting the misdeeds as considerations. Followed by those in the procurement category with 8 cases, which separately pertained to 2 cases with public hospitals, 1 case with state-owned enterprises and 5 case with central government and local self-government authorities, where all instances involved the procurement case processor or supervisor, where by colluding with contractor and also accepting bribery, used bloating the budget, bid rigging, or leaking out the requirements, specification, base price, and so forth, to assist the contractor in securing the bid, escorting a contractor to pass the acceptance inspection, while knowingly aware that the contractor's contact work does not comply with the tender criteria as considerations. The categories referred under this criminal charge also include correction, construction management, judicial corruption and malfeasance, environmental protection, and "others," where the criminals breached one's duties with accepting bribes as considerations, for example: jail administrators violated the provisions by sending messages or assisted in the entrainment of prohibited controlled substances for inmates being held incommunicado; personnel of the construction section within county government went easy on reporting of illegal buildings by untruthfully filling out of forms; employees in Department of Environmental Protection in the county government did not penalize the responsible people dumping waste illegally even after the incident has been reported.

以「對於主管或監督事務圖利罪」移送之 43 案中，與政府採購業務相關之公共工程類型案件有 15 案，採購類型案件有 9 案，犯行主要有：明知投標廠商有圍標、借牌、資格不符等情形，不依法處理，卻護航得標承攬；明知得標廠商工程偷工減料、財物給付或勞務提供不符招標規範，卻仍驗收通過，讓廠商順利請款。其餘 19 案依案數多寡，分屬「其他」3 案、警政 7 案、社福補助 2 案、建管 2 案、環保 2 案、地政、監理、稅務類型各 1 案，犯行主要有：公務員執行查報民眾違章建物，予以庇護為不實會勘或判定，未依法裁罰；或對於民眾申辦補助或建照等業務，依法應據實審查及填報，竟予圖利通過申請或核照。

Among the 43 cases referred by "offenses of profiting on matters under one's administration or supervision," cases that fell under the public works category and were related to government procurement totaled to 15 cases, cases that fell under the procurement category totaled to 9 cases, where the criminal conducts primarily pertained to: conscious that a bidder was engaged in bid rigging, license borrowing, or unqualified, yet took no action, and escorted the



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

bidder to secure the bid; conscious that a contractor was jerry building during construction, and the property payments or the services provided are inconsistent with the tender specifications, yet still allowing it to pass the acceptance inspection and letting the contractor to successfully obtain the payment. The remaining 19 cases, divided by case count from the most to the least, pertained to “others” with three cases, police administration with seven cases, social welfare subventions with two cases, and various categories, such as construction management with two cases, environmental protection with two cases, land administration, motor vehicle management and tax administration with one case each, where the criminal conducts primarily pertained to: civil servants who did not visit the illegal buildings on site or make judgments and penalize the business owners after receiving reports; or civil servants who gave a green light and issued licenses to people filling out fraudulent documentations applying for subsidies or licenses of buildings.

102 年查獲公務員「對於職務上之行為，要求、期約或收受賄賂」計 25 案，此罪名與前述「違背職務要求、期約或收受賄賂」不同之處，在於公務員雖然收受賄賂，但公務處理程序與結果並無違反法令，仍本於職權而為，只是基於其裁量權，對於行賄者所關心之事項，仍具重大影響；此外，法律原不處罰行賄者，100 年 6 月 29 日貪污治罪條例經總統公布修正，處「關於不違背職務之行為」行賄者三年以下有期徒刑，較「關於違背職務之行為」行賄者一年以上七年以下有期徒刑，仍屬較低。以此罪名移送之 25 案中，涉及政府採購事項之公共工程類有 5 案，採購類有 13 案，行賄廠商心態多基於「有燒香有保佑」，得標初始即行交付者，主要是希望履約過程順利，不被刁難；驗收過後交付者，不是希望發包機關儘速付款，就是希望預留下次「合作空間」；採購類之 13 案中，有 8 案收賄主體為公立醫院醫師、縣市長、縣市議會秘書長、國小校長、直轄市區長等，犯行有直接收取定額金錢或接受性招待等不正利益。不涉政府採購事項者，計有 7 案，類型有司法貪瀆、警政、關務及「其他」等，犯行有毒犯透過偵辦員警，向案件承審法官行賄，換取較輕刑度判決、鄉鎮代表會主席受土地開發業者行賄，向公所施壓，要求配合業者開發計畫需求，開闢道路等。

In 2013, there were 25 cases in which civil servants were found “demanding, agreeing promissorily to, or accepting bribery for the conducts in duty.” The difference between this criminal charge and the aforesaid “breaching one’s duty by demanding, agreeing promissorily to, or accepting bribery” is that although the civil servants accepted bribery, the processing and results of government duties do not violate the laws and are still within their positional power, except basing solely their discretionary power, they still have a significant

impact on matters of interest for bribers. In addition, originally, the law does not punish the bribers. The president promulgated the amendments to the Anti-corruption Act on June 29th, 2011, where those bribers whose request “will not let the civil servant breach his duties” are given less than three years of imprisonment, it is still less compared to those whose request “will let the civil servant breach his duties” and are given more than one year but less than seven years of imprisonment. Of the 25 cases referred under this criminal charge, there were 5 cases involved in government procurement matters in the public works category and 13 cases in the procurement category, where most of the mindsets of the bribing contractors were that they “will be blessed because of having prayed.” Most of those that gave bribes once having won the bid hope that the compliance period is successful, and things are not made difficult, and those that gave bribes after acceptance inspection hope either that the tendering agencies can make the payment as soon as possible or that they can reserve the “room for cooperation” for the next time. Out of the 13 cases in the procurement category, the subjects accepting bribes of eight of the cases were doctors of the public hospitals, county/city mayors, secretary generals of county/city council, primary school principals, and municipality supervisors, where the criminal conducts include directly collecting a fixed amount of money, and accepting sexual entertainment. There are seven cases unrelated to government procurement within the categories of judicial corruption, political administration, customs and “others” category, including drug addicts sending bribes to the judges via officers in charge of the case in exchange for less severe punishment, chairmen of representative council in local townships accepting bribery from land developers to pressure local council and asking vendors to accommodate their development needs and to expand the roads etc.

以「經辦工程或採購舞弊罪」移送之 19 案，有 16 案屬公共工程類，3 案屬採購類，前者有 7 案發生於鄉鎮市公所發包之工程，其餘 9 案分隸於縣政府、中央機關、公立學校，犯行主要係依照工程經費之一定成數向廠商收取回扣，少則 5%，多至 30%，舞弊方式大多為變更施工規範、浮編工程預算、洩漏底價等應秘密招標訊息、勾結廠商借牌圍標、驗收故意放水等。至於採購類 3 案中，鄉鎮公所辦理垃圾車採購，護航承攬廠商浮編不必要配備及不實驗收，收取回扣、參標廠商向採購機關小學校長支付標案金額 20% 回扣為代價，由校方洩露招標須知等採購訊息，護航得標承攬。

Among the 19 cases referred by “offenses of fraud on one’s project or procurement under management,” 16 cases fell under the public works category,



and three cases fell under the procurement category. The public works category had seven cases occurring in projects tendered by Township/City offices, and the remaining nine cases separately pertained to County Governments, central government agencies, and public schools, where the criminal conducts primarily pertained to collecting kickbacks of a certain percentage of the project funding from the contractor, with as little as 5% and as much as 30%, and the means of fraud largely pertained to construction specification changes, bloating the project budget, leaking out mandated confidential tender information, such as base price and so forth, colluding with the contractor for license borrowing or bid rigging, deliberately going easy on the acceptance inspection, and so forth. As for the three cases in the procurement category, there were cases of employees in township councils favoring certain vendors of procuring garbage trucks by adding unnecessary equipment and conducting incomplete verification to receive kickbacks. There were cases of vendors involved in bidding process paying the principals of elementary schools 20% of the total bidding price as a kickback in exchange for bidding requirements and other procurement information to win the bid.

「藉勢藉端勒索或強占財物罪」是公務員依恃擁有與人民權益關係密切之公權力，或行使職務具相當裁量權限，迫使民眾屈服交付財物，並從中獲取不法利益之犯罪，102 年計移送 8 案，以民意代表假藉其得在議堂提案杯葛、要求行政機關介入查處或發動民眾現場抗爭等實質權勢向業者勒索金錢為多，其次不乏有民選鄉鎮長，挾帶民意基礎，假藉民眾陳情，代為協調，脅迫在當地設廠從事高污染生產之廠商支付一定回饋金，卻中飽私囊，另有發現不肖員警利用司法警察偵查權限，於偵辦毒品案件，恫嚇嫌犯，要求交付錢財，換取免遭查緝或移送。

“Offenses of blackmailing for or embezzling monetary property by relying on one’ s power” is where civil servants count on the public authority they hold due to the close-knit correlation to the general public’ s equity, or exercise its functions with considerable discretionary power, in other words, it is a form of crime using forceful means for the public to surrender with their own property and also to obtain the illegal interests through these means, and in the eight cases referred in 2013, most of which were elected representatives, under the guise of having substantial power to boycott proposals in the conference hall, to demand that administrative agencies intervene, investigate, and handle, or to mobilize on-site public protests, blackmailed operators for money. There were few cases involving the mayors of townships. They negotiated with local vendors

and faked the comments of local residents, threatening the manufacturer with highly polluted products to pay kickbacks. There were also cases of policeman leveraging their authority to threaten suspects of drug deals for money in exchange for closing the case or transferring the suspect.

第6條之1俗稱「公務員財產來源不明罪」，98年4月3日增訂時之構成要件相當嚴格，自實施以來並未顯現具體成效，100年11月23日大幅修正，規定犯罪主體除貪污治罪條例第4條至第6條罪名之公務員外，亦包含犯刑法、組織犯罪防制條例等特別列舉之犯罪之公務員，擴及「公務員本人及其配偶、未成年子女自公務員涉嫌犯罪時及其後三年內，有財產增加與收入顯不相當之情形，經檢察官於偵查中發現，命其就來源可疑之財產提出說明，無正當理由未為說明、無法提出合理說明或說明不實者」，惟新法甫實施，本局102年間尚無以「公務員財產來源不明罪」移送檢察署偵辦之案例。

Article 6-1 is commonly known as “offenses of civil servants having property from unidentified sources,” the constituent elements were rather strict when this was updated on April 3rd, 2009, and since its implementation, concrete results have not been apparent. Substantial amendments have been made on November 23rd, 2011, the criminal subjects not only include the civil servants committing criminal charges stipulated from Article 4 to Article 6 of the Anti-corruption Act, but also those specially cited offenses in the Criminal Code and the Organized Crime Prevention Act, and it has broadened to “from the time of the civil servants’ alleged crimes and for the following three years, if there are obvious situations where the civil servants themselves, their spouses, and minor children have an increase in property that do not correspond with their income, and they haven’t given any proper justification or explanation, are unable to provide reasonable explanations, or have given false explanations, when discovered by the prosecutor during investigation, they will be ordered to provide an explanation for the property from suspicious sources.” However, with having just implemented the new law, the Bureau still did not have any cases referred to the prosecutor’s office through “offenses of civil servants having property from unidentified sources” to be investigated and processed in 2013.

表2-09係98年至102年以刑法移送之案件，各罪名適用情形。該表顯示移送案數最多者為第339條第1項普通詐欺取財罪，且在近五年均呈現相同之排序情形。

Table 2-09 depicts the cases referred by the Criminal Code and the state of applicable charges between 2009 and 2013. Said table shows that the most



referred cases were by Paragraph 1, Article 339, offenses of fraud (illegally gaining properties), and that the state of the rankings had been identical for the past five years.

102 年以刑法為主要適用法律之「貪瀆案件」有 27 案，「非貪瀆案件」有 47 案，合計 74 案，前者多屬刑法第 4 章瀆職罪或第 15 章與公文書相關之偽造文書印文罪，後者多屬刑法第 320 條至第 342 條之財產犯罪或第 15 章與私文書相關之偽造文書印文罪。

In 2013, “corruption/malfeasance cases” referred by the Criminal Code as the key applicable law tallied to 27 cases; and “non-corruption/malfeasance cases” to 47 cases, totaling 74 cases, where the former largely fell under offenses of Malfeasance in office under Chapter 4 or offenses of forging instruments or seals related to official documents under Chapter 15 of the Criminal Code, and the latter largely fell under offenses of property crime under Article 320 through Article 342 or offenses of forging instruments or seals related to private documents under Article 15 of the Criminal Code.

102 年以刑法第 339 條第 1 項「普通詐欺取財罪」移送之 33 案最多，占刑法案件之 45.8%（33 案 / 74 案），多為司法黃牛詐欺案件、公營事業人員及公私立學校教師詐領公款案件，前已述及；以刑法第 213 條公文書登載不實罪移送之 12 案次之，占刑法案件之 16.2%（12 案 / 74 案），多為經辦採購公務員於招標、審標或驗收業務，於公文書不實登載；續以刑法第 132 條第 1 項「洩漏國防以外之秘密罪」移送之 5 案，占刑法案件之 6.8%（5 案 / 74 案），所洩漏之秘密有政府採購評選委員名單、受通訊監察人姓名、警察戶役政等電腦查詢資訊、洩漏陳情人資料等；刑法第 342 條背信罪移送之 4 案；另有 3 案為觸犯刑法第 320 條第 2 項竊佔罪之竊佔國土等案件。

In 2013, most cases were referred by Paragraph 1, Article 339 “offenses of fraud (illegally gaining properties)” of the Criminal Code with 33 cases, which accounted for 45.8% of all criminal cases (33 cases/74 cases), most of which were judicial broker fraud cases, embezzlement of public funds by the employees of public enterprises and private/public schools teachers, as previously mentioned. The second most cases referred by Article 213 “fraudulently filling in something on official documents” of the Criminal Code with 12 cases, which accounted for 16.2% of all criminal cases (12 cases/74 cases), most of which were involve civil servants forging official documents when processing procurement projects, including opening bids, reviewing applications or verifying project work. Then those referred by Paragraph 1 Article 132 “disclosing a non-

state secret (excluding national defense secrets) without authorization” of the Criminal Code with 5 cases, which accounted for 6.8% of all criminal cases (5 cases/74 cases). The “non-state secret” refers to the name list of judges for government procurement projects, names of controllers being notified, inquiry information in the police station’s administration office, and information of the petitioners. There were 4 cases referred by Article 342 “abuse of trust” of the Criminal Code, and another 3 cases involving illegal occupation of state-own land under Paragraph 2 Article 320 (larceny of real estate) of the Criminal Code.

(三) 嫌疑人資統計

3. Statistics on Suspect Demographics

表 2-10 係對 98 年至 102 年移送案件嫌疑人之身分及性別作統計，圖 2-04 則顯示 102 年移送各類身分嫌疑人之性別比例。102 年移送之 2,680 名嫌疑人中，男性嫌疑人 2,141 人，占 79.9% (2,141 人/2,680 人)，高、中、低階公務員男性嫌疑人分別占各類別之 81.6% (164 人/201 人)、85.4% (327 人/383 人) 及 83% (224 人/270 人)，男性於貪瀆案件中所占之比例明顯高於女性，而歷年資料亦呈現相同情形。

Table 2-10 depicts the statistics on the status and gender of suspects in cases referred between 2009 and 2013, and Figure 2-04 depicts the gender ratio of suspects of a variety of identities referred in 2013. Among the 2,680 suspects referred in 2013, male suspects tallied to 2,141 individuals, which accounted for 79.9% (2,141 individuals/2,680 individuals), male suspects of high-, middle-, and low-ranking civil servants accounted respectively in each category for 81.6% (164 individuals/201 individuals), 85.4% (327 individuals/383 individuals) and 83% (224 individuals/270 individuals), where the ratio of male suspects in corruption/malfeasance cases was obviously higher than that of female suspects, and the same phenomenon also appeared in the data of past years.

圖 2-05 係統計 98 年至 102 年移送各階公務員、準公務員及民意代表等公職人員之人數比例。102 年中階公務員比例 32.8% 最高，低階公務員 23.1% 次之，準公務員 20.8% 再次之，民意代表 6.1% 最低，102 年比例走勢大致與前 4 年相同，準公務員比例微幅增加，主要係因在本局 102 年仍持續偵辦多件國立大學教師以不實發票或銷貨憑單核銷經費之案件，移送該等使用公款（含政府補助或學校經費）從事科學技術研究之教師，因兼辦採購、驗收業務，最高法院檢察署認定仍屬刑法第 10 條第 2 項第 1 款後段規定之授權公務員，即本年報所稱之準公務員。

Figure 2-05 depicts the statistics on the ratio head count of civil servants of all ranks, quasi civil servants, elected representatives, and related public servants referred between 2009 and 2013. In 2013, middle-ranking civil servants accounted for the highest proportion with 32.8%, followed by low-ranking civil servants with 23.1%, and trailed by quasi civil servants with 20.8%, with elected representatives being the lowest with 6.1%. The proportion trend in 2013 is basically the same when compared with the past 4 years; there was a small increase in the proportion of quasi civil servants, the reason being that the Bureau continuously investigated and processed numerous cases in 2013, where national university teachers declared the funds of false invoices and sales vouchers. Said teachers who used public funds (including government grants and school funds) to engage in scientific and technological research have been referred, and because they concurrently handled procurement and acceptance inspection, the Supreme Prosecutors Office firmly believe that this belongs to the authorized civil servants as stated in the provisions of the latter part of Subparagraph 1, Paragraph 2, Article 10 of the Criminal Code, which is what this yearbook calls quasi civil servants.

表 2-11 為 102 年移送各類身分嫌疑人的主要適用法律。

Table 2-11 depicts the key applicable laws adopted on suspects of various types of identities referred in 2013.

102 年以貪污治罪條例移送之各階公務員、準公務員及民意代表，共計 1,520 人，為涉嫌貪瀆犯罪之公職人員適用最廣泛的法律。以同條例移送之「非公職人員」487 人中，327 人與公務員共同違犯第 4 條至第 6 條等貪瀆罪名，160 人違犯第 11 條行賄罪，行賄對象有：縣長、鄉鎮長、鄉鎮民代表、縣市政府水利、工務、民政、一般行政業務相關之職員（如局處長、科長、技士、專員等）、鄉鎮市公所職員（如行政室主任、建設課課長、技士、約聘僱人員等）、中央所屬機關人員、監理人員、警察、消防人員、監獄管理員、國立大專院校或公立國中小校長等負責採購之人員、公營事業機構負責採購之人員等。

In 2013, civil servants of various ranks, quasi civil servants, and elected representatives referred by the Anti-Corruption Act totaled to 1,520 individuals, making it the most widespread applicable law on public servants with alleged corruption/malfeasance crime. Among the 487 “non public servants” referred by the same law, 327 individuals colluded with civil servants to commit corruption/malfeasance crime as stipulated under Article 4 through

Article 6, and 160 individuals committed offenses of bribery as stipulated under Article 11, where bribing subjects included: personnel responsible for procurement and those in public enterprises, such as county mayors, township magistrates, township elected representatives, staff members in City and County Governments in matters related with irrigation, public works, civil affairs, and general administration (such as directors, chiefs, technicians, commissioners, and so forth), township/city office staff members (such as executive directors, construction section chiefs, technicians, contract employee, and so forth), employees of Central Government Agency, the staff of motor vehicles agencies, policemen, firemen, jail administrators, national universities and colleges or principals of public elementary and junior high schools.

102 年依政府採購法移送之公職人員人數計有 7 人，涉案對象有國營事業人員、監所約聘人員、鄉鎮市民代表、村里長共犯借牌圍綁標，與其職務職權無關，然而以該法移送之非公職人員則有 609 人，占全部移送人數之 22.7%（609 人 / 2,680 人），有一定比例人數，本局 92 年至 100 年廉政工作年報統計資料，均呈現相同情形，顯見國人為了得標政府工程或採購案，試圖取巧操控得標機會之歪風，始終未減。

In 2013, 7 civil servants were arrested subject to Government Procurement Act, including staff in state-owned businesses, contractors in the custody offices, township councilor, and villages chief who are accomplices in rigging bids. 609 non-civil-servants were arrested for misconducts irrelevant to their job responsibilities, accounting for 22.7% (609 individuals / 2,680 individuals). The number accounts for a significant percentage and the data from 2003 to 2011 also shows the same pattern, indicating that the culture of bypassing judicial and official procedure to win the bids for government engineering or procurement projects has never stopped.

表 2-12 為 102 年移送各類身分嫌疑人之學歷統計。如排除學歷不詳部分，該表顯示涉案公務員的階層越高，學歷通常也較高；民意代表學歷普遍低於行政機關公務員，以高中以下學歷占多數；非公職人員則以大學學歷居多，高中學歷次之，與往年相較，大學學歷有逐漸增多的趨勢。碩士以上學歷 702 人中有 208 人為準公務員，多係大專院校教師，擁具碩、博士學位，因接受國家科學委員會委託辦理研究計畫，以不實發票等單據核銷公款而涉貪瀆。

Table 2-12 depicts the statistics on the education of suspects of all types of identities referred in 2013. When eliminating the portion of unknown education,



the table shows that the higher the rank of the civil servants involved in the case, the higher their education was likely to be, while the education of the elected representatives tends to be lower than that of the administrative agency civil servants, with a majority holding a junior high school degree or lower, a majority of the non-public servants held university degrees, followed by those who held high school degrees; as compared with the previous years, the number of those with university degrees have gradually increased. Out of the 702 individuals with at least a master's degree, 208 were quasi civil servants, where mostly were public university teachers, and many of them holding a doctorate degree, due to having been entrusted to process research projects by the National Science Council, and were involved in corruption/malfeasance by using receipts, such as false invoices, to be reimbursed through public funds.

圖 2-06 顯示 98 年至 102 年移送之公職人員學歷分布比例。

Figure 2-06 depicts the distribution ratio of education among public servants referred between 2009 and 2013.

102 年移送之公職人員（含公務員、準公務員及民意代表）確知其學歷者計有 2,302 人，以具碩士以上學歷者占 30.5% 最高（702 人 / 2,302 人），具大學學歷者占 22.6% 次之（521 人 / 2,302 人），餘依次為高中學歷者占 18.8%（432 人 / 2,302 人），專科學歷者占 16.7%（385 人 / 2,302 人），國中以下學歷者僅占 11.4%（262 人 / 2,302 人）。102 年度消長情形與前 4 年差異不大，整體而言相當類似，大學學歷與專科學歷均位居前 2，兩者差距不大，99 年差距拉大，專科學歷有逐年下滑趨勢。值得注意者，碩士以上學歷公職人員比例從 98 年之 16.4% 逐年遞升，迄 102 年達 30.5%，此與國內大學碩士與博士學程日益普及，公務體系人員終身學習風氣盛行，帶職進修，應有相當關連性，故 101 年與 102 年比例均居冠，原因係移送具博士學位、準公務員身分之國立大學教師近百名，惟應屬一時現象，不致成為常態。然而高中學歷公職人員比例則從 98 年之 19.3% 逐年遞減，迄 102 年僅有 18.8%，國中以下學歷近 5 年多在 6% 上下，雖 101 年呈現下降，惟在 102 年卻反增，應與我國國民學歷普遍提升有關。

Among public servants (including civil servants, quasi civil servants, and elected representatives) referred in 2013, 2,302 individuals were with known education, of whom, those with a master's degree or higher accounted for the most at 30.5% (702 individuals/2,302 individuals), followed by those with a university degree at 22.6% (521 individuals/2,302 individuals), and the remainders in order comprised of those holding a senior high school degree at

18.8% (432 individuals/2,302 individuals), those holding a junior college degree at 16.7% (385 individuals/2,302 individuals), and those holding a junior high school degree or lower at 11.4% (262 individuals/2,302 individuals). The growth and decline in 2013 is basically the same when compared with the past four years. In terms of the state of education distribution ratio from 2009 to 2011, it is rather similar as a whole, where those with university degree and junior college degree continue to rank in the top two, and the gap between the two has been minimal. The gap increased in 2010, and the number of those with a junior college degree has been on a declining trend. What is noteworthy is that the ratio of public servants with a master's degree or higher has exponentially increased from 16.4% in 2009 to 30.5% in 2013, which is considerably related to the prevalence of local university master and doctoral programs, the popularity of the lifetime-learning trend in the public service system and in-service training. In 2012 and 2013 the proportion rose to the highest, the reason being that close to 100 national university teachers with a doctorate degree and holding the identity of a quasi civil servant were referred, so this should be a temporary phenomenon and will not become the norm. However, the ratio of public servants holding only a high school degree has been exponentially reduced from 19.3% in 2009 down to mere 18.8% in 2013, and those holding a junior high school degree or less has been around 6% for the past five years, and has declined in 2012, though the proportion rose in 2013, a trend probably related to the general increase of our nation's education.

表 2-13 顯示 98 年至 102 年移送各類民選公職人員之人數統計，其中 102 年移送各級民意代表 75 人，地方自治團體首長 30 人，概述如下：

Table 2-13 depicts the head count statistics on a variety of public-elected public servants referred between 2009 and 2013, and among them, 75 elected representatives of all levels and 30 local self-governance organization heads were referred in 2013, as briefly described below:

- 1、移送縣市議會副議長 1 人，犯行略為，高雄市副議長受廠商負責人請託，向高雄市政府環保局長、科長等人關說，要求開放市立衛生掩埋場，作為該公司產出重金屬污染土壤之最終處置場所，俾避免廠區土地遭公告為土壤污染控制場址，面臨禁止開發、不得新建建物等不利益，涉嫌圖利。



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

a. Vice chairman of county/city council was referred. In summary, the vice chairman of Kaohsiung city was entrusted by the responsible person of a vendor to persuade the chief and team head of Bureau of Environmental Protection in Kaohsiung city to open up public landfill area as the final placement for the soils polluted by heavy metal produced by the company. The vendor was involved to profit as a result of forbidding the land from development and building new constructions since the land will not be announced as a controlled area for polluted soils.

2、移送縣市議員 44 人，犯行分別為：多名議員共同透過掮客勾結受補助之多校國小校長，向特定共同供應契約廠商採購，收取回扣；虛報人頭詐領議員助理薪資或補助費；透過掮客與鄉鎮公所採購單位人員勾結，收取廠商回扣，配合浮編採購價額，協助該廠商得標辦理採購；與廠商共組暴力圍標集團，圍標縣內自來水公司之管線汰換工程；向土地開發業者收取賄款，利用於議會審查市政府所屬大眾捷運公司之土地開發基金預算，予以護航通過；協助廠商於工業區設廠，並介紹承攬縣內國高中學校校舍工程，以政治獻金名義向業者索要數拾萬元不等賄款；先向縣市政府爭取老年福利補助預算額，再藉舉辦慶祝老人慶典活動，以不實單據核銷詐領該補助款。

b. There were 44 referrals of county/city councilors, where the criminal conducts separately pertained to: many county/city councilors subsidized several principles of elementary schools with the help of brokers to procure from certain vendors in exchange for kickbacks. Some of them falsely reported the assistant's salary or subsidies, received kickbacks from vendors by collaborating with the procurers in county/town councils via brokers to add unnecessary items to the budget and helped certain vendors to win the bid, collaborated with vendors to violently force for a rigging bid in regards to replacing the pipelines for water company, received bribes from land developers and help them pass the budget for land development for Mass Rapid Transit company under city government during city council meetings, assisted some vendors to build factories in the industrial area and requested for bribes more than 100,000 NTD in the name of political donation in exchange for introducing the vendors to the right points of contact for building dorms at schools, or applied for funding from county/city government in the name of subsidizing senior citizens events and used untruthful receipts to reimburse for the expense after the events.

3、移送鄉鎮市民代表會主席 4 人、副主席 1 人及代表 25 人，犯行略有：偽造不實訃文及謝帖，以開支相關奠儀，據以向代表會核銷詐領特別費；向邊坡基地坍塌民間宮廟收取修繕所需工程費用，再以鄉代身分辦理災害會勘，要求公所編列同額修繕預算，發包施作；與投標廠商勾結，向公所工程發包單位承辦人員施壓，協助取得標案，並索取回扣；不具原住民身分，與原住民簽訂地上權讓渡契約，取得土地使用權，未經主管機關申請擅自開挖坡地，並整地及建屋；與政府採購共同供應契約立約廠商勾結，由廠商支付補助之採購價額 5 成回扣，以民代身分向鄉鎮公所推薦下單採購。

c. There were four referrals of township council chairpersons, one referral of vice chairperson, and 25 referrals of councilors, where the criminal conducts sort of include: forging untruthful obituaries and thank-you notes to apply for special expense reimbursement from representative council; charging local temples for the expense required to fix the foundation of the temple as a result of mudslide, and applying for the same amount from the town council and opening for bids as a representative to conduct on-site inspection; collaborating with bidding vendors to help them win a bid by pressuring the administration staff of the project in exchange for kickbacks; acquiring usage right of lands specifically for aboriginals with fake identity and developing the hills and building houses without applying to the authorities concerned; collaborating with vendors who have contracts with the government for procuring materials and receiving kickbacks equivalent to 50% of bidding price in exchange for recommending the town councils (as an elected representative) to procure materials from this vendor.

4、移送縣市長 1 人犯行略述如下：利用配偶胞弟對外尋找特定願支付 1 成回扣之廠商，承攬縣政府所辦理全民運動會等活動採購案，再指示經渠授權代為決行採購標案業務之縣長室簡任秘書，將有關舉辦活動之紀念品、勞務等採購案，配合以公開評選限制性招標方式辦理，俾指定特定廠商承攬。

d.1 county/city mayor was referred and below is the summary: he engaged the brother of his spouse to source for specific vendors willing to pay 1% of bidding price as kickback to take care of activities such as Sports Day for All and then instructed the senior secretary in the office of county chief, who has the right to make a decision on bidding, to open a bid with limitation. He then appointed specific vendor to take care of the procurement for souvenirs and labor force.



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

- 5、移送鄉鎮市長 29 人次，與政府採購業務相關者，例如：向投標廠商索要採購回扣，協助得標承攬，施作時容任廠商偷工減料，於完工驗收階段，未依採購合約辦理取樣送驗，配合護航放水通過驗收；接洽尋求願意承攬鄉鎮公所辦理財物採購之特定廠商，再指示經辦或監督採購人員，以共同供應契約採購方式，下單予指定配合廠商，廠商依約支付採購金額回扣；由掮客利用議員爭取鄉鎮補助款經費後，辦理發包採購，再依掮客提供特定廠商，協助得標承攬，收取分配回扣。其餘犯行，有：以辦理災後重建工作等不實理由，偽編相關執行計畫，報請縣政府同意動用焚化廠營運回饋金，重複補助鄉內社區發展協會等 10 個人民團體；與代表會意見不合，挾怨報復藉故擱置依法應撥付該會人事等費用，妨害代表會會務正常運作。
- e. There were 29 referrals of township mayors, those related to government procurement operations, for example: Requesting for kickbacks from certain vendors by assisting them to win the bid, allowing them to use unqualified materials and turning a blind eye to checking the result post-project by not submitting the samples for examination based on contract; contacting town councils to source for specific vendors who are willing to provide kickbacks by instructing the administration staff or supervisors involved in procurement to give orders to the specific vendors with joint supply contract; utilizing brokers to apply for subsidies from town councils and helping certain vendors to win the bid in exchange for kickbacks. Other misconducts include forging action plans by stating that post-disaster construction was not solid and requesting county government to utilize the refund of operating incinerator to subsidize 10 civic groups such as inner-county community development associations repeatedly; revenging the elective representatives who hold different opinions by delaying the disbursement of human resources expense and thus disrupting the functionality of the representative committees.
- 6、移送村里長 50 人，犯行主要為擅自佔用公有土地，並劃置停車位對外出租，收取租金、未實際舉辦活動，向商家索取空白收據，填載不實品項、價格及數量核銷詐領補助經費、編造不實人員出勤清冊及工資領據等憑證，向鄉鎮區公所浮報核銷里鄰建設服務經費，詐領補助款、擔任工程發包監工，包庇承包商，出具不實施工日誌、照片，向工程發包機關請款、與投標廠商勾結，共同向工程發包機關圍標、以不實單據核銷廢棄物處理廠回饋金，其中 1 案 22 位里長辦理里內消防設備建制採購，與共同供應契約廠商勾結收取回扣，而向該廠商下單採購。
- f. 50 village chiefs were referred mainly because they occupied public lands without permission and planned to utilize the parking space to receive rent,

failed to host events that they applied for, asked stores for blank receipts to fill in untruthful information in term of product name, price and quantity for reimbursement, fabricated attendance sheet and salary slips, requested for unnecessary funding from town councils in regards to building the neighborhood and services, requested for subsidies that they are not qualified for, supervised constructions which the vendors they have collaborated with, showed untruthful construction diaries and pictures to apply for reimbursement, became accomplice with bidding vendors, conducted rigging bid together with vendors, and reimbursed the refund for waste disposal factories with untruthful receipts. One of the cases involved 22 village chiefs who collaborated with a vendor to purchase fire equipment and accepted kickbacks in exchange for procurement.

二、賄選案件統計

B. Statistics on Vote-Buying Cases

本年報統計之賄選案件，係指經本局配合檢察機關偵辦後，由各地檢署提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴之案件，因性質與廉政類移送案件不同，故二者分別計列。由於聲請簡易判決處刑、緩起訴或職權不起訴，係檢察官針對適用簡易程序案件或輕微案件所為之處分，性質類似於起訴，皆認被告涉嫌犯罪，與刑事訴訟法第 252 條之絕對不起訴案件有別，故本年報為便於敘述，均歸類為「起訴案件」。

Vote-buying cases tallied in the yearbook refer to the cases, following the Bureau's support of the prosecution agency with the investigation and processing, that the prosecutor's office has proceeded to file for public prosecution, applied for summary judgment, by deferred prosecution, or by ex officio non-prosecution, and due to the nature of these cases being different than those referred through the anti-corruption category, thus, the two are tallied separately. Given that the circumstances of applying for summary judgment, deferred prosecution, or ex officio non-prosecution are rulings the prosecutor makes that are applicable to summary procedural cases or minor cases, which in nature are similar to prosecution, where the defendant is deemed to have allegedly committed the crime different from the absolute non-prosecution cases as stipulated under Article 252 of the Code of Criminal Procedure, which the yearbook, for the convenience of description, hereby classifies them as "indictment cases."



(一) 歷年起訴統計

1. Statistics on Indictment Cases Over the Years

現行法律對賄選行為有規範之選舉，有「公職人員選舉」及「非公職人員選舉」2 種類型，前者包含總統副總統、立法委員、直轄市長、縣市長、鄉鎮市長、村里長、直轄市議會議員、縣市議會議員、鄉鎮市民代表會代表等 9 種選舉，後者則包含農會會員代表及職員選舉、漁會會員代表及職員選舉、農田水利會會務委員及會長選舉等 3 種選舉。

Elections that the existing law regulates in terms of vote-buying conducts can be divided into two domains, public servant elections and non-public servant elections, where the former encompass nine types of elections, namely the president/vice president, legislators, mayors of the special municipality, county/city mayors, township mayors, village chiefs, councilors of the special municipality, county/city councilors, township council representatives, while the latter encompass three types of elections, namely the farmers' association representatives and employees, fishermen's association representatives and employees, irrigation association executive directors and commissioner.

本局執行查賄任務，係依各種選舉類別與性質之不同設定工作目標，分別訂立專案工作計畫，由各轄區處站擔任查賄主力，輔以航業調查處及北、中、南、東 4 個地區機動工作站之支援人力，以最大的查賄能量完成各項專案任務。

The working objectives of the bribery crackdown missions that the Bureau executes are defined according to the differences in categories and nature of the various types of elections by drafting specific project working plans for the respective division holding the purview, where they spearhead the bribery crackdown force, supported by the Navigation Investigation Division and backup manpower from the four region mobile offices from northern, central, southern, and eastern Taiwan, to complete the various project missions with maximum bribery crackdown energy.

表 2-14、表 2-15 係本局偵辦之賄選案件 82 年至 102 年起訴案數統計、及近十年起訴人數統計，各類選舉之選舉年度相關數據以紅色標示，俾能更清楚了解各屆選舉之查賄成果。以 102 年度為例，黑色數字表示 102 年度未舉辦該選舉，統計數字係 101 年或先前年度舉辦者，經本局調查蒐證後檢察官於 102 年起訴之成果；而紅色數字則代表為當年度之選舉，並於同年經檢察官起訴者。

Table 2-14 and Table 2-15 depict the statistics on the number of indictment cases on the vote-buying cases the Bureau investigated and processed between 1993 and 2013 and statistics on the number of suspects indicted over the past ten years, where relevant figures in the election year of various types of elections are labeled in red, so as to clearly grasp the bribery crackdown results on various elections over time. Taking 2013 as an example, the figures in black represents those elections that were not held in 2013, the statistical figures pertain to the results of elections held in 2012 or earlier that the Bureau has investigated and gathered evidence, where the prosecutor has indicted the cases in 2013; while the figures in red represents the elections that were held that year, where the prosecutor has indicted the cases that same year.

102 年本局主要任務為 102 年 3 月 2 日分區舉行之「102 年各級農漁會選舉」賄選查察，為使選舉清新公正，本局秉持行政中立原則，擬定偵蒐計畫及行政資源事項，配合選舉時程及法務部查賄工作綱領，逐步推動各項查賄工作，統計至 102 年底為止，102 年各級農漁會選舉起訴案件共 75 案，起訴人數達 172 人。

In 2013, the Bureau's chief mission has been the vote-buying investigation and crackdown on the "2013 Farmers' and Fishermen's Associations Elections," which was held on March 2nd, 2013. To ensure the transparency and fairness of the elections, the Bureau, upholding the administrative neutrality principle, has drafted investigation and evidence-gathering plans and administrative resource matters, in coordination with the election timetable and the Ministry of Justice's vote-buying investigation working abstract to steadfastly push forward various forms of tasks. For the statistical count up to the end of 2013, there were 75 indictment cases and up to 172 suspects indicted for the 2013 Farmers' and Fishermen's Associations Elections.

表 2-14、表 2-15 顯示，102 年經檢察官直接提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴之賄選案件計 79 案 184 人，被告身分除候選人本人外，多係涉嫌行賄買票之候選人的樁腳、親友、支持民眾及選區受賄選民。

Table 2-14 and Table 2-15 depict 2013 vote-buying cases the prosecutor has brought prosecution directly, or applied for summary judgment, deferred prosecution, or ex officio non-prosecution, which totaled to 79 cases, involving 184 individuals, where the defendants' identities, except the individual per se, often involved a candidate's campaign staffers, family and friends, and



supporting members of the public who allegedly gave bribes, and voters who accepted bribes in the electoral district.

前開 79 件起訴案件當中，以 102 年各級農漁會選舉 75 案，基層村里長選舉 2 案（補選 1 案）、101 年第八屆立委選舉 1 案，縣市議員 1 案（為補選案件），起訴概況分述如下：

Among the 79 indictment cases mentioned above, the bulk pertained to the 2013 Farmers' and Fishermen's Associations Elections with 75 cases, the rudimentary village chief elections with 2 cases (of which 1 is by-election), 8th Legislative Elections held in 2012 with 1 case, and the county/city councilors with 1 case (by-election). The general state of indictments is separately described as follows,

1、立法委員選舉：

a. The Legislative Elections:

起訴 1 案 1 人，係高雄市 101 年第八屆立委選舉，由立委候選人之樁腳以補貼油資之名義，以每票新台幣（下同）500 元之對價，向選區之選舉人買票賄選。

1 individual (1 case) was prosecuted during the 8th legislative election in Kaohsiung during 2012. One candidate bribed voters with \$500 NTD (same amount for the case below) in the name of subsidizing voters' gas expenses.

2、村里長選舉：

b. The Village Chief Elections:

102 年縣市基層村里長選舉起訴 2 案 3 人，均為現金買票案件。因村里長選舉選區幅員小，選票數也少，候選人間彼此熟稔，若能影響些許選民之投票意向，即可能使選舉結果大幅翻盤，因此部分候選人或支持者願意鋌而走險，以買票方式圖謀投機以求勝選。回顧 101 年起訴的 6 案，加上 100 年起訴之 122 案以及 99 年起訴之 56 案，102 年起訴 2 案，合計達 186 案，在數量上遠高於其他舉辦之公職人員選舉起訴案數，可見基層村里長選舉的賄選風氣仍非常氾濫，實有加強淨化選風必要。

Of the 2013 county/city rudimentary village chief elections, 2 charges were made, involving 3 individuals. All the cases involved buying votes with cash. As the village chief elections tend to cover a smaller electoral district, and there are fewer votes, candidates are familiar with each other, rendering electoral grudges unavoidable. If a few voters' voting intentions can be influenced, it may cause

a significant turnaround in the election results, therefore some candidates or supporters are willing to take the risk of winning elections by attempting to buy votes. With charges laid in 6 cases in 2012, coupled with 122 charges laid in 2011, 56 cases in 2010, and 2 cases in 2013, the number of cases totaled 186. The number is much higher than any other election for public servants, so it is obvious that the bribery culture is still prevalent in local elections for village chiefs. It is necessary to alter this culture.

3、縣市議員選舉

c. County/City Councilors Elections

起訴 1 案 6 人，為臺東縣辦理 17 屆議員補選，由候選人利用其駕駛之配偶任職工作單位關係，以每票新台幣（下同）2000 元之對價，向選區之選民買票賄選。

6 individuals in 1 case were indicted. During the 17th by-election in Taidong County, candidates bribed voters with \$2,000 NTD (same for the case below) by leveraging their relationship with the driver's spouse at her workplace.

4、農漁會選舉：

d. Farmers' and Fishermen's Associations Elections

102 年各級農漁會選舉起訴 75 案 172 人，其中漁會選舉計 1 案 2 人。102 年各級農漁會選舉自 102 年 3 月 16 日起，展開基層會員代表選舉，至 5 月 1 日省農會理事長選舉結束，選舉期間配合檢方指揮，分別在臺北市、新北市、宜蘭縣、桃園縣、臺中市、彰化縣、南投縣、臺南市、屏東縣、花蓮縣等地基層農漁會選舉中，查獲會員代表、理監事、理事長、總幹事等候選人賄選，而以起訴會員代表候選人賄選為最大宗，賄選型態以金錢買票為主，少部分致送禮品，賄選方式有以候選人本身及其樁腳或農漁會職員對會員進行買票，在起訴案件中不乏發現在任農漁會總幹事、理事長，為續任其位，聯合會員代表、理事組成賄選集團，支持特定候選人，於會員代表、理監事選舉對會員進行賄選，操縱選情，輔選支持候選人首選，延續渠等既得利益，依前揭起訴案數及人數，非公職之基層農漁會選舉仍普遍存在賄選之風。

172 individuals in 75 cases were charged in 2013 related to different levels of farmers' and fishermen's associations. Among all the cases, 1 case (2 individuals) was pertinent to an election. Since March 16th 2013, each level of farmers' and fishermen's associations rolled out elections for their representatives. Until the end of the election for chairman of farmers' associations on May 1st, the detectives found bribery suspects in several areas,

including Taipei city, Taipei county, Yilan county, Taoyuan county, Taichung city, Changhua county, Nantou county, Tainan city, Pingdong county and Hualian county. The candidates included those running for representative, board members, chairman, and general director etc. Among these candidates, those running for representative were found to bribe the most. They used cash most of the time, occasionally using gifts. In some cases, candidates and vote brokers tried to bribe members of the farmers' and fishermen's associations. In the cases where charges were laid, many suspects were incumbent general directors and chairmen who collaborated with current representatives and board members to support a certain candidate as a group and used bribery during the election for representatives and board members. They manipulated the results of the election and supported certain candidates as their top choice during a by-election to maintain their vested interests. Based on the number of cases and individuals being indicted, it is obvious that bribery is still very prevalent among elections for farmers' and fishermen's associations even though these are not civil service positions .

(二) 起訴法條統計

2. Statistics on Applicable Articles of Indictment Cases

禁止賄選行為並明文科以刑事罰之現行法律，在公職選舉領域方面，總統副總統選舉較為特殊重要，獨立規範於總統副總統選舉罷免法，其他公職人員選舉則規範於公職人員選舉罷免法，該 2 法律未特別規範者，則適用刑法妨害投票罪章相關規定；在非公職選舉領域方面，另依舉行選舉之組織類別，分別規範於農會法、漁會法及農田水利會組織通則。

Of the existing law that bans and also clearly stipulates criminal penalty of the vote-buying conduct, in the domain of public servant elections, the presidential/vice presidential elections are deemed more unique and important, and thus, are independently stipulated in the Presidential and Vice Presidential Election and Recall Act, and for the other types of public servant elections, they are stipulated in the Public Officials Election and Recall Act, and of those not stipulated by said two laws, relevant stipulations in the offenses of interference with voting Chapter of the Criminal Code are applied; in the domain of non-public servant elections, they are separately regulated, according to the type of organizations that stages the elections, under the Farmers Association Act, Fishermen's Association Act, and Organic Act of the Irrigation Association.

表 2-16 係 102 年賄選案件起訴被告所適用之主要法條及人數統計，依適用法條之不同，分別說明如下：

Table 2-16 depicts the statistics on key articles applicable to the defendants being indicted in the vote-buying cases and the defendant count in 2013, which is described separately by varied applicable article:

1、對選民之賄選：

a. Vote-Buying the Voters:

藉招待選民吃飯、旅遊或致贈禮品等方式攏絡選民，甚至直接發放金錢買票或以暴力方式，將使選民投票意向非根據候選人識品德，而是根據所獲取之利益多寡，造成選舉結果不公情形，與選賢與能之終極目的背道而馳，我國法律長期以來均禁止該等賄選行為，本局歷次查賄專案也以之為查緝重點。

Using the means of treating voters to meals, travel excursion, gifts or violence, and so forth, for the purpose of securing voter commitment, or even resorting to vote-buying by distribution of money, the tactic leads voters to determine their vote not by a candidate's competency and morality, but rather by the amount of gain, which causes the election result to be unfair. As the practice runs against the ultimate purpose of electing the candidate that is able and capable, the law of Taiwan has long banned such type of vote-buying conducts, and in the previous investigation and crackdown projects, the Bureau has consistently enlisted it as the crackdown focus.

在公職選舉領域，102 年檢察官依公職人員選舉罷免法「對有投票權人行賄罪」起訴 5 人、職權不起訴 3 人。

Regarding elections for public officials, the prosecutors prosecuted 5 people in 2013 under the Public Officials Election and Recall Act for “bribery to voters” and they decided not to prosecute the other 3 people.

在非公職選舉領域，102 年檢察官依農會法「對有選舉權人行賄罪」起訴 81 人，聲請簡易判決處刑 3 人，緩起訴 6 人，職權不起訴 13 人；依同法「有選舉權人受賄罪」起訴 42 人，聲請簡易判決處刑 2 人，緩起訴 22 人。另依漁會法「對有選舉權人行賄罪」起訴 1 人，聲請簡易判決處刑 1 人。

At elections of non-public servants, in 2013, the prosecutors prosecuted 81 individuals under the Farmers Association Act. They decided to appeal for



summary judgment for 3 individuals, deferred prosecution for 6 people and not to prosecute 13 individuals. They prosecuted 42 individuals for “bribing the voters with election rights” under the same Act, appealed for simple judgment for 2 individuals and deferred prosecution for 22 people. In addition, they prosecuted 1 individual for “bribing the voters with election rights” based on the Fishermen Association Act and appealed for summary judgment for 1 individual.

(三) 賄選型態統計

3. Statistics on Vote-buying Modes

賄選案件之行受賄標的，法律區分為「賄賂」及「其他不正利益」2類，未明確指出具體內容，目的在因應隨時變化的社會趨勢與科技發展。為使候選人及選民能了解法律規範的界線，最高法院檢察署訂定「賄選犯行例舉」供國人參考遵循，並視實務發展狀況隨時因應修訂，100年11月14日最新修訂版本，除列示司法實務界已達成共識之具體賄選型態23類外，另把概括性條款「行求、期約或交付其他類型賄賂或不正利益」列為第24類，避免掛萬漏一，禁絕候選人或其支持者心存僥倖，惟仍強調：各類型行為是否構成賄選，仍應由承辦檢察官視具體個案情形審慎依法認定之。

Vote-buying cases, by soliciting or accepting bribes, are distinguished by law into two categories, namely “bribery” and “other improper gains,” and the purpose that no tangible content has been specified has been to cater to the ever-changing society trends and technological development. To enable candidates and voters to understand the boundaries of legal guidelines, the Supreme Prosecutors Office has promulgated the “Illustrated Vote-Buying Criminal Conduct Examples” for the general public to reference to and abide by, with timely revisions and amendments made alongside the state of practical implementation development, and of the latest amended version on November 14th, 2011, it not only enlisted the 23 types of tangible vote-buying modes the practical legal practicing sector had reached a consensus on, but it had also enlisted the collective provision of “soliciting, promising, or presenting other forms of bribes or improper gains” as type 24, in a bid to prevent any omission, which will curtail candidates or their supporters from having any opportunistic mindsets; however, it does still emphasize that whether a particular conduct constitutes as vote-buying is still subject to rendering by the prosecutor based on the specific circumstances of each case in compliance with the legal stipulations.

檢視本局歷年偵辦之賄選案件，可歸納出較常見的賄選型態有金錢買票、贈送禮品、招待餐飲、招待旅遊及捐助團體經費等 5 大類，表 2-17 及圖 2-07 係近六年經檢察官起訴及 102 年之本局偵辦案件賄選型態統計，分別說明如下：

By examining vote-buying cases the Bureau has investigated and processed over the years, some of the more common vote-buying modes can be summarized into five major types, namely vote-buying with money, gift giving, food and beverage entertainment, travel entertainment, and funding donations to organizations; Table 2-17 and Figure 2-07 depict statistics on cases the prosecutor has since indicted in the past six years and the cases the Bureau has investigated and processed in 2013 grouped by vote-buying modes, which are separately described as follows:

1、金錢賄選：

a. Vote-Buying with Money:

102 年金錢賄選案件起訴 75 案，占同年起訴案件 79 案之 94.9%，近六年合計起訴 715 案，占全部起訴案件 936 案之 76.4%，比例不可謂不高，可見直接對選民現金買票，仍舊係候選人或其支持者認為較有效率且「投資報酬率」較高的賄選方式。

In 2013, 75 cases of money vote-buying cases were indicted, which accounted for 94.9% of the 79 indictment cases in the same year, while a total of 715 cases were indicted in the past six years, which accounted for 76.4% of the 936 total indictment cases, making it difficult to say the proportions were not high, and highlighting how vote-buying voters using money remains an efficient and higher “rate of return” means of vote-buying for candidates or their supporters.

直接向選民現金買票的金額，通常以五百元鈔或千元鈔為單位。從選區幅員較小之村里長選舉，至鄉鎮市民代表選舉及鄉鎮長選舉，甚或是立法委員及總統選舉，一般係一票 500 元占大多數，少數案例達至 1,000 元，僅原住民選區之賄選價額則高於一般選區，一票有達 2,000 元者。

The amount of vote-buying made directly to voters in cash often heels to the unit of five hundred TWD bills or one thousand TWD bills. From village chief elections in smaller electoral districts to township councilor/mayor elections, or even legislator and presidential elections, the majority of the votes were around TWD \$500, with a small number of cases reaching TWD \$1,000. The amount



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

of vote-buying was higher only in aboriginal electoral districts compared to the general electoral districts, where a vote can reach as high as TWD \$2,000.

2、禮品賄選：

b. Vote-Buying with Gifts:

102 年禮品賄選案件起訴 2 案，占同年起訴案件之 2.5%。惟該型態賄選通常係直接對選民行賄，佯為拜訪選民，實為致贈禮品，藉以博取好感，央求將來投票支持當選。

In 2013, 2 cases of gift vote-buying case were indicted, which accounted for 2.5% of the indictment cases in the same year. Said vote-buying mode often entails offering bribe to voters directly on the pretense of paying a visit to voters but is actually for bestowing gift, by which to garner voters' favor and asking voters to vote and support their being elected.

3、餐飲賄選：

c. Vote-Buying with Food and Beverage:

102 年未有餐飲賄選案件經起訴者。該型態賄選，行賄者通常會假藉活動名義，邀集有投票權且參與活動之成員免費赴宴，期間安排候選人上台致詞或逐桌敬酒拜票，要求在席者將來投票支持。

In 2013, no case of food and beverage vote-buying case was indicted. Said vote-buying mode often resorted to the name of hosting an activity by which to invite members with voting rights and who participated in the event to a complimentary banquet, during which, arrangements are made for the candidate to take the stage to deliver a keynote or toast table by table in canvassing, demanding the attendees' support by voting for the candidate in the future.

4、旅遊賄選：

d. Vote-Buying with Travel Excursions:

102 年未有旅遊賄選案件經起訴者。近年來，採用招待旅遊這種較引人注目的賄選方式，已有減少趨勢。

There were no travel excursion vote-buying cases indicted in 2013. In recent years, the trend of the usage of the more eye-catching travel excursion as the vote-buying mode has been on the decline.

5、捐助經費：

e. Vote-Buying with Funding Donations:

間接向選民買票之捐助經費賄選案件，102 年亦未有起訴者。

For the vote-buying cases involving indirect funding donations as means of vote-buying with voters, there were none indicted in 2013.

6、其他：

f. Others:

102 年起訴案件中，難以歸入前述 5 賄選型態者有 2 案，占同年起訴案件之 2.5%。其中以金錢以外之「不正利益」行賄者計 1 案，以補貼每票 500 元之油資名義向選舉人以行賄；另一則係候選人以脅迫與恐嚇選舉人方式，要求投票支持當選。

Among the indictment cases in 2013, there were 2 cases that were hard to be categorized under any of the aforesaid five vote-buying modes, which accounted for 2.5% of all indictment cases of the same year. The election bribery cases involving “improper gains” other than monetary currency totaled to 1 case, where the suspect bribed the voters with \$500 NTD in the name of subsidizing gas expense and in the other case, the candidates threatened and coerced voters to vote for him.

近六年來，禮品、餐飲、旅遊等傳統賄選型態之起訴案數，相較於金錢賄選，顯得零星，其原因在行賄者常託辭於民俗節慶慣習或人情禮尚往來，檢察官為提升法院定罪率，起訴門檻也跟著提高。然而，隱密性與蒐證難度更高之金錢賄選，起訴案數卻年年高居第一，究其原因有二：一、本局歷年配合政府政策，置查賄重點於影響選風最厲之金錢賄選，從投票日前一年起開始謀劃清查，至選前全面動員查緝，一方面果真查獲不少賄選犯行，另方面也嚇阻其他投機者僥倖之心；二、為數不少的熱心民眾及時提供金錢賄選訊息，讓本局得以在第一時間進行蒐證，鞏固賄選事證。是以，民眾的積極參與，也是決定選風得否純潔乾淨的因素之一。

In the past six years, the number of indictment cases on conventional vote-buying modes, such as through gifts, food and beverage, travel excursion, and so forth has appeared scattered, when compared with vote-buying through money, which can be attributed to how the briber often uses traditional festivity customs or interpersonal decorum exchange as excuse, and thus, as the prosecutors aimed to raise the court's conviction ratios, the threshold of indictment has risen



along with it. Nevertheless, the vote-buying using money, both highly secretive and more difficult to gather evidence, had inadvertently ranked top in the number of indictment cases year after year, this can be attributed to two reasons: 1) the Bureau, supporting the government policy over the years, has put its crackdown focus on vote-buying with money, which influences the electoral practices the most, by starting to strategize the crackdown one year prior to the voting date to the complete mobilized investigative crackdown right before the elections, which, on the one hand, yielded a significant number of vote-buying criminal conducts, and, on the other hand, also served to deter those with opportunistic mindsets; 2) large numbers of the public enthusiastically offers tips on vote-buying with money, which also allow the Bureau to conduct evidence gathering at the opportune time to secure material evidence on vote-buying. For which, active public participation has also been credited as one of the reasons contributing to whether the electoral practices are done transparently and legitimately.

貳、專業精進工作

II. Proficiency Refinement Work

一、辦理廉政專精講習

A. Staging Anti-corruption Refinement Seminars

為協助內外勤辦案同仁熟稔法令規定、充實各項偵查技巧、吸收辦案新知，以提升廉政工作專業知能，廉政處於 102 年 11 月 18 日至 20 日，在本局幹部訓練所舉辦為期三天「102 年度廉政工作專精講習」，調訓內外勤負責廉政業務之科長、副主任、秘書、組長、承辦人共計 100 名。

In order to assist internal duty and field duty case-processing associates in becoming familiar with the legal and regulatory stipulations, in enriching investigative and crackdown skills, and in absorbing new case-processing knowledge so as to raise the professional competency of anti-corruption work, the Anti-Corruption Division held the “2013 Anti-Corruption Work Refinement Seminar” at the Bureau’s management training center from November 18th to 20th(3 days) for mobilized training of internal duty and field duty section chiefs, deputy directors, secretaries, unit chiefs, and processors, a total of 100 individuals.

在課程安排方面，延請本局內外勤同仁，就拘提逮捕後之律師接見、製作通訊監察書類作業過程所遇問題與解決方式、行動蒐證過程中突發狀況之處理方式及於法庭上作為嫌疑人犯罪事證之運用、廉政諮詢目標工作指導、偵查不公開作業辦法概述等議題，以講解、研討或經驗分享方式授課，希藉此精進同仁專業知能。本次講座均內聘外勤處站辦案績優同仁，從事貪瀆案件偵辦與行動蒐證經驗報告，期能與參訓學員交換辦案心得，精進蒐證技巧，提升廉政工作成效。

In terms of course content, we have invited our colleagues from the field and at the office to explain, investigate and share their experiences during the workshops in regards to any problems and solution they apply when meeting with lawyers after arresting suspects, producing documents such as a communications review, how they handle unexpected situations during the process of collecting evidence and how to utilize evidence in court, how to guide their work to fulfill the goals of anti-corruption consultation, and to summarize the practice of keeping the investigation process confidential etc. We hope to improve our colleagues' professional skills. We also invite top performers from the field or at the office to share their experience investigating and collecting evidence for corruption cases in the hope that our colleagues can enhance their skillsets and work more efficiently.

二、運用網路交流學習

B. Utilizing the Internet to Exchange Learning

由於網路科技日趨便捷，資訊的傳遞、交流與整合，已破除地域藩籬、不受時間限制，透過網路資料庫之運用，可達到資訊整合與使用便利之目的。有鑑於此，廉政處於93年底建置本局內部網路「廉政資料庫」，以共同學習與分享為預期功能，彙整偵辦案件相關法令、實體法與程序法實務見解、本局各項作業規範及內外勤同仁平時工作的成果、經驗與心得，區分為公布欄、業務簡介、廉政法令、作業規範、案例研究、參考文獻、工作年報、查賄專區等8大部分呈現，適時更新，希提供全局同仁分享，達到精進專業知能，創新工作思維的理想。

Thanks to the increasingly convenient Internet technology, information conveyance, exchange, and integration are able to transcend regional boundaries without any time constraint. Through utilizing the Internet database, the objectives of information integration and convenient access can now be achieved. In light of this, the Anti-Corruption Division launched the internal



network “Anti-Corruption Database” of the Bureau at the end of 2004, by which to attain the anticipated functions of joint learning and sharing, and to compile case investigation and processing-related laws and regulations, practical views on the substantive laws and procedural laws, various operational guidelines of the Bureau, and the internal duty and field duty associates’ routine work results, experiences, and reflections, with the database presenting eight major categories, namely the bulletin board, operations profile, anti-corruption laws and regulations, operational guidelines, case study reports, reference literature, yearbooks, bribery crackdown area, which are updated regularly, in anticipation of sharing with the Bureau associates and attain the ideology of refining professional competency and innovative working mentality.

三、研編案例研究報告

C. Researching and Compiling Case Study Reports

本局於 102 年間偵辦高雄關稅局關員涉嫌集體貪瀆案、臺北雙子星大樓開發涉嫌不法案、新竹縣議員林○○等涉嫌集體收取地方補助款回扣案、僑力公司簡○○涉嫌行賄仲裁委員等不法案、臺中市議會秘書長陳○○等涉嫌不法等案，每案均引起媒體、人民與政府高度注意，同時也引起後續制度改革及人事更替之效應。

In 2013, the Bureau investigated a collective corruption case among customs employees in Kaohsiung, illegal development of the Twin-Tower building in Taipei, kickbacks that legislator Lin in Hsinchu and many others may have received, a case where Mr. Jian from Sunlit Fulo Chemical was involved in bribing judges, and the illegal deeds of Secretary General Mr. Chen on Taichung city council. Every single case received a lot of buzz and attention from the media, people and government. Each case also led to follow-up structural reform and reorganization.

該等案件之調查過程，歷盡艱辛，絕非一朝一夕所能竟功，幾乎都是集「耐煩、堅持、團隊、決心」等因素的大成，其中嫌疑人職務生態、調查技巧與協調配合事項，殊值全局同仁偵辦類似案件時參考。

The investigation process of said cases was extremely difficult, and not something that can be completed overnight. It invariably relies on a combination of factors, such as “perseverance, creativity, teamwork, determination,” in which the suspects’ job environments, investigation skills, and coordination and cooperation measures are of special reference value for the associates of

the whole Bureau when investigating and processing similar cases. The Anti-Corruption Division has, thus, selected and adopted the aforesaid case examples by having the field duty write case study reports, and will upload the information on the internal network “Anti-Corruption Database” of the Bureau for reference.

四、召開公共工程諮詢委員會議

D. Convening Consultation Committee Meetings for Public Projects

本局公共工程諮詢委員會議由本局局長於 102 年 10 月 18 日 14 時 30 分，假本局安和聯訓中心召開，邀集 13 位現任委員黃○○、曾○○、姚○○、陳○○、方○○、歐○○、蔡○○，李○○、陳○○、顏○、陳○○、王○○、吳○○及本局內外勤單位同仁共 45 人與會，會中續聘現任 13 位委員，委員任期 2 年。本次會議先由廉政處北部偵辦科科長報告「本局偵辦公共工程弊端防制工作概況」，依序由北機站代表報告偵辦「高公局辦理東西快速公路萬里瑞濱線大華交流道工程涉嫌不法案」、臺中市處代表報告偵辦「臺鐵局辦理南迴線南太麻里溪橋改建工程涉嫌不法案」、南投縣站代表報告「南投縣長等辦理災修工程涉嫌不法案」。

The Bureau’ s Consultation Committee meeting for Public Projects chaired by the head of the Bureau took place at 2:30pm on Oct 18th 2013 at the Joint Training Center in Anho. 13 current Committee members were invited, including Huang ○○, Tzeng ○○, Yao ○○, Chen ○○, Fang ○○, Ou ○○, Tsai ○○, Lee ○○, Chen ○○, Yen ○, Chen ○○, Wang ○○ and Wu ○○, as well as 45 colleagues who work the field and at the office. At the meeting, it was determined to continue to employ the current 13 members on a two-year tenure. The head of the investigation team in the north region under office against corruption reported “Summary of preventing corruption for public projects in the bureau”, followed by the representative of north flexible work station reporting “Illegal construction of Wanli-Dahua freeway by Taiwan Area Freeway Bureau”, a representative from Taichung city reporting “Illegal case of reconstruction for South TaMaLi bridge by Taiwan Railway Bureau”, and a representative from Nantou county reporting on “a case of illegal post-disaster construction by Nantou county and city mayors.”

出席委員於會議中針對本局辦理公共工程弊端案件，從技術面、制度面、實務面等向，提出偵查方向、工程案件查處重點及教育訓練等諸多建議，頗具參考價值，可供作為外勤單位日後偵辦公共工程案件及行政預防參考意見，有關會議紀錄於會議結束後檢發本局外勤單位參處。



第二部分 廉政工作執行概況與成果

Part Two. Anti-corruption Work Implementation Status and Results

The Committee members present gave several pieces of advice in regards to technical, systemic and practical directions; they also pointed out areas of focus and required training for these cases. Their advice is very useful and will be an important reference for similar cases such as public works projects and preventing administrative corruption in the future. Relevant meeting notes were provided after the meeting to those working in the field.

第三部分 102年社會矚目案件偵辦輯要

Part Three. Summary of Investigating High Profile Cases in 2013



第三部分

Part Three. Summary of Investigating High Profile Cases in 2013

102年社會矚目案件偵辦輯要

103年社會矚目案件偵辦輯要



第三部分 102年社會矚目案件偵辦輯要

Part Three. Summary of Investigating High Profile Cases in 2013

壹、高雄關稅局關員涉嫌集體貪瀆案

本案起訴情形，可參閱本年報第四部分起訴案例 07。

一、發掘由來

案係本局航業調查處高雄站主動發掘，經策動檢舉人到站檢舉，立案調查，並逐步蒐證清查，擴大偵辦。

二、偵辦歷程

本案先後對 20 餘名公務員、白手套及廠商進行非公開之調查作為，前後調查期間長達 2 年 10 月，期間實施通訊監察逾 700 線次，清查相關公務人員及其三親等之資金往來情形，另輔以逾 50 次行動蒐證作業，調閱上千支監視器影像，蒐獲侯○○、蔡○○、胡○○、郭○○與報關業者會面並收受賄款之重要事證。

本案因案情複雜，涉案人數眾多，於 102 年 4 月 18 日發動偵辦前，與承辦檢察官進行多次會議，擬定偵辦方向，第一波執行即順利突破關鍵嫌疑人林○○、胡○○（廠商兼白手套）心防，除坦承行受賄外，亦供出侯○○等人犯罪情節，經檢方聲請羈押，法院裁定侯○○等 9 人收押禁見。專案小組持續清查資金、研閱扣押物及相關進出口報關資料，發現涉案人員尚有多人，係一長期行受賄共犯結構。102 年 6 月 5 日發動第二波偵辦，突破多名涉案公務員及業者心防，續向法院聲押相關涉案人員。

102 年 4 月 18 日發動第一波偵辦後，復又執行 3 波偵辦作為，總計羈押人數 28 名，搜索 87 個處所，製作約 170 份筆錄（借提 95 人次、約談 75 人次），資金清查及由檢方凍結涉案人員逾 10 帳戶以上，扣押及調閱資料上百箱。專案小組成員不眠不休，夙夜匪懈，審慎檢視及比對各種卷證資料，終於釐清案件全貌。

本案查獲不法所得合計約新臺幣（下同）1,200 萬元，涉案公務員於偵查中繳回犯罪不法所得約 500 萬元，案經調查完竣移送高雄地檢署依法偵辦，檢察官計起訴及追加起訴共 29 人，對侯○○等人具體求刑 30 年。

三、偵後影響

相關涉案人員於案發後經服務機關調離原敏感性第一線查緝職務，媒體也高度關注本案發展，除報導偵辦情形及影響外，亦嚴厲指責涉嫌人等之集團性貪腐行徑與結構，引起輿論廣大迴響與國人省思，有助吏治整飭及政風端正。



貳、「臺北雙子星大樓開發涉嫌不法案」

本案起訴情形，可參閱本年報第四部分起訴案例 02。

一、發掘由來

本案緣起臺北地檢署檢察官指揮本局臺北市調查處偵辦他案，於 100 年 11 月間執行通訊監察及行動蒐證作業時，查悉本案相關人員涉嫌貪瀆犯行，經再次研析過去通訊監察作業所獲資料並瞭解嫌疑人縱向及橫向關係，並與承辦檢察官研案，主動立案偵辦。

二、偵辦歷程

經本局臺北市調查處調閱案關卷證、清查涉案人員及其親友資金往來情形、執行通訊監察並輔以行動蒐證作業，完整勾勒出廠商與民意代表之行受賄模式。因案情複雜且案關人數眾多，臺北市調查處依蒐證結果詳細擬具偵辦計畫，並積極協調檢察官確認偵辦細節後，於 102 年 (下同) 3 月 27 日發動第 1 波偵辦作為，搜索 21 處所、約談 11 人，經檢方向法院聲請羈押賴○○、程○○ 2 人獲准；5 月 7 日發動第 2 波偵辦作為，搜索 3 處所、約談 2 人；5 月 24 日發動第 3 波偵辦作為，搜索 3 處所、約談 3 人，並向法院聲請羈押何○○、王○○獲准；6 月 18 日發動第 4 波偵辦作為，搜索 3 處所、約談 3 人。總計動員 96 人次、搜索 30 處所、獲准羈押 4 人，約談、借提及查證 84 人次。

偵辦後除密集提訊在押被告及約談相關涉案人外，另持續積極補強涉案事證，鞏固本案構成要件，確認相關不法情事。經調查完竣移送臺北地檢署依法偵辦，檢察官總計起訴賴○○等 4 人。

三、偵後影響

臺北雙子星大樓開發案投資興建工程總金額逾新臺幣 700 億元，係國內繼高速鐵路興建工程後，規模第 2 大之民間參與投資公共工程案，且為具國門象徵意義之重大公共工程，本案涉嫌犯罪結構係業者施用詐術投標、議員收賄護航及臺北市政府官員配合掩飾，嚴重影響政府執行公務之威信與聲譽。偵辦後，臺北市議員賴○○經臺北地檢署向法院聲請羈押獲准，暫停議員職務，臺北市政府財政局局長邱○○則辭職並改調臺北市政府參事，各平面及電子媒體同時接連大肆報導，以本案作為論述政府反貪成效之依據，亦對本局執行肅貪工作給予正面肯定，顯示本案之偵辦對掃除議員收賄關說陋習及展現政府澄清吏治決心具正面效應。

叁、新竹縣議員林○○等涉嫌集體收取地方補助款回扣案

本案起訴情形，可參閱本年報第四部分起訴案例 01。

一、發掘由來

本局新北市調查處於 100 年 7 月間，主動發掘販售新竹縣國中小學圖書設備供應商漢藻文教事業有限公司等業者，透過捐客聯繫新竹縣議員，約定以補助款 2 成現金，行賄可建議動支補助款之議員，再由新竹縣中小學學校人員，透過共同供應契約下單予指定廠商。經初步查證，發現新竹縣議員林○○等議員受賄嫌疑重大，遂立案調查，報請新北地檢署指揮，擴大偵辦。

二、偵辦歷程

本案為掌握偵辦時機，成立專案小組全力投入執行通訊監察、行動蒐證等調查作為，前後調查期間長達 1 年 6 個月，除蒐獲業者透過捐客行賄新竹縣議員之關鍵事證外，更經由全面清查相關人員資金往來，完整勾勒出漢藻公司等廠商請領採購案款項後，規避大額提領登記規定而分批提領現金，依約定金額交付予捐客，再由捐客交付議員的賄賂模式。

本案具備偵辦條件後，因涉案人數眾多，發動偵辦前與承辦檢察官進行多次專案會議，擬定偵辦方向，102 年 1 月 17 日執行當日會同北機站、臺北市處、基隆市站、新竹縣、市站等單位調查官超過 200 名，搜索新竹縣中小學學校及業者等 50 處所，約談 30 人到案。縣議員林○○等、捐客陳○○及廠商戴○○等部分嫌疑人，對彼等與民意代表，利用地方建設補助款職權，收取補助採購案金額 2 成賄款之犯行，均坦承不諱。

發動偵辦後，復又執行借提、約談、查證，資金清查、調閱採購案卷宗資料。經檢視及比對各種卷證資料，釐清涉案事實全貌，由捐客透過新竹縣縣議員林○○等，指定受補助款採購學校校長或經辦採購人員以共同供應契約，配合向特定廠商下單，致案關廠商順利攫取採購標案 29 件，不法所得合計新臺幣（下同）1,847 萬 3,228 元，復經新北市處配合新北地檢署，以搜索、凍結帳戶及自動繳回等作為，追繳犯罪不法所得共計 1,056 萬 4,129 元，經調查完竣移送新北地檢署依法偵辦，檢察官計起訴 30 人。



三、偵後影響

本案為新型態犯罪，犯罪手法為中央及地方民意代表利用補助款職權，與特定廠商約定購買指定產品並收受賄賂，再由配合補助之學校校長及經辦人員，規避正常政府採購流程，利用共同供應契約採購方式，配合民意代表向特定廠商購買指定產品，以惡質交易條件，致使國庫蒙受重大損害。案經偵辦經媒體報導後，彰顯肅貪工作積極成效，使各機關開始重視共同供應契約採購弊端防制工作，本案偵辦對端正政風具有顯著效果。

肆、僑力公司簡○○涉嫌行賄仲裁委員等不法案

本案起訴情形，可參閱本年報第四部分起訴案例 05。

一、發掘由來

本局新北市調查處於 101 年 5 月間，主動發掘發現業者得標新莊市公所工程案，因履約爭議而提付仲裁，仲裁期間廠商竟透過行賄仲裁人，並利用下包商虛增、浮報項目及價額，使仲裁人違背職務作出有利僑力公司之仲裁判斷，業者詐取仲裁賠付款達新臺幣（下同）1 億 2 千餘萬元。經初步查證，發現南開科技大學校長陳○○等仲裁委員受賄嫌疑重大，遂立案調查，報請新北地檢署指揮偵辦。

二、偵辦歷程

本案經實施資金清查、通訊監察及行動蒐證等計畫性偵查作為，前後調查期間長達 1 年餘，除蒐獲業者行賄仲裁委員關鍵事證外，更全面清查相關人員資金往來，勾勒出廠商係以提供不實合約、協議書虛增僑力公司之工程款，枉法為僑力公司有利之仲裁判斷，命新莊市公所已給付 3 千餘萬元工程款後，需再給付僑力公司 7 千餘萬元之仲裁賠付款，遠超過本購案經費 4 千餘萬元，致生損害國庫甚巨。

本案涉案仲裁人身分與法官身分相同，發動偵辦前與承辦檢察官進行專案會議，獲得檢方全力支持。102 年 6 月 6 日執行當日，搜索仲裁委員及業者等 26 處所，順利約談 10 餘人到案。詹○○與案關業者羅○○、簡○○、林○○等，對前述僑力公司與仲裁人詹○○及簡○○間，利用下包商提供不實合約、協議書，因而違背職務做出賠付款決定，並按約定「行賄級距表」價款行賄等犯行均供承甚詳。

復經執行借提、約談、查證，資金清查、通聯分析、調閱仲裁案卷宗資料，檢視及比對各種卷證資料，釐清涉案事實全貌，由仲裁人配合廠商提供不實合約、協議書虛增僑力公司之工程款，進而違背獨立、公正之仲裁判斷，做出共計 1 億 2 千餘萬元賠付款之仲裁決定，業者得以牟取厚利，經調查完竣移送新北地檢署依法偵辦，檢察官計起訴 19 人。

三、偵後影響

仲裁法屬國家基於訴訟權建立之司法制度（按：仲裁判斷與確定判決有同一效力）為民眾尋求法律保障之憑藉，而仲裁人公平公正合法妥適所為仲裁判斷，為仲裁制度存續之



第三部分 102年社會矚目案件偵辦輯要

Part Three. Summary of Investigating High Profile Cases in 2013

基石。本案發掘偵辦枉法仲裁犯罪，為偵辦政府公共工程枉法仲裁案之首例，有助提昇人民對司法制度信賴感。案經偵辦，除有效防堵業者藉此詐取國庫之不法行為，更使行政機關勇於落實採購稽核制度，顯見本案對廉能政府形象有正面助益。

伍、臺中市議會秘書長陳○○等涉嫌不法等案

本案於 103 年 1 月起訴。

一、發掘由來

案經本局中部地區機動工作站(下稱中機站)主動發掘陳○○涉嫌收取工程回扣線索，及本局臺中市調查處主動另發掘陳員涉及土地徵收不法線索，共同偵辦。

二、偵辦歷程

本案收取工程回扣部分，因案情複雜，牽涉工程標案眾多，涉案廠商遍及全國各地，本局中機站人員經調閱 120 餘件工程卷宗，資金清查陳○○及相關廠商人員 90 餘個帳戶，配合動員 160 餘人次，執行 220 餘線次通訊監察作業，掌握陳員收取回扣模式。

另涉土地徵收不法部分，本局臺中市調查處人員根據檢舉內容及檢舉人提供案關資料，循線動員 30 餘人次，執行 90 餘線次通訊監察作業，配合清查陳○○、議會相關人員及其二親等暨相關廠商之資金往來情形，蒐獲陳○○收賄等重要事證。

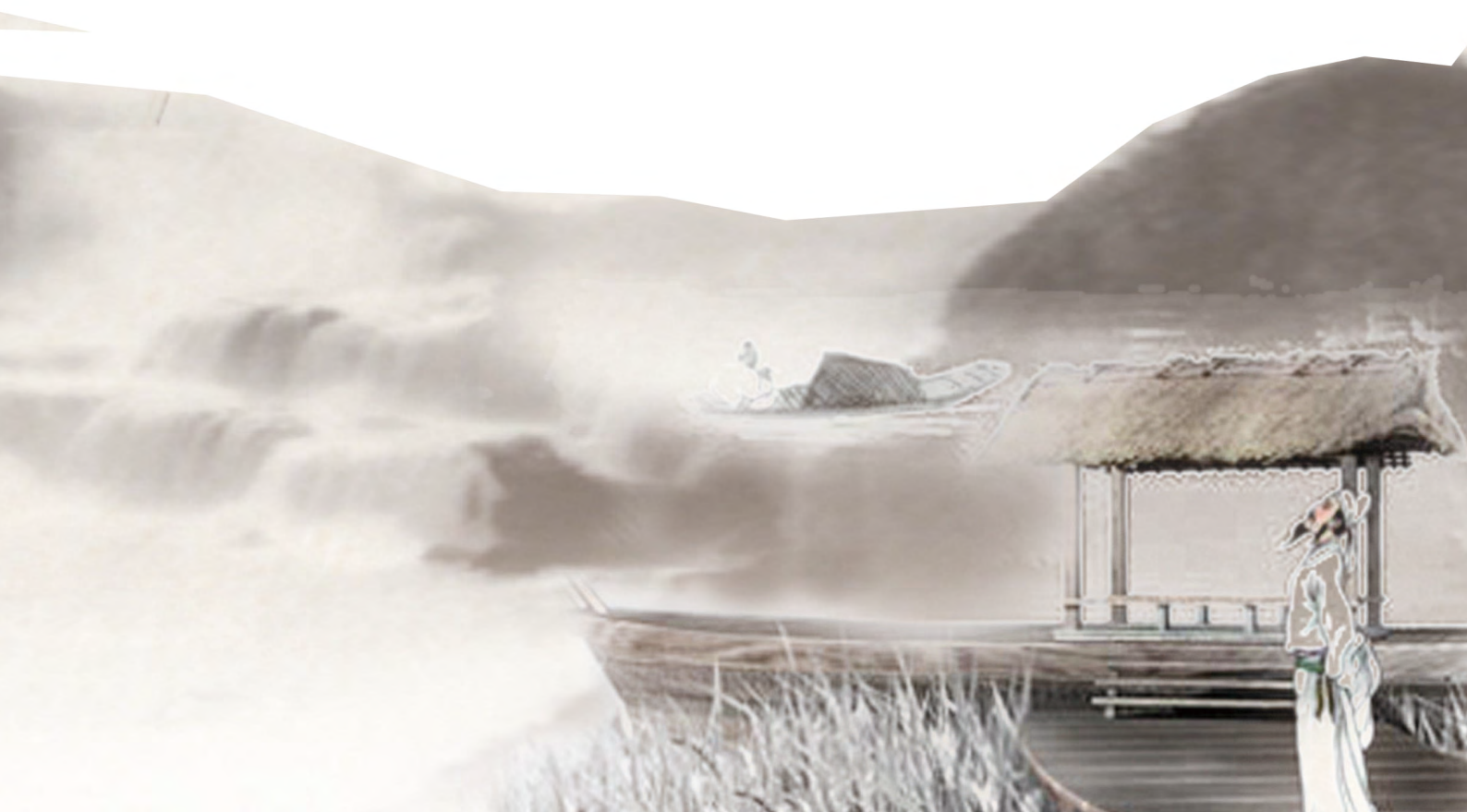
嗣於 102 年 9 月 30 日配合臺中地檢署指揮，由本局中機站與臺中市調查處共同執行偵辦，動員本局 260 餘人，執行搜索臺中市議會等 64 個處所，並傳喚陳○○、司機張○○、工程捐客劉○○等 50 餘人到案發交詢問，經臺中地檢署向法院聲請羈押陳○○等 3 人獲准。本局中機站復於偵辦後，陸續結合其他轄區調查處站再執行搜索 54 個案關處所，並約談及查證涉案廠商及下包公司負責人等 142 人，經檢方向法院聲請羈押另一工程捐客陳○○獲准，交保 33 人。因本案事證明確，案經臺中地檢署起訴白手套劉○○、陳○○與張○○等人，其餘廠商梁○○等 27 人因認罪，均予以緩起訴。

三、偵後影響

本案涉及多達 12 件工程採購案，涉案總工程款計新臺幣(下同)4 億 8,176 萬元，涉案主管陳○○為直轄市議會行政一級主管，收取回扣金額高達 7,000 餘萬元，藉勢藉端勒索財物 7,600 萬元，經本局偵辦將臺中市議會人員藉勢藉端勒索財物、收取回扣等貪瀆行移送檢方起訴，對端正議會公務人員風氣具有正面效果。

第四部分 102年起訴案例簡介

Part Four. Summary of Indictment Cases in 2013



第四部分

Part Four. Summary of Indictment Cases in 2013

102年起訴案例簡介

105年新增起訴案例數目



第四部分 102年起訴案例簡介

Part Four. Summary of Indictment Cases in 2013

案例 01 新竹縣議員林○○等涉嫌集體收取地方補助款回扣案

◎案件類型：補助款

◎主辦單位：新北市調查處

◎起訴日期：102 年 8 月 26 日

◎起訴機關：新北地方法院檢察署

◎起訴被告：林○○等 30 人

◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款對於職務上之行為收受賄賂罪等

緣於 99 年間起，立法委員助理徐○○、新竹縣縣議員林○○、林○○及妻陳○○、劉○○、趙○○、許○○、張○○、鄭○○、蘇○○與捐客陳○○及廠商漢藻公司負責人曾○○等人勾結，共同基於行受賄合意，約定由曾○○支付採購金額 6 成回扣給陳○○，其中 2 成回扣係給議員，嗣由陳○○出面尋找願意配合光明國小等校之校長或採購人員，談妥補助額度，校方人員無視是否有需求或需求數量為何，即依漢藻公司填具指定品名與數量製作概算表，進行專案管理，另由縣議員林○○等人簽發申請補助基層建設聯繫單，發文給新竹縣政府，建議補助願意配合各校辦理課外讀物採購，於補助款核撥後，依約向共同供應契約之立約商漢藻公司下單採購課外讀物，合計光明國小等校向漢藻公司採購 29 件標案，漢藻公司獲取不法利益金額總計新臺幣（下同）1,847 萬 3,228 元，林○○等人收取回扣 271 萬 5 千元，陳○○等人收取回扣 826 萬元。



案例 02 臺北雙子星大樓開發涉嫌不法案

◎案件類型：公共工程

◎主辦單位：臺北市調查處

◎起訴日期：102 年 7 月 24 日

◎起訴機關：臺北地方法院檢察署

◎起訴被告：賴○○ 等 4 人

◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款對於職務上之行為收受賄賂罪等

臺北市捷運局於 100 年 10 月 20 日甄選「臺北雙子星大樓開發案」投資人，太極雙星公司負責人程○○及賀川公司負責人何○○協議共組團隊參與甄選。程○○透過董事賈○○知悉臺北市政府與「臺北雙子星大樓開發案」私地主，曾於 81 年 1 月間共同簽訂「大眾捷運系統土地聯合開發契約書」，按契約第 10 條第 2 點約定：「甲方應依照大眾捷運系統土地聯合開發辦法第 12 條及第 13 條規定徵求乙方之投資意願，乙方欲優先投資興建本聯合開發建物時，應於甲方書面徵求投資意願之日起 2 個月…明確答覆」，遂經由友人介紹認識金主李○○，向其借款買下本開發案用地範圍內之部分私有土地，並約定先以李○○登記為土地所有權人，嗣程○○、賈○○利用 100 年 11、12 月間臺北市議會第 11 屆會期，審查捷運局所提「臺北都會區大眾捷運系統土地開發基金」預算，經議會一讀後交付交通委員會審查之機會，透過另一金主彭○○居間，與該會期交通委員會第二召集人市議員賴○○聯繫，由賴○○提出預算書附加「但書」提議，要求捷運局需優先與私地主協商共同開發事宜，否則相關預算不得動支，程○○、賈○○、彭○○共同與賴○○達成分批給付賄款期約。

賴○○復基於對職務上收受賄賂之犯意，積極於會期推動審查上開「但書」事項，程○○等人於 100 年 11 月間，在賴○○開設九品法律事務所處，交付前金新臺幣（下同）100 萬元賄款給賴○○，雙方約定，俟交通委員會審查通過另行交付 300 萬元，全案通過時再交付 600 萬元。賴○○收受前述 100 萬元即將款項轉交其助理支付私人相關支出，將賸餘款 30 萬元存入助理個人帳戶。賴○○即依程○○等人所提供資料，草擬「但書」初稿，於 100 年 12 月間臺北市議會第 11 屆第 3 次臨時大會交通委員會會議中提出討論，主導通過「但書」內容，賴○○即要求程○○、賈○○、彭○○依約支付後續款項。

嗣因臺北市議會國民黨團對於該項「但書」內容有意見，並於 100 年 12 月間臺北市議會第 11 屆第 4 次臨時大會第 8 次會議議決刪除但書，程○○等人認為「但書」議案未進入二讀即遭否決，賴○○未依約拒付後續賄款，迨至 101 年 10 月間，太極雙星公司團隊經評選取得「臺北雙子星大樓開發案」投資申請人第 1 順位，惟新聞媒體卻始終針對該團隊資格提出各項質疑，賴○○為恐上開收賄不法情事東窗事發，於 101 年 11 月間將所收 100 萬元退還彭○○。



案例 03 中油大林廠煉油廠廠長林○○等辦理四號浮筒海底管線檢測採購涉嫌不法案

◎案件類型：採購

◎主辦單位：高雄市調查處

◎起訴日期：102 年 8 月 13 日

◎起訴機關：高雄地方法院檢察署

◎起訴被告：林○○ 等 2 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款違背職務之行為收受賄賂罪等

緣於 97 年 3 月至 102 年 1 月間，中油公司大林煉油廠廠長林○○（99 年 2 月調任高廠遷廠推動小組執行秘書兼高雄產業園區開發小組召集人），基於受賄之犯意，與一六公司實際負責人程○○及富川公司負責人廖○○共同基於行賄之犯意，雙方達成期約、收受賄賂之合意，由林○○利用督辦海底管線檢測標案機會，內定由廠商一六公司、富川公司承攬，明知該廠前設備檢查課課長邱○○訪價分別為新臺幣（下同）4,416 萬元及 3,052 萬元，卻配合廠商浮報工程價款，以 8,400 萬元編列預算辦理採購，同時以一六公司提供獨有之自走式智慧型檢測標準，據以訂定招標工作說明書，限制投標廠商資格，達控制參標廠商家數，以利一六公司等得標。

嗣於 99 年 2 月間林○○調職後，為讓程○○及廖○○得以承攬大林廠及桃園廠之檢測標案，乃將負責辦理採購之大林廠設備檢查課課長張○○及桃園廠設備檢查課課長張○○介紹給廖○○，並以廖○○之報價逕作為請購預算，並於公告招標前洩漏工作說明書等招標文件予前揭廠商，林○○則協調廖○○與程○○圍標並分配承攬標案，前述採購案開標果由富川公司以 6,638 萬 2,050 元標得大林廠之標案，渠並支付 800 萬元予一六公司程○○作為陪標之代價，一六公司則以 3,626 萬元及 2,981 萬 1,416 元標得桃園廠之 2 件標案。林○○則以人頭帳戶陸續向富川公司廖○○收取賄款共 570 萬元，並向一六公司程○○收取賄款 45 萬元。

案例 04 苗栗縣竹南鎮公所清潔隊辦理垃圾車採購涉嫌不法案

◎案件類型：採購

◎主辦單位：北部地區機動工作站

◎起訴日期：102 年 3 月 25 日

◎起訴機關：苗栗地方法院檢察署

◎起訴被告：何○○等 8 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 3 款購辦公用物品浮報價額、數量、收取回扣或其他舞弊情事罪等

緣於 96 年至 99 年間，苗栗縣竹南鎮公所前行政室代理主任何○○及清潔隊隊員葉○○，辦理該公所「96 年度購置舉吊起重及街道清掃設備採購案」、「98 年度購置廢棄物清運設備案」、「採購廚餘回收廠除臭劑案」等標案採購，基於受賄之犯意，與具行賄犯意之富宜公司負責人楊○○等合意，依楊○○提供採購規範，簽擬採購需求，並訂立該公司可優先低價取得規格，或辦理第 1 次招標時，楊○○所定投標報價過低未得標，於廢標辦理第 2 次招標，配合依楊○○提供報價，調整擬訂預估金額，並在採購底價表上調高底價；或為圖利廠商，配合浮報採購價額及數量，以廠商提供試用品充數等方式，護航楊○○得標承攬。

另於辦理「十立方米密封壓縮式垃圾車暨附加配備採購案」，明知共同供應契約第七、（四）條款，規定原廠型錄所示各項裝置、配備，均屬合約商履約驗收範圍，廠商不得要求加價採購，然為配合富宜公司增加獲利，以提高索賄款項，葉○○等人依楊○○提供原廠型錄及規範，簽擬依共同供應契約，並附加採購型錄所列項配備辦理採購，惟該等配備均為原廠垃圾車標準配備，並無須額外付款，且依共同供應契約符合本採購需求之廠商共有 17 家，亦未參酌其他廠商，逕選富宜公司擔任履約廠商。

前述採購均由楊○○承攬，楊○○依約分別交付何○○、葉○○賄款，渠等收受賄款合計達新臺幣 254 餘萬元；又該兩人另收受不正利益，接受楊○○招待，先後到至苗栗縣、臺中市、臺北市酒店等地酒店消費。



案例 05 僑力公司簡○○涉嫌行賄仲裁委員等不法案

◎案件類型：司法貪瀆

◎主辦單位：新北市調查處

◎起訴日期：102 年 7 月 16 日

◎起訴機關：新北地方法院檢察署

◎起訴被告：陳○○ 等 19 人

◎起訴法條：刑法第 122 條第 2 項仲裁人違背職務之行為受賄罪、刑法第 122 條第 3 項對仲裁人違背職務之行為行賄罪、刑法 339 條第 1 項詐欺取財罪

僑力營造工程股份有限公司（下稱：僑力公司）於 91 年間，標得臺北縣新莊市公所（99 年 12 月 25 日改制為新北市新莊區公所）辦理招標「中港派出所、圖書館暨托兒所」工程案，雙方於履約過程發生爭議，協議將爭議部分（下稱：系爭仲裁案）提付「中華民國仲裁協會」進行仲裁判斷。僑力公司負責人簡○○，為使仲裁人作出有利僑力公司仲裁判斷，並藉此向新莊區公所詐取巨額賠償，竟基於行賄仲裁人之犯意，於系爭仲裁案提交仲裁期間，由簡○○行賄仲裁人之一南開科技大學校長陳○○新臺幣（下同）50 萬元，又經中間人行賄另一仲裁人建築師詹○○計 624 萬元，仲裁人陳○○等人復基於受賄之合意，雙方約定使簡○○獲得有利仲裁結果。

簡○○利用下包商林○○等人，虛增、浮報本標案工程項目及價額，並提供不實合約、協議書作為仲裁判斷基礎之內容，仲裁人陳○○等人明知簡○○提供不實文件資料，仍予以配合作成不利新莊區公所，卻有利僑力公司之賠償判斷，致僑力公司從該公所獲得仲裁賠付款達 1 億 2 千餘萬元，遠超過本標案投入成本 4 千餘萬元，致生損害國庫甚巨。

案例 06 臺灣高等法院臺中分院法官胡○○涉嫌向當事人索賄案

◎案件類型：司法貪瀆

◎主辦單位：中部地區機動工作站

◎起訴日期：102 年 12 月 23 日

◎起訴機關：臺中地方法院檢察署

◎起訴被告：胡○○ 等 6 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂罪等

臺灣高等法院臺中分院（下稱臺中高分院）法官胡○○自 101 年 10 月至 102 年 8 月間，利用承審中港大飯店董事長邱○○涉及股權糾紛等民事案件之機會，基於期約及收受賄賂之犯意，利用擔任該等案件受命法官，獨任行準備程序之機會，故意拖延訴訟程序，透過律師林○○之協助，主導該案以和解為方向，並公開對該等案件和解心證，致訴訟一造邱○○等因恐敗訴，被迫接受和解，本案雙方因和解而取得與確定判決有同一效力。於該案審理期間，邱○○基於行賄犯意，於 102 年 5 月間，透過中間人轉交價值新臺幣（下同）4 萬 4,800 元之琉璃藝品，行賄胡○○，由胡員之同居人黃○○代收，嗣胡員於該案審理終結後，另於 102 年 8 月，收受邱○○透過黃○○在其寓所交付賄款 300 萬元。

黃○○復意圖為自己不法之所有，利用擔任行受賄方之中間人身分，竟向邱○○詐稱胡○○所需賄款為 500 萬元，致邱員陷於錯誤而籌措 500 萬元現金，黃○○在其女邱○○幫助下，得以從中詐取 200 萬元供己花用。另於民國 100 至 101 年間，胡○○利用臺中高分院法官張○○承審臺中市民王○○民事案件之機會，意圖為自己不法之所有，與友人廖○○共同詐欺當事人王員 20 萬元並朋分花用。胡○○涉嫌違背職務收受賄款及不正利益達 304 萬 4,800 元，並隱匿該不法所得。



案例 07 高雄關稅局關員涉嫌集體貪瀆案

◎案件類型：關務

◎主辦單位：航業調查處

◎起訴日期：102 年 8 月 2 日

◎起訴機關：高雄地方法院檢察署

◎起訴被告：胡○○ 等 29 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 2 款藉勢藉端勒索財物罪等

緣於 94 年至 102 年間，建亨、瑞盈、勝昌、大升、銘毅、展榮、縉毅、瑞利、盈碩報關行負責人許○○等人，受進口業者委託辦理重型機器、二手機器、汽車零件、冷凍水產等進口貨品報關及通關業務，為期進口商所進口之「磅品」貨櫃申請拆櫃進倉前，得以不被高雄關稅局機動隊抽核，順利通關，不影響後續進口商銷貨時效，渠等基於行賄之犯意，先行計算每週「磅品」貨櫃 C2（屬免驗貨物）報單、C3（應查驗貨物）報單數量，再按每張 C2 報關單新臺幣（下同）2,000 元、C3 報關單 3,000 元，計算當週賄款總額後，將該週賄款總額交予中間人白○○等人，轉交高雄關稅局機動巡查隊（102 年 1 月改名關務署高雄關機動稽核組機動巡查課）胡○○等 20 名關員。

胡○○等人，明知應就已卸貨櫃後未報關前之貨櫃，依進口艙單開櫃抽核，或就海關電腦篩選進口通關 C1、C2 報單貨物進行抽核，竟基於違背職務受賄犯意，安排特定關員放水讓建亨等報關行通過查驗，由各分隊關員推派 1 人擔任「小總務」，自行統計建亨等報關行申報 C2、C3 進口報單數量，按月與白○○等人碰面對帳收款，各分隊「小總務」所收取賄款，除應上繳 2,000 元至 5,000 元不等予「大總務」（由各分隊小總務推選其中一人擔任）作為全機動隊之公費外，另扣除各分隊「小總務」統籌支應各分隊之送往迎來聚餐、茶水費等，其餘賄款由隊員朋分，合計渠等受賄金額高達 1,229 萬 8,000 元。

案例 08 高速公路警察第五隊等查緝超載勾結業者陳○○ 涉嫌不法案

◎案件類型：警政

◎主辦單位：高雄市調查處

◎起訴日期：102 年 12 月 25 日

◎起訴機關：高雄地方法院檢察署

◎起訴被告：陳○○等 21 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂罪等

緣於 101 年 6 月至 102 年 4 月間，聯結車業者陳○○等人以載運貨物為業，為節省運送成本，旗下車隊聯結車行經開國道公路警察局第四警察隊新市分隊、第五警察隊岡山分隊、田寮分隊、高雄市警察林園分局所轄之區域，多有超載、無照駕駛違規情形，為避免遭員警攔停、稽查、舉發及繳納高額罰鍰，渠等復基於行賄犯意，透過岡山分隊員警陳○○、田寮分隊王○○等人，充當白手套行賄關說查緝員警。

岡山分隊員警趙○○、蔡○○、陸○○、王○○、陳○、田寮分隊分隊長王○○、小隊長葉○○、新市分隊員警張○○、高雄市警察林園分局員警劉○○等 9 人，具有舉發交通違規事件調查職務權限之公務員，竟基於收受業者陳○○等人不正利益招待或賄賂之犯意，於陳○○等僱請聯結車司機方○○等人，超載或無照駕駛行經前述警勤區，遭員警攔檢時，即電請陳○○等人出面向王○○等人詢問攔查員警所屬單位勤務表內容、執勤狀況、巡邏車位置等訊息；或向查緝員警關說放行不予舉發；或向查緝員警協調暫扣司機駕照、行車執照方式放行，嗣由白手套陳○○等人取回行照、駕照等，王○○等人以此涉嫌圖利陳○○等人獲有減少繳交罰鍰之不法利益計新臺幣（下同）41 萬 2,000 元、收受賄賂 2 萬 2,600 元、接受業者招待喝花酒次數逾 150 次，收受不正利益金額約 150 萬元。



案例 09 電玩業者劉○○等涉嫌勾結行賄警方不法案

◎案件類型：警政

◎主辦單位：臺北市調查處

◎起訴日期：102 年 7 月 4 日

◎起訴機關：臺北地方法院檢察署

◎起訴被告：劉○○等 6 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂罪等

張○○、劉○○係京橋、巨無霸、創新及第一電子遊戲場 4 家電子遊戲場股東兼實際負責人。緣於 100 年間，張○○、劉○○等人共同基於常業賭博之犯意，共同合資在新北市淡水區開設賭博電玩京橋店，供賭客下注賭博娛樂，為規避遭警方取締查緝，復又共同基於行賄犯意，指示股東李○○與聯合報記者許○○商議，由許○○利用在記者界之人脈關係，尋找自由時報派駐淡水區記者黃○○充作中間人，以每月新臺幣（下同）5 萬元代價支付黃○○，由其充作為行賄轄區員警白手套，負責打點及交付賄款給新北市警局淡水分局行政組巡官邱○○、淡水分局中山路派出所副所長黃○○、淡水分局偵查隊代理小隊長葉○○等 3 人。

邱○○、黃○○及葉○○等 3 人，職司調查或協助調查犯罪，對轄區內經營賭博之相關電子遊藝場負有取締、查緝之責，竟基於違背職務受賄犯意，在收受黃○○交付 10 萬元不等賄款後，縱容張○○等人在轄區內開設營京橋店，經營電動賭博機具供賭客賭注，而不予舉報、取締，或減少對該店臨檢或排班員警站崗，縱遇臨檢亦協助順利、迅速通過，渠等 3 人合計收受業者劉○○、張○○透過黃○○交付賄款合計達 100 餘萬元。

案例 10 內政部土地重劃工程處賴○○涉嫌浮報差旅費不法案

◎案件類型：地政

◎主辦單位：南投縣調查站

◎起訴日期：102 年 10 月 14 日

◎起訴機關：臺中地方法院檢察署

◎起訴被告：賴○○ 等 11 人

◎起訴法條：貪污治罪條例第 5 條第 1 項第 2 款利用職務上之機會詐取財物罪

內政部土地重劃工程處（下稱土地重劃工程處）會計室主任賴○○、秘書室辦事員吳○○、政風室課員曾○○、測量工程課技士林○○、會計室工友林○○、駕駛黃○○、張○○、黃○○及人力派遣公司派駐土地重劃工程處特約助理工程師黃○○、余○○及廖○○。緣於民國（下同）100 年 1 月至 9 月間，賴○○等人因公至桃園、高雄、宜蘭等地出差，基於利用職務上機會詐取財物之犯意，明知申報出差旅費應依據行政院訂定之「國內出差旅費報支要點」等相關規定，檢據核實列支，竟分別利用奉派出差、執行派遣業務等機會而無實際住宿，或實際住宿金額未達新臺幣（下同）1,400 元或 1,600 元，可報支數額上限，由旅宿業者上海商務旅館負責人鄒○○、長虹賓館負責人梁○○、金鳳凰賓館會計劉○○、喬曼汽車旅館負責人林○○、星鑽實業股份有限公司經理羅○○等人配合，分別開立不實內容及金額之住宿統一發票交付，提供渠等檢附報支出差旅費，致該處主計人員陷於錯誤而同意核銷，經計賴○○詐領金額 6,770 元、黃○○詐領 3,800 元、吳○○詐領 1,900 元、曾○○詐領 1,900 元、林○○詐領 3,300 元、黃○○詐領 2,320 元、林○○詐領 4,620 元、張○○詐領 1,900 元、余○○詐領 4,360 元、廖○○詐領 2,200 元、黃○○詐領 3,220 元等差旅住宿費及膳雜費。



案例 11 新竹縣環保局人員涉嫌包庇達鑫公司不法案

◎案件類型：環保

◎主辦單位：中部地區機動工作站

◎起訴日期：102 年 6 月 25 日

◎起訴機關：臺中地方法院檢察署

◎起訴被告：曾○○ 等 3 人

◎起訴法條：貪污治罪條例第 4 條第 1 項第 5 款對於違背職務之行為收受賄賂罪等

新竹縣政府環保局約聘人員曾○○係負責新竹縣北埔鄉、五峰鄉地區事業廢棄物管理、稽查等業務承辦人。緣於民國（下同）101 年 10、11 月間，新竹縣警局竹東分局北埔分駐所通報新竹縣環保局，民眾檢舉孫○○經營北埔土尾場，非法回填廢棄土，經曾○○前往現場採樣送驗，化驗結果廢土含鉻等金屬含量超過土壤管制標準，曾○○明知應再進行複驗以判定是否為有害事業廢棄物，竟基於違背職務收受賄賂之犯意，將先前合格檢驗報告抽走，再指示孫○○另以合於標準之土石檢體重新送驗，化驗結果合格，曾○○先後收受孫員賄款計新臺幣（下同）9 萬 5 千元。

新竹縣政府環保局經北埔鄉公所清潔隊、北埔警分駐所通報，北埔鄉溝背段 453 等地號土地遭人傾倒廢棄土，曾○○得知係由清運業者唐○等人非法傾倒，為掩飾唐○等人犯行，收受唐○交付賄款 4 萬 5 千元，乃指示唐○先將路面上污泥清洗乾淨，於會同不知情稽查人員彭○○至現場勘查，製作未發現廢棄物之不實稽查紀錄，使唐○等人免遭裁罰。

另廢棄物清運業者劉○○僱請黃○○等司機，載運達鑫公司未經處理污泥，經新豐分駐所巡邏員警攔查，通報新竹縣環保局派員到場瞭解，因未超載而先放行，翌日新竹縣環保局科技士黃○○偕同許○○前往達鑫公司新豐廠區稽查，以確認前日車輛所載污泥流向，因該公司提出污泥運送照片判定為非法堆置，黃○○乃要求公司出具切結書，達鑫公司透過唐○提出虛偽三菱公司收受達鑫公司載運污泥證明，並由唐○委託曾○○代向黃○○行賄，不要追究本案，實際上黃○○並無追究之意，惟曾○○向唐○佯稱購買禮物致送黃員疏通，遂交付現金 8,000 元予曾○○，曾員復基於詐財之犯意，將該筆款項悉數花用。

嗣因前述清運業者劉○○載運達鑫公司污泥，遭嘉義縣環保局查獲，唐○恐因追查至達鑫公司，要求劉○○支付 5 萬元供打點新竹縣環保局人員，唐○再透過曾○○交付 6,000 元至 8,000 元現金，請曾員轉交給黃○○作為聖誕節禮物，惟曾○○另基於侵占之犯意，將該等款項據為已有，未致送給黃員。另於 102 年 1 月間，黃○○偕同陳○○至達鑫公司新豐廠區，稽查 101 年 12 月份申報出貨南岡公司簽收證明，因該公司無法提出相關資料，黃○○對此甚為不滿，曾○○又基於詐財之犯意，向唐○佯稱黃○○已先行石上湯屋住宿泡湯消費，該筆費用尚未歸墊給黃○○，黃員為此甚為不滿，故於稽查時態度嚴厲，向唐○詐得 3,600 元至 3,800 元現金。



案例 12 嘉義縣大林鎮瑞記碾米廠李○○盜賣公糧涉嫌不法案

◎案件類型：其他

◎主辦單位：嘉義縣調查站

◎起訴日期：102 年 9 月 23 日

◎起訴機關：嘉義地方法院檢察署

◎起訴被告：李○○

◎起訴法條：貪污治罪條例第 4 條第 1 項第 1 款竊取或侵占公用或公有財物罪

李○○係嘉義縣大林鎮「瑞記碾米廠」負責人，自民國 82 年起，即與行政院農業委員會南區糧食管理處（改名為行政院農業委員會農糧署南區分署，下稱南區農糧署）簽訂合約，每 4 年換約 1 次，受委託辦理公糧經收、保管、加工、撥付等業務，以其自有倉庫，存放南區農糧署向農民收購之稻穀。李○○為受公務機關委託公務之人員，因急需資金，基於意圖為自己不法所有、易持有為所有之犯意，先盜售公糧，嗣再購入等量稻穀回補，自 102 年 3 月起至同年 5 月止，多次至自有倉庫，剪開南區農糧署委託存放公糧封條，自行加工碾製成白米或糙米，再以包裝或散裝方式，將受委託經收保管 101 年第 1 期、第 2 期等公糧，以白米每公斤新臺幣（下同）17.5 或 18.5 元之價格，糙米每公斤 15.6 或 16 元之價格，散裝方式售予不知情之順寶公司、崧鉅商行、嘉南米行等糧商，藉此獲取不法利益逾 4,176 萬 3,956 元，悉數供作償還支付其個人債務。

李○○於侵占前揭公有財物之公糧稻穀後，乘機將碾米所打下粗糠，利用廠內機器設備，再存入南區農糧署所指定存放之儲存筒內冒充公糧，以防止南區農糧署人員稽查發現。嗣於 102 年 5 月 5 日午，南區農糧署因聽聞瑞記碾米廠跳票，隨即派員前往上址稽查，然不得其門而入，經緊急聯繫李○○，始得進入倉庫抽查，經抽查發現李員侵占嫌情。

案例 13 102 年基隆區漁會理事長選舉候選人謝○○涉嫌賄選案

◎案件類型：農漁會賄選

◎主辦單位：基隆市調查站

◎起訴日期：102 年 5 月 9 日

◎起訴機關：基隆地方法院檢察署

◎起訴被告：謝○○

◎起訴法條：漁會法第 50 條之 1 第 1 項第 2 款對有投票權人行賄罪

謝○○係第 15 屆基隆區漁會理事長，明知漁會各級選舉不得對有選舉權之人交付財物，為求順利連任第 16 屆理事長，竟基於對有投票權之人行求賄賂，約為一定投票權行使之犯意，於民國 102 年 3 月 19 日下午 4 時 30 分許，攜帶新臺幣 5 萬元現鈔 1 捆，與不知情之妻林○○一同駕車前往基隆市中正區北寧路之陳○○住處，謝○○要求陳○○於選舉時投票支持，並當場掏出賄款交付與陳○○，惟遭陳員拒絕，謝○○夫妻即趁陳○○不良於行，無從立即返還款項之際，旋即駕車離去，以此對有投票權但無收受賄賂犯意之陳○○行求賄選，當日稍後陳○○之妻林○○返家，渠等夫妻決定自行退還款項，繼於 102 年 3 月 20 日上午 10 時許，陳○○夫妻及外籍看護凱○○等 3 人，一同至基隆區漁會，悉數退還謝○○前揭款項。



案例 14 102 年新北市泰山區農會理事長候選人林○○涉嫌賄選案

◎案件類型：農漁會賄選

◎主辦單位：新北市調查處

◎起訴日期：102 年 5 月 23 日

◎起訴機關：新北地方法院檢察署

◎起訴被告：林○○

◎起訴法條：農會法第 47 條之 1 第 1 項第 2 款對有投票權人行賄罪

102 年泰山區農會第 17 屆理事長候選人林○○為求順利當選，竟基於對於有選舉權之人交付財物，而約選舉權為一定行使之概括犯意，於 101 年中秋節前後，前往有意競選泰山區農會第 17 屆理事長柯○○位住處，交付市價新臺幣 980 元牛樟芝禮盒，商請投票支持其競選泰山區農會第 17 屆理事長，惟因柯○○意欲參選第 17 屆理事長，而虛應敷衍表示支持，事後柯○○亦當選泰山區農會第 17 屆理事，取得泰山農會第 17 屆理事長選舉之選舉權。林○○另前往泰山區農會第 17 屆理事候選人黎○○在市場經營之豬肉攤，交付牛樟芝禮盒，請託投票支持其競選泰山區農會第 17 屆理事長，因黎員當時忙於招呼生意亦未及允諾，林○○即逕將牛樟芝禮盒置於攤位旁離去。黎○○亦當選泰山區農會第 17 屆理事，取得泰山農會第 17 屆理事長選舉之選舉權。

又於中秋節前某日，林○○攜帶上開牛樟芝禮盒前往亦係泰山區農會第 17 屆理事候選人張○○住處，因適無人在家，林○○遂將上開禮盒置於張員住處外機車菜籃內即離去，經張○○配偶返家發現將上開禮盒攜回家中，嗣不久林○○在新北市福泰街上偶遇張○○，經確認其有收到牛樟芝禮盒，即當面請託張○○投票支持其競選泰山區農會第 17 屆理事長，因張○○無欲支持林○○乃虛應以對，事後張○○亦當選泰山區農會第 17 屆理事，取得泰山區農會第 17 屆理事長選舉之選舉權。

案例 15 102 年桃園縣農會理事候選人郭○○等涉嫌賄選案

◎案件類型：農漁會賄選

◎主辦單位：桃園縣調查站

◎起訴日期：102 年 7 月 18 日

◎起訴機關：桃園地方法院檢察署

◎起訴被告：涂○○ 等 4 人

◎起訴法條：農會法第 47 條之 1 第 1 項第 2 款對有投票權人行賄罪

桃園縣農會總幹事蔡○○、秘書室職員涂○○、第 17 屆觀音鄉農會理事選舉候選人兼尋求連任觀音鄉農會理事長梁○○、其妻李○○及桃園縣農會監事、出席全國農會會員代表選舉之候選人兼為現任第 16 屆觀音鄉農會出席縣農會代表郭○○等人，為求郭○○順利當選縣農會理事，俾利梁○○於當選觀音鄉農會理事長，掌握觀音鄉農會系統資源，共同基於以非法方法妨害他人自由行使選舉權，及對於有選舉權之人交付財物，而約為選舉權之一定行使之犯意聯絡，於民國 102 年 3 月 12 日在桃園縣農會，由涂○○將空白本票數張交付梁○○夫婦，指示渠等以觀音鄉農會團結為詞，勸說業已登記參選觀音鄉農會第 17 屆出席縣農會代表之候選人均簽署鉅額本票，藉此鞏固觀音鄉農會選情。

其後陸續由梁○○夫婦親自或委由郭○○，分別前往已登記參選觀音鄉農會第 17 屆出席縣農會代表陳○○、梁○○、江謝○○、徐○○、徐○○、李○○等數名候選人住處，向各該參選人尋求投票支持郭○○當選縣理事，並提出事先準備空白本票，交付縣農會代表選舉各候選人，即當選後具有縣理事投票權之陳○○、梁○○、江謝○○、徐○○、徐○○等 5 人，商請渠等簽立面額新臺幣 1 千萬元之本票 1 張，先後由梁○○夫婦、郭○○收執保管，俟郭員順利當選縣理事或簽立本票者未當選縣代表，即返還本票不予行使，以此脅迫方式，妨害對於有選舉權之人自由行使選舉權。



案例 16 102 年南投縣國姓鄉農會理事長候選人莫○○涉嫌賄選案

◎案件類型：農漁會賄選

◎主辦單位：南投縣調查站

◎起訴日期：102 年 8 月 23 日

◎起訴機關：南投地方法院檢察署

◎起訴被告：莫○○ 等 2 人

◎起訴法條：農會法第 47 條之 1 第 1 項第 2 款對有投票權人行賄罪

102 年第 17 屆南投縣國姓鄉農會理事長候選人莫○○與有意擔任 17 屆農會總幹事葉○○，及國姓鄉北山村村長劉○○、農會理事莊○○等人共同基於賄選之犯意，於 101 年 10 月 27 日晚間，由劉○○出面，在莊○○住處邀集國姓鄉農會會員代表參選人林○○、許○○、盧○○等 7 人，以贊助競選代表經費之名義，各交付在場每人現金新臺幣 10 萬元，作為買票綁樁費用，要求投票給莫○○，並支持葉○○擔任總幹事。

另於 101 年 12 月起至 102 年 3 月間，由劉○○分批購買不詳數量之「21 年皇家禮炮」洋酒禮盒後，由葉○○、莫○○、劉○○共同前往有意參選國姓鄉農會第 17 屆會員代表李○○、林○○、許○○、盧○○、陳○○、江○○、張○○、朱○○、吳○○等人住處，致贈上開洋酒禮盒，除要求投票給莫○○，亦支持葉○○擔任總幹事及支持劉○○等人所指定監事候選人彭○○。嗣 102 年 3 月 12 日國姓鄉農會第 17 屆理、監事選舉結果，莫○○、彭○○分別順利當選為農會理、監事。嗣於同年 3 月 21 日，莫○○、葉○○亦分別順利當選農會理事長及受聘為總幹事。

表2-01 102年案件偵辦工作統計總表

單位：案

Table 2-01 Summary Table of the Investigation Work Performed in 2013

Unit: case

案件分類 Category		案數 Case Count	說 明 Descriptions
廉政案件 Corruption Cases	移送檢方 Referred Officially to Prosecutors	553	經本局偵辦後，於102年間以移送書方式送檢察機關者。 Cases referred officially to prosecutors for indictments after investigations
	函送起訴 Forwarded to Prosecutors	17	經本局偵辦後，以函文方式送檢察機關，檢察機關嗣於102年間起訴者。 Cases forwarded to prosecutors with written reports and indicted afterward in 2013 after investigations.
	其 他 Others	13	經本局配合檢方偵辦，檢察機關於102年間逕行提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者。 Cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2013 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio.
	小 計 Subtotal	583	占全年成果統計案數88.1%。 Accounts for 88.1% of the year.
賄選案件 Vote-buying Cases		79	經本局配合檢方偵辦，檢察機關於102年間提起公訴、聲請簡易判決處刑、緩起訴或職權不起訴者，占全年成果統計案數11.9%。 The Bureau has cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2013 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio., which accounts for 11.9%.
總計 Total		662	註1：本表統計期間為102年1月1日至102年12月31日。 Note 1: The period for statistics is between January 1 and December 31, 2013. 註2：本年報「案件偵辦工作」單元，係針對「移送檢方案件」及「賄選案件」作專章介紹。 Note 2: The chapter "Investigation Work" of this Yearbook indicates the "referred cases" and "vote-buying cases"

表2-02 102年移送案件統計總表

Table 2-02 Summary of Statistics on Cases Referred in 2013

單位：案、人、元

Unit：case/person/TWD

項目 Category	類型 Item	案數 No. of Cases	嫌疑人數 No. of Suspects			涉案標的 Amount of Money Involved in Cases			
			公務員 Civil servant	民意代表 Representative	非公職人員 Non-civil servant	貪污金額 Corruption	圖利金額 Profiting	採購金額 Procurement	其他犯罪金額 Others
貪 污 Corruption/Malffeasance	公共工程 Public works	45	177	25	227	95,310,297	249,538,588	1,004,007,200	245,413,488
	採購 Procurement	156	583	6	330	90,773,565	94,016,779	498,901,903	48,254,218
	司法貪瀆 Judicial corruption and malffeasance	4	6	0	24	10,627,500	37,400	—	—
	警政 Police administration	40	126	0	134	21,305,807	42,250,736	—	320,000
	消防 Fire fighting	2	4	0	0	19,117,387	0	—	0
	矯正 Correction	1	5	0	2	205,000	0	—	0
	都市計畫 Urban planning	0	0	0	0	0	0	—	0
	建管 Construction management	3	3	0	4	370,000	670,000	—	0
	地政 Land administration	3	13	0	12	26,510	36,916,508	—	9,780
	稅務 Taxation	2	6	0	1	0	305,255	—	700,000
	關務 Custom affairs	4	32	0	16	12,388,000	0	—	0
	金融 Financial affairs	0	0	0	0	0	0	—	0
	醫療 Medical care	2	3	0	1	4,396,690	0	—	0
	教育 Education	2	3	0	1	199,509	0	—	0
	工商登記 Company registration	0	0	0	0	0	0	—	0
	監理 Motor vehicle management	2	2	0	0	0	24,000,000	—	0
	殯葬 Funeral and interment	0	0	0	0	0	0	—	0
	環保 Environment protection	5	13	1	3	212,600	44,945,000	—	0
	破壞國土 Spoil of land conservation	0	0	0	0	0	0	—	0
	河川及砂石管理 Rivers and gravel management	0	0	0	0	0	0	—	0
非 貪 Non-Corruption/Malffeasance	社福補助 Public welfare subsidy	3	3	1	1	30,000	423,900	—	19,800
	補助款 Subvention	6	22	0	56	19,615,671	0	—	202,018,343
	其他 Others	48	57	31	39	75,133,501	32,601,316	—	44,143,440
	小計 Sub-total	328	1058	64	851	349,712,037	525,705,482	1,502,909,103	540,879,069
	公共工程 Public works	69	3	0	189	—	—	2,195,917,106	98,843,468
	採購 Procurement	107	11	0	364	—	—	2,175,588,790	576,422,662
	司法詐欺 Judiciary fraud	6	0	0	6	—	—	—	23,755,000
	醫療 Medical care	2	1	0	2	—	—	—	147,768
	教育 Education	6	4	0	13	—	—	—	8,303,752
	環保 Environment protection	11	0	0	19	—	—	—	0
非 貪 Non-Corruption/Malffeasance	破壞國土 Spoil of land conservation	12	1	0	23	—	—	—	29,439,880
	其他 Others	12	6	0	43	—	—	—	279,767,536
	小計 Sub-total	225	26	0	659	—	—	4,371,505,896	1,016,680,066
總計 Total		553	1084	64	1510	349,712,037	525,705,482	5,874,414,999	1,557,559,135

表2-03 近五年移送案件統計表

Table 2-03 Statistics of Cases Referred in the Past 5 Years

單位：案

Unit：case

類型 Category		年度 Year	98年 2009	99年 2010	100年 2011	101年 2012	102年 2013	合計 Total
貪 瀆	公共工程 Public works		79	59	58	46	45	287
	採購 Procurement		41	38	53	61	156	349
	司法貪瀆 Judicial corruption		3	1	2	3	4	13
	警政 Police administration		27	24	35	24	40	150
	消防 Fire fighting		1	2	1	2	2	8
	矯正 Correction		4	6	2	4	1	17
	都市計畫 Urban planning		2	1	5	1	0	9
	建管 Construction		10	5	7	5	3	30
	地政 Land administration		7	3	7	2	3	22
	稅務 Taxation		9	2	0	2	2	15
	關務 Custom affairs		3	2	7	1	4	17
	金融 Financial affairs		0	1	0	0	0	1
	醫療 Medical care		3	2	8	0	2	15
	教育 Education		6	5	4	7	2	24
	工商登記 Company registration		2	0	0	0	0	2
	監理 Motor vehicle		3	1	1	2	2	9
	殯葬 Funeral and interment		2	7	4	2	0	15
	環保 Environment		10	8	12	5	5	40
	破壞國土 Spoil of land		3	0	1	0	0	4
	河川及砂石管理 Rivers and gravel		—	1	2	1	0	4
	社福補助 Public welfare		—	1	1	1	3	6
	補助款 Subvention		—	1	9	4	6	20
	其他 Others		92	80	85	47	48	352
	小計 Sub-total		307	250	304	220	328	1,409
非 貪 瀆	公共工程 Public works		80	101	73	69	69	392
	採購 Procurement		119	128	119	105	107	578
	司法詐欺 Judiciary fraud		6	7	10	14	6	43
	醫療 Medical care		6	4	3	1	2	16
	教育 Education		15	10	14	17	6	62
	環保 Environment		9	3	13	22	11	58
	破壞國土 Spoil of land		22	17	18	16	12	85
	其他 Others		35	24	20	14	12	105
	小計 Sub-total		292	294	270	258	225	1,339
總計 Total			599	544	574	478	553	2,748

表2-04 102年移送案件案源統計表

Table 2-04 Statistics of Case Sources on Cases Referred in 2013

單位：案

Unit：case

案源類別 Source	民眾檢舉 Reports from the public	民眾自首 Self-surrenders	檢察署 Prosecutors offices	政風機構 Governmental ethics authorities	本局主動發掘 MJIB initiative	其他 Others	合計 Total
貪瀆案件 Corruption/ Malfeasance	25	2	34	1	258	8	328
非貪瀆案件 Non- Corruption/ Malfeasance	27	1	62	17	84	34	225
總計 Total	52	3	96	18	342	42	553

表2-05 102年移送案件主要適用法律統計表

Table 2-05 Statistics of Key Applicable Laws on Cases Referred in 2013

單位：案

Unit：case

適用法律 Applicable laws		貪污治罪條例 Anti-corruption Act	政府採購法 Government Procurement Act	刑法 Criminal Code	其他 Others	合計 Total
類型 Category						
貪 污 Corruption/Malfeasance	公共工程 Public works	44	—	1	0	45
	採購 Public works	149	—	7	0	156
	司法貪瀆 Judicial corruption and malfeasance	3	—	1	0	4
	警政 Police administration	35	—	4	1	40
	消防 Fire fighting	2	—	0	0	2
	矯正 Correction	1	—	0	0	1
	都市計畫 Urban planning	0	—	0	0	0
	建管 Construction	3	—	0	0	3
	地政 Land administration	3	—	0	0	3
	稅務 Taxation	1	—	1	0	2
	關務 Custom affairs	2	—	2	0	4
	金融 Financial affairs	0	—	0	0	0
	醫療 Medical care	2	—	0	0	2
	教育 Education	2	—	0	0	2
	工商登記 Company registration	0	—	0	0	0
	監理 Motor vehicle	1	—	1	0	2
	殯葬 Funeral and interment	0	—	0	0	0
	環保 Environment	5	—	0	0	5
	破壞國土 Spoil of land	0	—	0	0	0
	河川及砂石管理 Rivers and gravel	0	—	0	0	0
	社福補助 Public welfare	3	—	0	0	3
	補助款 Subvention	5	—	1	0	6
	其他 Others	38	—	9	1	48
	小計 Sub-total	299	—	27	2	328
非 貪 污 Non-Corruption/Malfeasance	公共工程 Public works	—	63	6	0	69
	採購 Procurement	—	94	12	1	107
	司法詐欺 Judiciary fraud	—	0	6	0	6
	醫療 Medical care	—	0	2	0	2
	教育 Education	—	0	6	0	6
	環保 Environment	—	0	0	11	11
	破壞國土 Spoil of land	—	0	3	9	12
	其他 Others	—	0	12	0	12
	小計 Sub-total	—	157	47	21	225
總計 Total		299	157	74	23	553

表2-06 近五年移送案件主要適用法律統計表之一（以案數統計）

Table 2-06 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years (By No. of Cases)

法律名稱 Law	年度 Year	98年 2009		99年 2010		100年 2011		101年 2012		102年 2013	
		案數 No. of cases	百分比 %	案數 No. of cases	百分比 %	案數 No. of cases	百分比 %	案數 No. of cases	百分比 %	案數 No. of cases	百分比 %
貪污治罪條例 Anti-corruption Act		270	45.0%	217	39.8%	247	42.9%	200	41.8%	299	54.1%
政府採購法 Government Procurement Act		185	30.9%	200	36.8%	177	30.8%	159	33.3%	157	28.4%
刑法 Criminal Code		113	18.9%	110	20.2%	120	20.9%	83	17.4%	74	13.4%
毒品危害防制條例 Narcotics Control Act		1	0.2%	0	0.0%	1	0.2%	0	0.0%	1	0.2%
槍砲彈藥刀械管制條例 Guns, Ammunition and Knives Controlling Act		1	0.2%	2	0.4%	0	0.0%	0	0.0%	0	0.0%
懲治走私條例 Smuggling Punishment Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
公務員服務法 Civil Servant Service Act		0	0.0%	2	0.4%	0	0.0%	0	0.0%	1	0.2%
廢棄物清理法 Waste Disposal Act		12	2.0%	4	0.7%	13	2.3%	23	4.8%	10	1.8%
森林法 Forestry Act		1	0.2%	1	0.2%	1	0.2%	1	0.2%	1	0.2%
水土保持法 Soil and Water Conservation Act		2	0.3%	1	0.2%	5	0.9%	2	0.4%	3	0.5%
山坡地保育利用條例 Slope Land Conservation and Utilization Act		3	0.5%	4	0.7%	1	0.2%	1	0.2%	2	0.4%
都市計畫法 Urban Planning Act		1	0.2%	1	0.2%	0	0.0%	0	0.0%	0	0.0%
區域計畫法 Regional Planning Act		2	0.3%	1	0.2%	8	1.4%	5	1.0%	4	0.7%
律師法 Attorney Regulation Act		2	0.3%	1	0.2%	1	0.2%	4	0.8%	0	0.0%
水利法 Water Act		1	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
水污染防治法 Water Pollution Control Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.2%
稅捐稽徵法 Tax Collection Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
公職人員利益衝突迴避法 Act on Recusal of Public Servants Due to Conflicts of Interest		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
殯葬管理條例 Mortuary Service Administration Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
電腦處理個人資料保護法 Computer-Processed Personal Data Protection Act		2	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
國家機密保護法 The Classified National Security Information Protection Act		1	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
政治獻金法 Political Donations Act		2	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
總計 Total		599	100.0%	544	100.0%	574	100.0%	478	100.0%	553	100.0%

表2-07 近五年移送案件主要適用法律統計表之二（以人數統計）

Table 2-07 Statistics of Key Applicable Laws on Cases Referred in the Past 5 Years (By No. of Suspects)

法律名稱 Law	年度 Year	98年 2009		99年 2010		100年 2011		101年 2012		102年 2013	
		人數 No. of suspects	百分比 %	人數 No. of suspects	百分比 %	人數 No. of suspects	百分比 %	人數 No. of suspects	百分比 %	人數 No. of suspects	百分比 %
貪污治罪條例 Anti-corruption Act		921	40.6%	764	37.8%	874	38.9%	825	45.1%	1532	57.2%
政府採購法 Government Procurement Act		774	34.3%	764	37.8%	754	33.6%	535	29.2%	604	22.5%
刑法 Criminal Code		437	19.4%	435	21.4%	525	23.4%	354	19.3%	460	17.2%
毒品危害防制條例 Narcotics Control Act		5	0.2%	1	0.1%	1	0.05%	5	0.3%	1	0.0%
槍砲彈藥刀械管制條例 Guns, Ammunition and Knives Controlling Act		4	0.2%	10	0.5%	1	0.05%	0	0.0%	2	0.1%
懲治走私條例 Smuggling Punishment Act		0	0.0%	0	0.0%	4	0.2%	0	0.0%	0	0.0%
通訊保障及監察法 Communication Protection and Supervisory Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
公務員服務法 Civil Servant Service Act		0	0.0%	4	0.2%	0	0.0%	0	0.0%	1	0.0%
廢棄物清理法 Waste Disposal Act		42	1.9%	14	0.7%	17	0.8%	37	2.0%	18	0.7%
森林法 Forestry Act		1	0.1%	1	0.1%	2	0.1%	15	0.8%	23	0.9%
水土保持法 Soil and Water Conservation Act		6	0.3%	2	0.1%	10	0.4%	2	0.1%	4	0.1%
山坡地保育利用條例 Slope Land Conservation and Utilization Act		7	0.3%	8	0.4%	1	0.05%	4	0.2%	1	0.0%
都市計畫法 Urban Planning Act		3	0.1%	1	0.1%	0	0.0%	0	0.0%	0	0.0%
區域計畫法 Regional Planning Act		2	0.1%	2	0.1%	17	0.8%	9	0.5%	4	0.1%
商業會計法 Business Accounting Act		28	1.2%	9	0.4%	28	1.2%	35	1.9%	24	0.9%
稅捐稽徵法 Tax Collection Act		1	0.1%	0	0.0%	3	0.1%	1	0.1%	0	0.0%
洗錢防制法 Money Laundering Control Act		5	0.2%	3	0.1%	4	0.2%	2	0.1%	5	0.2%
律師法 Attorney Regulation Act		3	0.1%	2	0.1%	1	0.05%	6	0.3%	0	0.0%
電腦處理個人資料保護法 Computer-Processed Personal Data Protection Act		6	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
國家機密保護法 The Classified National Security Information Protection Act		2	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
政治獻金法 Political Donations Act		2	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
其他法律 Others		9	0.4%	3	0.1%	2	0.1%	0	0.0%	1	0.0%
總計 Total		2,258	100.0%	2,023	100.0%	2,244	100.0%	1,830	100.0%	2,680	100.0%

表2-08 近五年移送案件主要適用法條統計表之一（以貪污治罪條例為主要適用法條）

Table 2-08 Statistics of Key Applicable Articles of the Anti-corruption Act on Cases Referred in the Past 5 Years

單位：案

Unit：case

條 Article	項 Paragraph	款 Subparagraph	構成要件 Details of the Anti-corruption Act	98 2009	99 2010	100 2011	101 2012	102 2013
4	1	1	竊取或侵占公用或公有器材、財物者。 Larceny or embezzlement of public equipments or properties.	15	22	20	10	12
4	1	2	藉勢藉端勒索、勒徵、強占或強募財物者。 Obtaining properties by coercion, extortion, conversion or collection on an illegal excuse or by misusing his power and influence.	8	9	10	7	8
4	1	3	建築或經辦公用工程或購辦公用器材、物品，浮報價額、數量、收取回扣或有其他舞弊情事者。 False reports about the price or quantity; receiving an unauthorized commission; engaging in other corrupt acts relating to the construction of government projects or the procurement of government equipments or materials.	28	23	23	15	19
4	1	4	以公用運輸工具裝運違禁物品或漏稅物品者。 Transporting illegal items or evading taxes using public transportation.	0	0	0	0	0
4	1	5	對於違背職務之行為，要求、期約或收受賄賂或其他不正利益者。 Demanding, soliciting, dealing or receiving bribes or other illegal profits in return for violating, reducing or failing to perform the official or commissioned duties.	34	30	28	39	28
5	1	1	意圖得利，擅提或截留公款或違背法令收募稅捐或公債者。 With intent to profit, withdrawing or withholding public funds without authorization; collecting taxes or government bonds in violation of laws.	0	0	0	0	0
5	1	2	利用職務上之機會，詐取財物者。 Obtaining properties by committing fraudulence through one's position.	69	44	61	46	157
5	1	3	對於職務上之行為，要求、期約或收受賄賂或其他不正利益者。 Demanding, soliciting, dealing or receiving bribes or other illegal profits in return for supplying someone with unusual convenience when performing the official or commissioned duties.	26	24	21	31	25
6	1	1	意圖得利，扣留不發職務上應發之財物者。 Retaining properties that should be released to people for the intention of making illegal profits.	0	1	0	0	1
6	1	2	募集款項或徵用土地、財物，從中舞弊者。 Malfeasance for collecting money, land, or property from people.	0	0	0	0	0
6	1	3	竊取或侵占職務上持有之非公用私有器材、財物者。 Larceny or embezzlement of private equipments or properties possessed by him because of his official position.	1	2	6	1	2
6	1	4	對於主管或監督之事務，明知違背法令，直接或間接圖自己或其他私人不法利益，因而獲得利益者。 Knowing that something done would be against the law but might directly or indirectly make himself or others gain illegal profits, and still deciding to execute it and finally obtaining the profits. The said "something" should relate to the affairs under his management or supervision.	87	58	76	50	43
6	1	5	對於非主管或監督之事務，明知違背法令，利用職權機會或身分圖自己或其他私人不法利益，因而獲得利益者。 Knowing that something done would be against the law but might directly or indirectly make himself or others gain illegal profits by taking advantage of his official position, and still deciding to execute it and finally obtaining the profits. However, the said "something" does not relate to the affairs under his management or supervision.	2	3	2	1	4
6-1			公務員財產增加與收入顯不相符，受檢察官之命就來源可疑之財產提出說明，無正當理由未為說明，無法提出合理說明或說明不實者。 If it is obvious that the increase in property of civil servants do not correspond with their income, with the received orders from the prosecutor, they are to provide explanations for the property from suspicious sources and eventually give no explanations, give unreasonable explanations, or give false explanations.	—	—	—	0	0
11	1		對第二條人員，關於違背職務之行為，行求、期約或交付賄賂或其他不正利益者。 Enticing, dealing or offering bribes or other illegal profits to a civil servant in return for violating, reducing or failing to perform the civil servant's official or commissioned duties.	0	1	0	0	0
總計 Total				270	217	247	200	299

表2-09 近五年移送案件主要適用法條統計表之二（以刑法為主要適用法條）

單位：案

Table 2-09 Statistics of Key Applicable Articles of the Criminal Code on Cases Referred in the Past 5 Years

Unit：case

條 Article	項 Paragraph	罪名 Description	98 2009	99 2010	100 2011	101 2012	102 2013
122	2	違背職務受賄罪 Offense of accepting bribes and breaching one' s duties	0	0	0	0	1
129	2	違法扣留或剝扣款物罪 A civil servant intercepting or embezzling money or objects that should be issued to people	1	0	3	0	1
132	1	洩漏國防以外之秘密罪 A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	5	3	15	6	5
132	2	過失洩漏國防以外之秘密罪 A civil servant disclosing a non-state secret (excluding national defense secrets) without authorization due to negligence	0	1	0	1	0
132	3	非公務員洩漏國防以外之秘密罪 A non-civil servant disclosing a non-state secret (excluding national defense secrets) without authorization	0	0	0	0	1
138		妨害職務上掌管之文書物品罪 Destroying or hiding documents, objects supervised by civil servants	1	0	0	1	0
157	1	挑唆包攬訴訟罪 Luring someone to enter a lawsuit and then taking the case	0	1	0	0	0
163	1	公務員縱放或便利脫逃罪 A civil servant releasing a person under detention or arrest without legal reason	0	0	0	0	0
163	2	公務員過失致依法逮捕拘禁之人脫逃罪 A civil servant making a person under detention or arrest escape due to negligence	1	0	0	0	0
165		湮滅刑事證據罪 Destruction of criminal evidence	0	0	0	0	0
168		偽證罪 Perjury	0	2	0	0	0
210		偽造、變造私文書罪 Forgery of private documents	0	0	3	4	1
211		偽造、變造公文書罪 Forgery of private documents	0	1	1	2	1
212		偽造變造特種文書罪 Forgery of limited kinds of documents	2	0	0	0	0
213		公文書不實登載罪 A civil servant fraudulently filling in something on official documents	20	15	17	5	12
214		使公務員登載不實罪 Causing a civil servant to make fraudulent entries into official documents	5	3	1	0	1
215		業務上文書登載不實罪 Fraudulently filling in something on private documents due to business	1	5	3	2	4
216		行使偽變造或登載不實文書罪 Using the forged, falsified, or false information-entry documents	3	4	3	0	2
217	1	偽造印章印文或署押罪 Forging a seal, the impression of a seal, or a signature	0	0	1	0	0
218	1	偽造公印或公印文罪 Forging a public seal or the impression of a public seal	0	1	0	0	0
218	2	濫用公印或公印文罪 Using a public seal or the impression of a public seal without authority	0	0	0	1	0
231	2	公務員包庇姦合性交及罪姦罪 A civil servant harboring a person who makes others to have sexual intercourse	0	0	1	0	0
266	1	普通賭博罪 Gambling	1	0	0	0	0
268		聚眾賭博罪 Organized Gambling parties	0	0	0	0	1
270		公務員包庇賭博罪 A civil servant harboring gambling	1	0	0	0	0
305		恐嚇危害安全罪 Threatening to cause injury to the life, body, freedom, or property of another	0	0	1	0	0
320	1	竊盜罪 Larceny	9	0	2	0	1
320	2	竊佔罪 Larceny of real estate	6	12	5	7	3
321	1	加重竊盜罪 Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	1	1	0	0	0
335	1	侵占罪 Embezzlement	0	0	1	0	1
336	1	公務公益侵占罪 Embezzling properties possessed on the occasion of official matters or public welfare	1	1	3	2	0
336	2	業務侵占罪 Embezzling properties possessed on the occasion of profession or business	13	8	4	4	1
339	1	普通詐欺取財罪 Fraud (illegally gaining properties)	35	38	38	34	33
339	2	普通詐欺得利罪 Fraud (illegally gaining profits)	2	2	2	3	0
339	3	詐欺未遂罪 Failure of fraud	1	1	0	1	1
339-1	2	不正利用收費設備詐欺得利罪 Exercising unlawful control over other' s property from a fees-collecting apparatus	0	0	1	0	0
342	1	背信罪 Abuse of trust	4	11	15	10	4
總計 Total			113	110	120	83	74

表2-10 近五年移送案件嫌疑人資料統計表（以身分及性別統計）

單位：人

Table 2-10 Statistics of Suspects' Personal Information in Cases Referred in the Past 5 Years
(By Status and Gender)

Unit : person

類別 Status 年度 Year	高階公務員 High-ranking civil servant		中階公務員 Middle-ranking civil servant		低階公務員 Low-ranking civil servant		準公務員 Quasi-civil servant		民意代表 Representative		非公職人員 Non public servant		合計 Total
	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	男 Male	女 Female	
98年	158	13	293	49	224	50	19	2	57	13	1,171	209	2,258
2009	171		342		274		21		70		1,380		
99年	89	8	247	19	210	31	24	4	52	4	1,110	225	2,023
2010	97		266		241		28		56		1,335		
100年	116	11	285	39	201	53	21	8	34	7	1,219	250	2,244
2011	127		324		254		29		41		1,469		
101年	92	11	247	20	120	10	92	33	16	4	956	229	1,830
2012	103		267		130		125		20		1,185		
102年	164	37	327	56	224	46	192	51	51	21	1,183	328	2,680
2013	201		383		270		243		72		1,511		
總計 Total	619	80	1,399	183	979	190	348	98	210	49	5,639	1,241	11,035
	699		1,582		1,169		446		259		6,880		

表2-11 102年移送案件嫌疑人資料統計表之一（以主要適用法律及身分統計）

單位：人

Table 2-11 Statistics of Suspects' Personal Information in Cases Referred in 2013
(By Applicable Laws and Status)

Unit : person

身分 Status	法律 Law	貪污治罪條例 Anti-Corruption Act	政府採購法 Government Procurement Act	刑法 Criminal Code	其他 Others	合計 Total
高階公務員 High-ranking civil servant		171	0	30	0	201
中階公務員 Middle-ranking civil servant		342	2	38	1	383
低階公務員 Low-ranking civil servant		215	3	50	2	270
準公務員 Quasi-civil servant		237	0	6	0	243
民意代表 Representative		68	2	0	2	72
非公職人員 Non public servant		487	609	336	79	1,511
總計 Total		1,520	616	460	84	2,680

表2-12 102年移送案件嫌疑人資料統計表之二（以學歷及身分統計）

單位：人

Table 2-12 Statistics of Suspects' Personal Information in Cases Referred in 2013
(By Educational Level and Status)

Unit : person

身分 Status	學歷 Educational level	碩士以上 Master or above	大學 Bachelor	專科 College	高中 Senior high school	國中以下 Junior high school or below	不詳 Unknown	合計 Total
高階公務員 High-ranking civil servant		135	29	7	1	1	28	201
中階公務員 Middle-ranking civil servant		165	79	44	10	11	74	383
低階公務員 Low-ranking civil servant		17	39	110	56	2	46	270
準公務員 Quasi-civil servant		208	12	2	15	2	4	243
民意代表 Representative		7	4	7	13	15	26	72
非公職人員 Non public servant		170	358	215	337	231	200	1,511
總計 Total		702	521	385	432	262	378	2,680

表2-13 近五年移送民選公職人員統計表

Table 2-13 Statistics of Elected Public Servants Referred in the Past 5 Years

單位：人

Unit：person

民意代表 Representatives		人數 Suspect count						地方自治團體首長 Principal of local self-governing body	人數 Suspect count					
		98年 2009	99年 2010	100年 2011	101年 2012	102年 2013	合計 Total		98年 2009	99年 2010	100年 2011	101年 2012	102年 2013	合計 Total
立法院 Legislative Yuan	立法委員 Legislator	3	1	2	3	0	9	縣市長 Mayor of County / City	1	0	1	6	1	9
縣市議會 County/City Council	議長 The Speaker of the Council	3	2	0	0	0	5	鄉鎮市長 Mayor of Township	38	36	33	15	29	151
	副議長 The Vice- speaker of the Council	0	0	0	0	1	1	村里長 Village Chief	18	17	28	21	50	134
	縣市議員 County/City Councilor	46	9	9	5	44	113							
鄉鎮市民代表會 Township Council	主席 Chairperson of the Council	6	14	8	4	4	36							
	副主席 Vice- chairperson of the Council	1	3	3	2	1	10							
	代表 Township Councilor	11	27	19	6	25	88							
總計 Total		70	56	41	20	75	262	總計 Total	57	53	62	42	80	294

表2-14 歷年賄選案件起訴情形統計表（以案數統計）

單位：案

Table 2-14 Statistics of Indicted Vote-buying Cases Investigated by the Bureau (By No. of Cases) Unit: case

選舉 Category 年度別 Year	正副總統 President and vice president	直轄市長 Mayor of the special municipality	縣市長 Mayor of county/city	鄉鎮市長 Mayor of township	村里長 Village chief	立法委員 Legislator	直轄市議員 Councilor of the special municipality	縣市議員 County/ city councilor	鄉鎮市民代表 Township councilor	農會 Farmers association	漁會 Fishermen association	水利會 Irrigation association	合計 Total
82年 1993	—	—	0	0	0	3	—	0	0	9	1	—	13
83年 1994	—	—	6	12	26	0	—	56	18	3	0	—	121
84年 1995	—	—	1	0	10	6	—	9	8	1	0	—	35
85年 1996	1	—	0	2	0	51	—	0	0	0	0	—	54
86年 1997	0	—	3	1	0	3	—	0	0	42	3	—	52
87年 1998	0	—	12	15	13	8	—	32	9	3	0	—	92
88年 1999	0	—	3	2	4	25	—	1	2	1	1	—	39
89年 2000	6	—	1	0	0	1	—	2	0	1	0	—	11
90年 2001	1	—	9	1	7	41	—	1	7	81	7	—	155
91年 2002	0	—	23	57	98	46	—	141	60	9	1	—	435
92年 2003	2	—	2	7	31	5	—	19	12	3	0	—	81
93年 2004	7	0	0	2	0	20	3	0	0	0	0	—	32
94年 2005	0	0	8	85	1	116	0	143	0	16	0	—	369
95年 2006	1	1	36	94	95	4	3	185	77	1	0	—	497
96年 2007	1	1	5	6	34	1	24	3	16	0	0	—	91
97年 2008	5	0	0	3	8	127	2	2	1	0	0	—	148
98年 2009	1	0	1	9	2	4	0	22	0	60	3	—	102
99年 2010	0	0	14	67	56	4	2	130	49	8	1	11	342
100年 2011	0	0	1	5	122	0	64	1	23	2	0	1	219
101年 2012	5	0	0	1	6	30	0	0	3	1	0	0	46
102年 2013	0	0	0	0	2	1	0	1	0	74	1	0	79
總計 Total	30	2	125	369	515	496	98	748	285	315	18	12	3,013

註1：紅字者為選舉年。

Note 1: Color red indicates a year with election

註2：92年以前之統計，「縣市長」選舉包含「直轄市長」選舉，「縣市議員」選舉包含「直轄市議員」選舉。

Note 2: Before the year 2003, category "Mayor of county/city" includes the election of "Mayor of the special municipality"; category "county/city councilor" includes the election of "Councilor of the special municipality"

註3：各級民意機關之選舉包含立法院正副院長、直轄市議會正副議長、縣市議會正副議長及鄉鎮市民代表會正副主席之選舉；農漁會選舉包含各級代表及理監事之選舉；農田水利會選舉包含會長及會務委員選舉。

Note 3: Every sort of representatives election includes it's speaker and vice-speaker campaign such as the speaker and vice-speaker of Legislative Yuan, the speaker and vice-speaker of the special municipality council, the speaker and vice-speaker of county / city council, township council chairperson and vice-chairperson. Farmers association election includes the campaign for representatives, commissioners, and supervisors of the association, and so does fishermen association election. Irrigation association election includes the campaign for commissioners and the president.

註4：本表除檢察機關提起公訴之案件外，尚包括聲請簡易判決處刑、緩起訴及職權不起訴案件。

Note 4: In addition to the major indictment cases, the statistics also count some cases of summary judgment application, deferred prosecution and non-prosecution ex officio.

表2-15 近十年賄選案件起訴情形統計表（以人數統計）

單位：人

Table 2-15 Statistics of No. of Suspects in Indicted Vote-buying Cases in the Past 10 Years
(By No. of Suspects)

Unit : person

選舉 Category 年度別 Year	正副總統 President and vice president	直轄市長 Mayor of the special municipality	縣市長 Mayor of county/city	鄉鎮市長 Mayor of township	村里長 Village chief	立法委員 Legislator	直轄市議員 Councilor of the special municipality	縣市議員 County/ city councilor	鄉鎮市民 代表 Township councilor	農會 Farmers association	漁會 Fishermen association	水利會 Irrigation association	合計 Total
93年 2004	27	0	0	0	0	101	12	0	7	0	0	—	147
94年 2005	0	0	18	417	20	547	0	509	0	133	0	—	1,644
95年 2006	21	3	203	735	407	23	5	1,080	339	9	0	—	2,825
96年 2007	2	16	10	29	258	4	108	19	79	0	0	—	525
97年 2008	28	0	0	8	33	653	3	4	2	0	0	—	731
98年 2009	2	0	2	29	22	29	0	77	0	260	5	—	426
99年 2010	0	0	39	304	172	15	12	773	195	39	2	46	1,597
100年 2011	0	0	11	13	616	0	532	1	80	5	0	1	1,259
101年 2012	8	0	0	4	18	208	0	0	16	3	0	0	257
102年 2013	0	0	0	0	3	3	0	6	0	170	2	0	184
總計 Total	88	19	283	1,539	1,549	1,583	672	2,469	718	619	9	47	9,595

註1：紅字者為選舉年。

Note 1: Color red indicates a year with election

註2：各級民意機關之選舉包含立法院正副院長、直轄市議會正副議長、縣市議會正副議長及鄉鎮市民代表會正副主席之選舉；農漁會選舉包含各級代表及理監事之選舉；農田水利會選舉包含會長及會務委員選舉。

Note 2: Every sort of representatives election includes it's speaker and vice-speaker campaign such as the speaker and vice-speaker of Legislative Yuan, the speaker and vice-speaker of the special municipality council, the speaker and vice-speaker of county / city council, township council chairperson and vice-chairperson. Farmers association election includes the campaign for representatives, commissioners, and supervisors of the association, and so does fishermen association election. Irrigation association election includes the campaign for commissioners and the president.

註3：被告身分可能為候選人本人、其他行賄者、收賄者或與賄選事件關聯之其他犯罪者。

Note 3: Defendants may be candidates, other persons who conducted bribes, bribe receivers or other criminals connected with vote-buying.

表2-16 102年賄選案件起訴情形統計表(以主要適用法條及被告人數統計)

單位：人

Table 2-16 Statistics of Vote-buying Cases Investigated by the Bureau and Indicted in 2013
(By No. of Suspects and Key Applicable Laws)

Unit : person

起訴法條 Key Applicable Laws	處分情形 Measures	提起公訴 Indictment	聲請簡易判決處刑 Summary Judgment Application	緩起訴 Deferred Prosecution	職權不起訴 Non-Prosecution ex officio	合計 Total
公職人員選舉罷免法 The Public Servant Election and Recall Act	第97條第1項 (對候選人行賄而約其放棄競選罪) Paragraph 1, Article 97 (Offering bribes to candidates in consideration of quitting the campaign)	0	0	0	0	0
	第97條第2項 (候選人收賄而許以放棄競選罪) Paragraph 2, Article 97 (Candidates taking bribes in consideration of quitting the campaign)	0	0	0	0	0
	第99條第1項 (對有投票權人行賄罪) Paragraph 1, Article 99 (Bribery to voters)	5	0	0	3	8
	第99條第2項 (預備對有投票權人行賄罪) Paragraph 2, Article 99 (Preparation for bribing voters)	0	0	0	0	0
	第100條第1項 (地方民意機關正副首長選舉對有投票權人行賄罪) Paragraph 1, Article 100 (Offering bribes to councilors in district council chairperson campaign)	0	0	0	0	0
	第100條第2項 (地方民意機關正副首長選舉有投票權人收賄罪) Paragraph 2, Article 100 (Councilors taking bribes in district council chairperson campaign)	0	0	0	0	0
總統副總統選舉罷免法 Presidential and Vice Presidential Election and Recall Act	第86條第1項 (對有投票權人行賄罪) Paragraph 1, Article 86 (Bribery to voters)	0	0	0	0	0
農會法 The Farmers Association Act	第47條之1第1項第1款 (有選舉權人受賄罪) Subparagraph 1, Paragraph 1, Article 47-1 (Voters taking bribes)	42	2	22	0	66
	第47條之1第1項第2款 (對有選舉權人賄罪) Subparagraph 2, Paragraph 1, Article 47-1 (Bribery to voters)	81	3	6	13	103
	第47條之3 (暴力妨害他人競選或放棄競選) Article 47-3 (Using violence to hinder another from campaigning for an election or force another to give up election campaign)	1	0	0	0	0
漁會法 The Fishermen Association Act	第50條之1第1項第2款 (對有選舉權人賄罪) Subparagraph 2, Paragraph 1, Article 50 (Bribery to voters)	1	1	0	0	2
刑法 The Criminal Code	第143條第1項 (有投票權人受賄罪) Paragraph 1, Article 143 (Voters taking bribes)	1	0	1	2	4
	第146條第1項 (妨害投票結果正確罪) Paragraph 1, Article 146 (Procuring an incorrect result from voting by fraud or other illegal means)	0	0	0	0	0
	第165條第1項 (湮滅刑事證據罪) Paragraph 1, Article 165 (Forging, destroying, or concealing evidence in the criminal case of another)	0	0	0	0	0
	第266條第1項 (賭博罪) Paragraph 1, Article 266 (Gambling in a public place or a place open to the public)	0	0	0	0	0
總計 Total		131	6	29	18	184

表2-17 近六年賄選案件賄選型態統計表

單位：案

Table 2-17 Statistics of Vote-buying Cases Indicted in the Past 6 Years

Unit : case

年度 Year	型態 Type	金錢 Money	禮品 Gifts	餐飲 Food and beverage	旅遊 Travel excursion	捐助經費 Funding donations	其他 Others	合計 Total
97年 2008		82	17	26	7	7	9	148
98年 2009		71	14	3	4	5	5	102
99年 2010		295	19	4	1	3	20	342
100年 2011		156	22	8	3	5	25	219
101年 2012		36	0	2	0	0	8	46
102年 2013		75	2	0	0	0	2	79
總計 Total		715	74	43	15	20	69	936

圖2-01 102年移送案件案源比例圖

Figure 2-01 Scale Drawing of Case Sources on Cases Referred in 2013

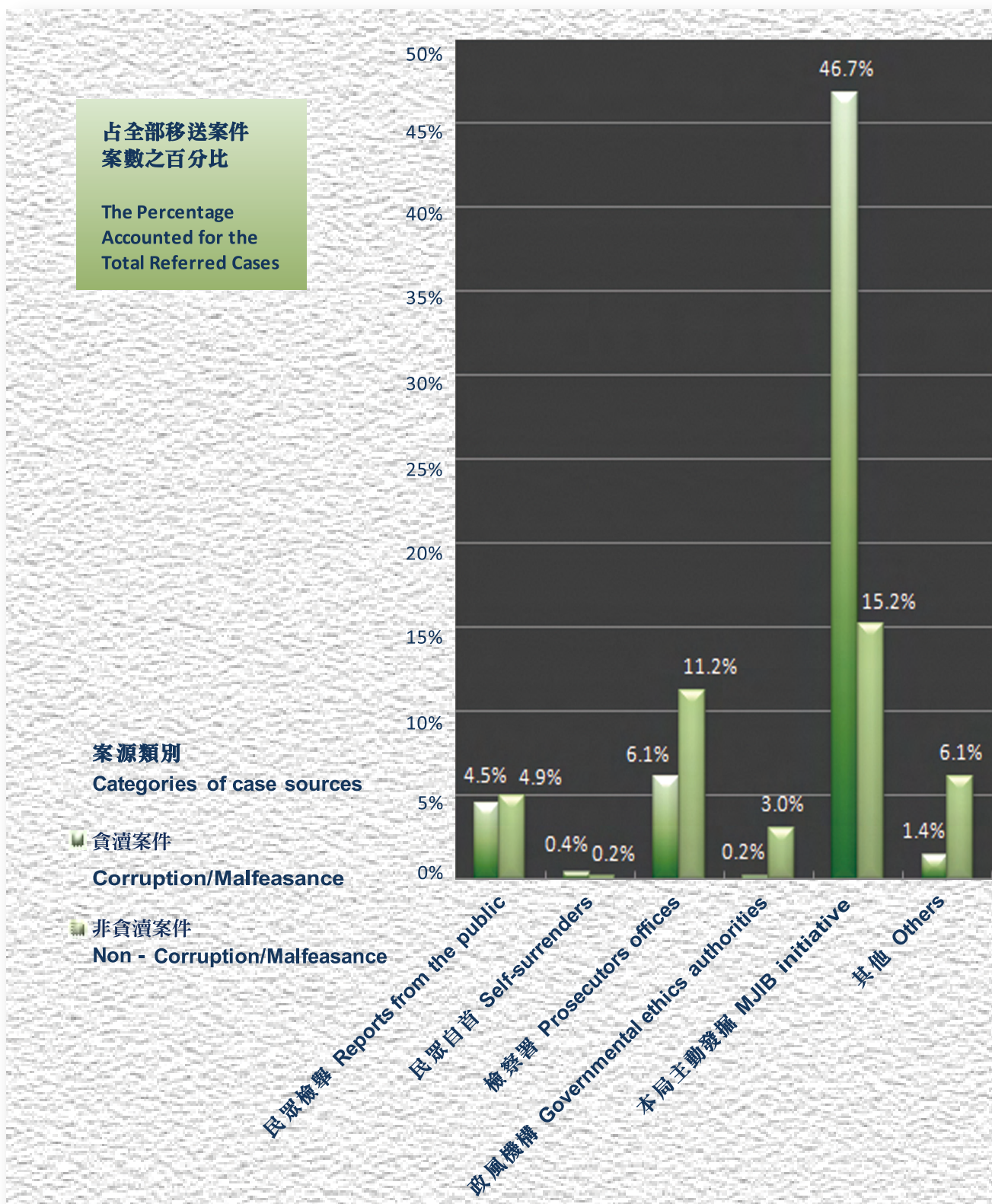


圖2-02 102年移送案件主要適用法律比例圖之一（以案數統計）

Figure 2-02 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2013 (By No. of Cases)

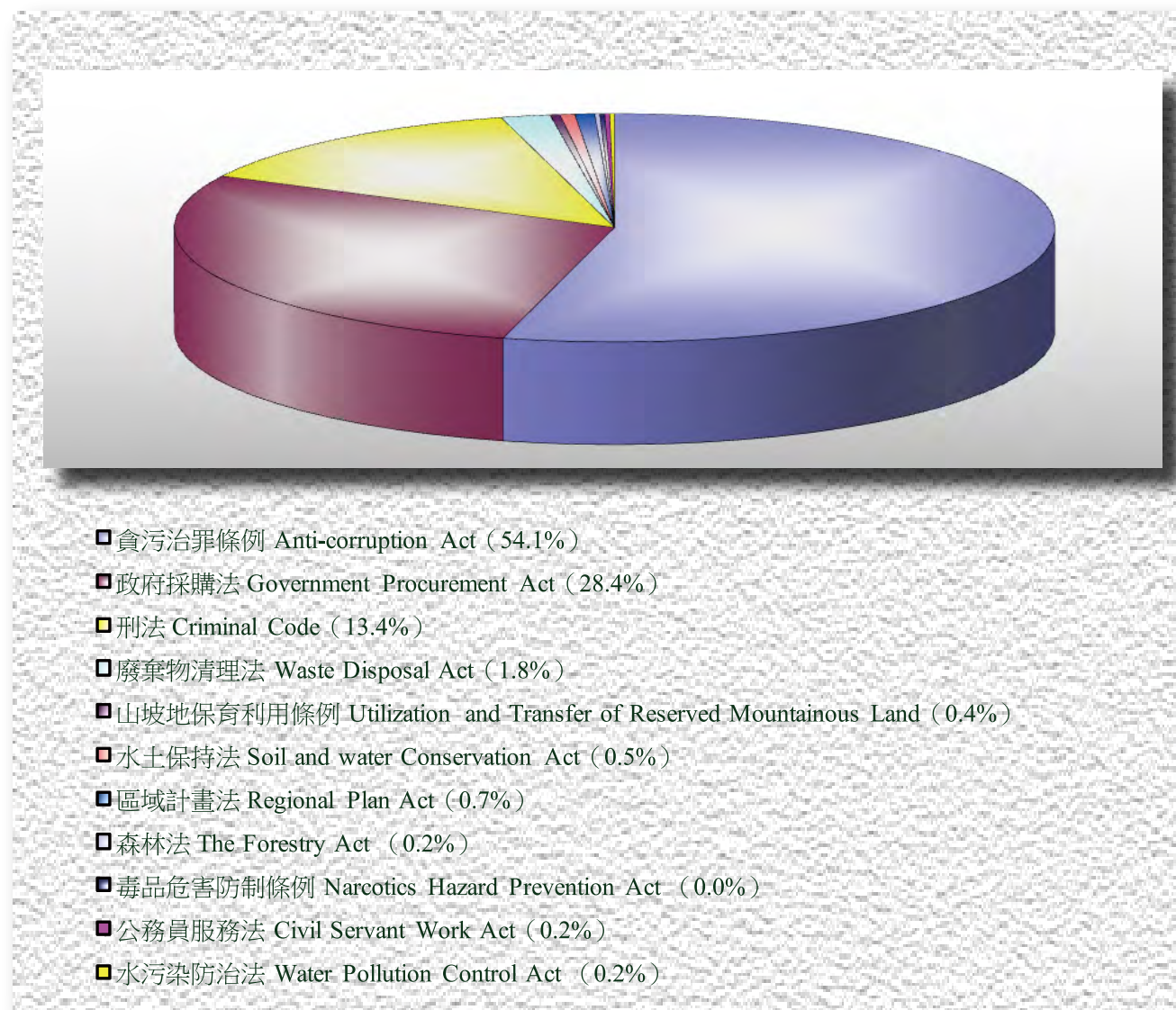


圖2-03 102年移送案件主要適用法律比例圖之二（以人數統計）

Figure 2-03 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2013 (By No.of Suspects)

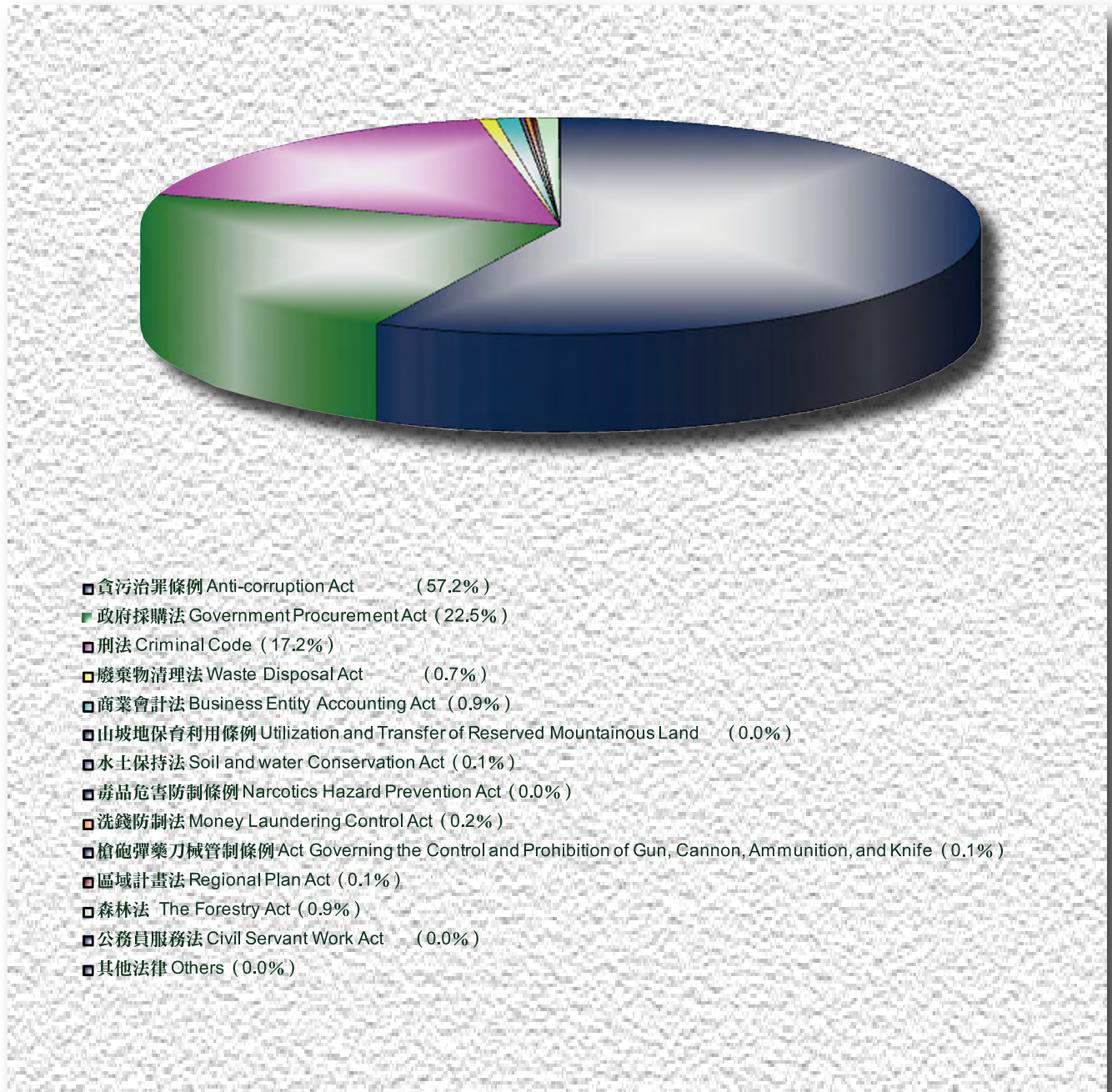


圖2-04 102年移送案件嫌疑人性別比例圖（以身分及性別統計）

Figure 2-04 Bar Chart of Ratios of Suspects' Gender Information on Cases Referred in 2013
(By Status and Gender)

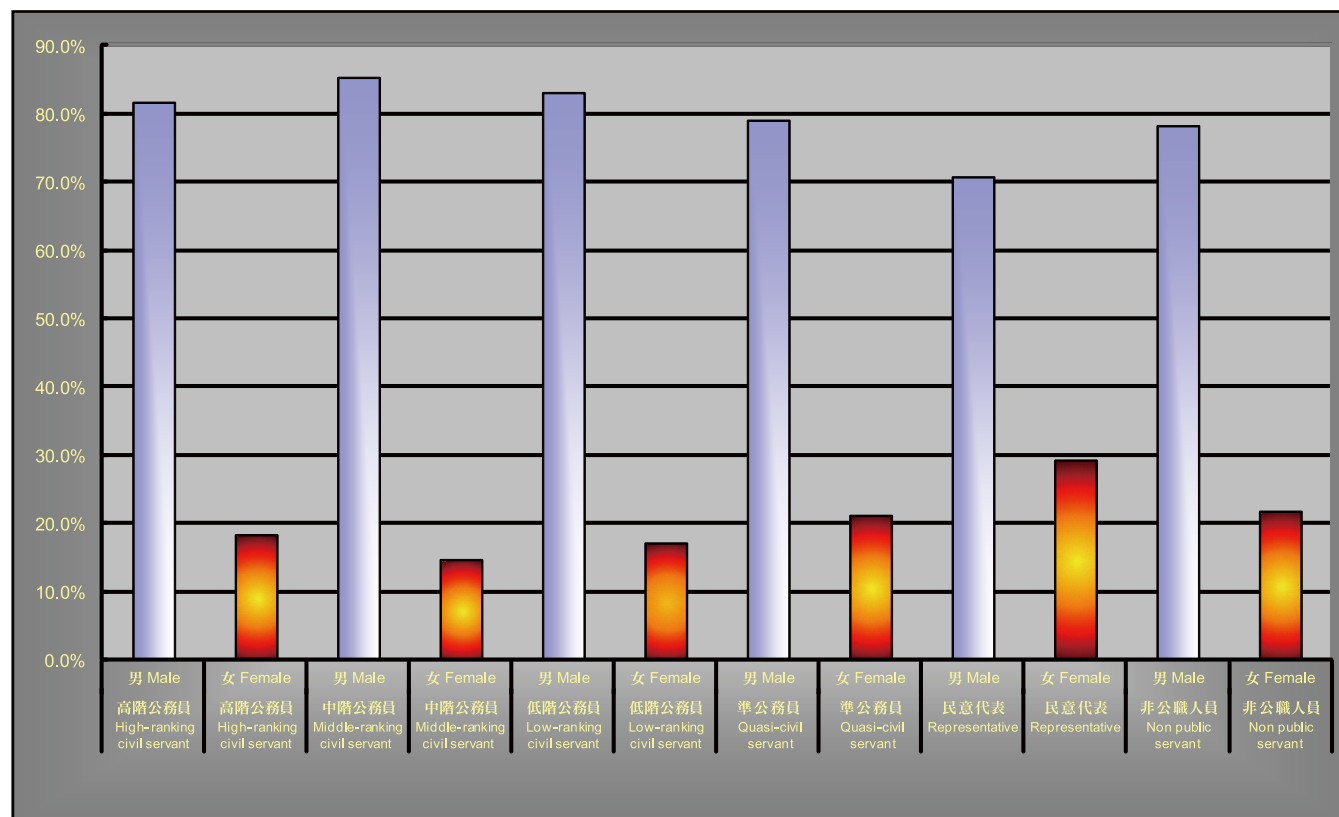


圖2-05 近五年移送公職人員身分比例圖

Figure 2-05 Bar Chart of Ratios of Public Servants' Status Information on Cases Referred in the Past 5 Years

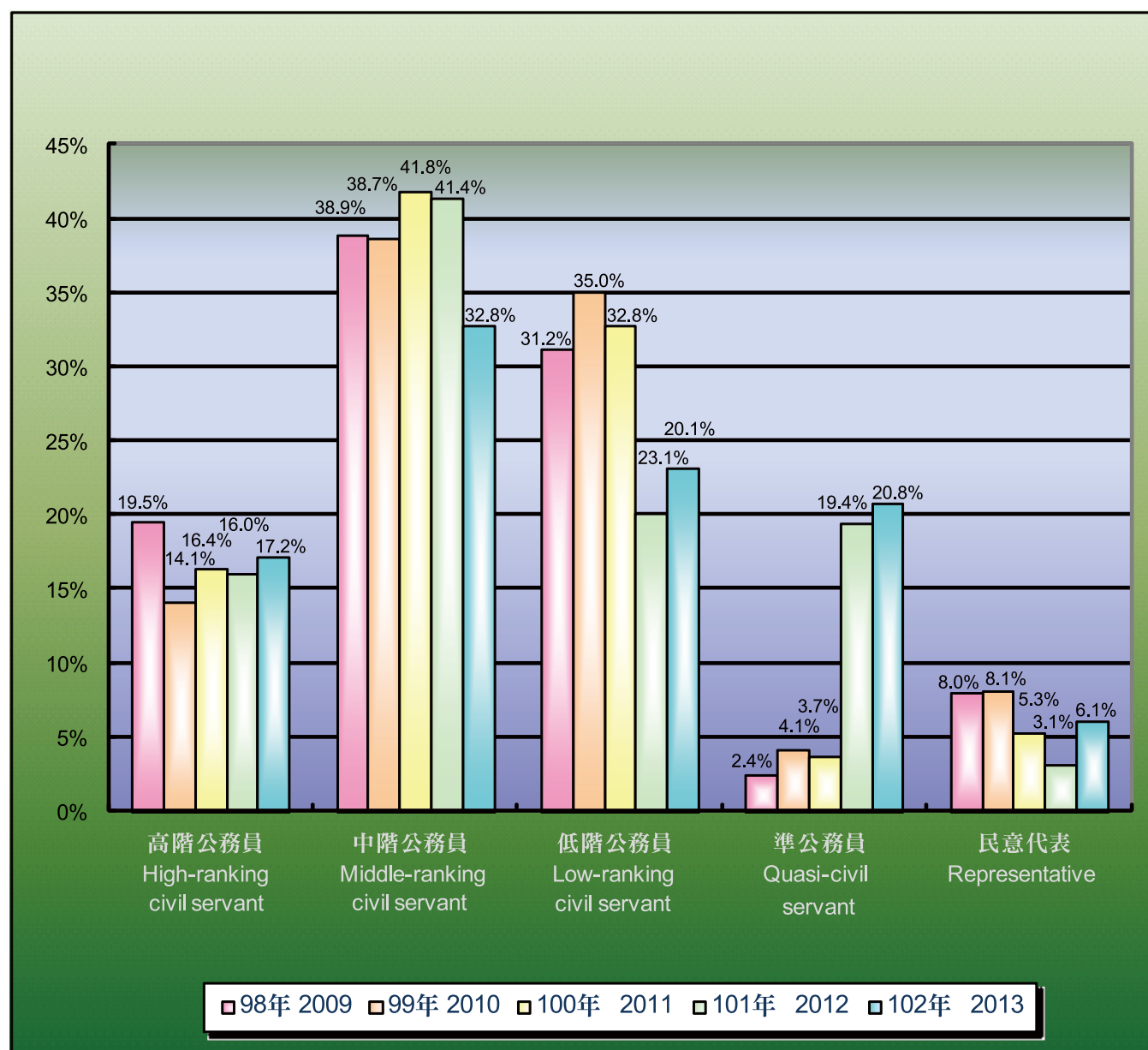


圖2-06 近五年移送公職人員學歷比例圖

Figure 2-06 Bar Chart of Ratios of Public Servants' Education-level Information on Cases Referred in the Past 5 Years

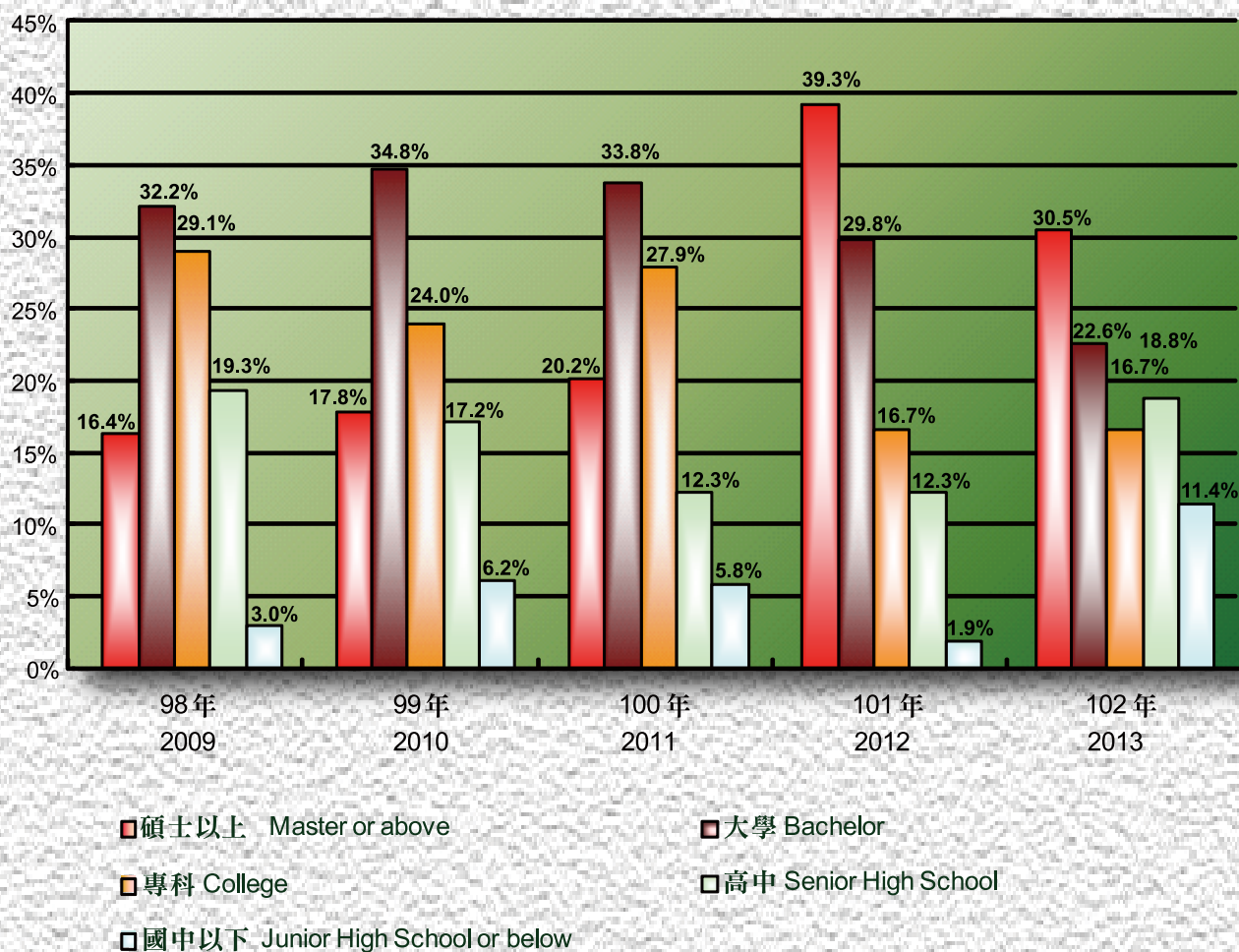
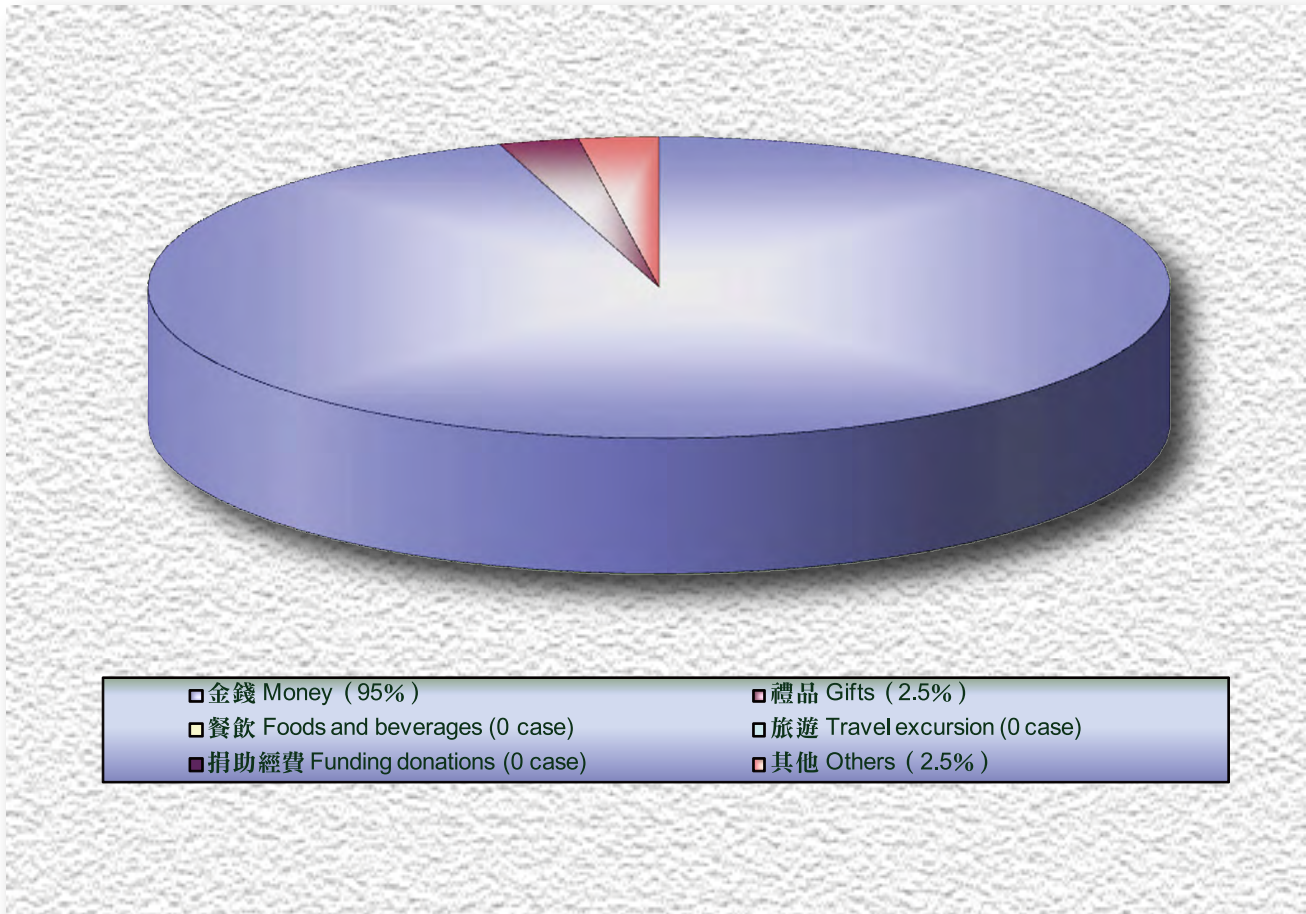


圖2-07 102年賄選案件賄選型態比例圖

Figure 2-07 Pie Chart of Vote-buying Cases Indicted in 2013



中華民國 102 年 廉政工作年報

出版機關：法務部調查局

發行人：汪忠一

編者：法務部調查局廉政處

地址：新北市新店區中華路 74 號

電話：(02) 2911-2241

網址：<http://www.mjib.gov.tw/>

出版年月：中華民國 103 年 7 月

創刊年月：中華民國 83 年 10 月

刊期頻率：年刊

製作成本：新臺幣 250 元

其他類型：
版本說明：本刊同時登載於法務部調查局網站

本年報屬贈閱品，版權所有，如有引用，請詳載出處

廉政

中華民國102年
工作年報

Anti-corruption Annual Report 2013

