

# 廉政



中華民國103年  
工作年報

*Anti - corruption Annual Report 2014*



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序言

*Forewords*

序言  
Forewords

為與國際反貪腐趨勢接軌，亦顧公私部門廉潔及倫理規範，前經行政院中央廉政委員會決議，參考《聯合國反貪腐公約》及國際透明組織相關倡議，擬具「國家廉政建設行動方案」由行政院核定並於 98 年 7 月 8 日生效，本方案闡述國家廉政建設的目標及策略，並整合「端正政風行動方案」、「掃除黑金行動方案」、「掃除黑金行動方案後續推動方案」及「反貪行動方案」，以建構國家廉政發展策略目標，創造乾淨政府、誠信社會之願景。

In order to be in step with international anti-corruption trends, as well as integrity and ethical standards of the public and private sector, the Executive Yuan passed the "National Integrity Building Action Plan" which took effect on July 8th, 2009. The plan consults the United Nations Convention against Corruption (UNCAC) and initiatives by Transparency International while outlining its objectives and strategies. It also integrates the "Proper Politics Action Plan", "Corruption Elimination Action Plan", "Follow-up Corruption Elimination Action Plan" and "Anti-corruption Action Plan" in order to develop strategies for clean national politics, clean government, and an honest society.

「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、社會與上級政府期待。隨著時空環境的轉變，為契合時代需求，貫徹「國家廉政建設行動方案」，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，全面提升國家競爭力，落實聯合國反貪腐公約。

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 as 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 on carrying out the “National Integrity Building Action Plan” . 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 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 and raise the overall competitiveness of Taiwan while implementing the United Nations Convention against Corruption.

江忠一

謹識

中華民國 104 年 11 月



Date: November 2015



# 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 103 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 2014, which encompasses two parts – the case investigation and processing work and the proficiency refinement work.

三、第三部分「103 年社會矚目案件偵辦輯要」，係就本局 103 年間偵辦且當時受社會矚目與政府重視之案件中，擇取 4 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, “2014 Summary of Investigating High Profile Cases” focuses on 4 major cases investigated by the Bureau in the year of 2014 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「103 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 103 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, “2014 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 2014; 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*



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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

### IV. 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 public construction procurement, monetary goods procurement, or labor rendered procurement have consistently accounted for a significant percentage of the types of corruption/malfeasance cases investigated 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 contractors, the quality becomes worrying, 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，有效的證明嫌疑人犯罪。

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 will be holding 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.

## (三) 司法詐欺案件

### 3. Judicial Fraud Cases

所稱「司法詐欺」案件，係指不肖之司法機關（含各級法院、檢察署、行政執行署等）、司法警察機關（含內政部警政署、行政院海洋委員會海巡署、國防部憲兵指揮部、法務部廉政署及本局）、監獄、看守所、矯正機構、稅務機關人員或律師、代書等其他人士，利用民眾處理刑事、民事、行政、執行、戒治、查處、行政救濟等案件時，因急迫、輕率、無經驗，復不嫻熟法律、訴訟程序，藉可活動打通關節、調任閒差、減免責任等名義，向犯罪嫌疑人、被告、當事人、受刑人、義務人或其家屬親友訛詐財物、挑唆包攬訴訟等案件。

"Judicial Fraud" cases refer to those cases relating to judicial authorities (including all levels of courts, Prosecutors Office, Administrative Enforcement Agency etc.), the judicial police (including the National Police Agency under the Ministry of the Interior, the Coast Guard Administration under the Executive Yuan, the Military Police Command under the Ministry of National Defense, the Agency Against Corruption under the Ministry of Justice and the Bureau), prisons, detention centers, correctional institutions, taxation authority staff, lawyers or other persons, taking advantage of the people when dealing with criminal, civil, administrative, enforcement, correctional, investigative, administrative remedy and other cases due to either hastiness, inexperience, being unversed in the



law or litigation proceedings, for purposes of taking bribes, sinecures, reducing responsibility, or to blackmail the suspect, accused, party, litigant, obligor or their families, as well as cases of champerty.

## 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」、擇錄各地檢署肅貪執行小組會議重要決議、法律意見、一審無罪判決案例分析等資料置於其上，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 anticorruption 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”, selective recordings of each prosecutors office' s anti-corruption executive group meeting important resolutions, legal advice, and first instance acquittal case analyses 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. Quality 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



## 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 103 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，103 年共計偵辦 578 案，其中「廉政案件」539 案，含移送檢方偵查者 502 案，函送後經起訴者 15 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 22 案；「賄選案件」39 案，則係經本局配合檢方偵辦，由檢察機關於 103 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 year 2014 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 578 cases investigated and processed in 2014. Among them, 539 cases pertained to “anti-corruption cases”, which comprised 502 cases that were referred officially to the prosecutors for indictments after investigations, 15 cases that were forwarded to the prosecutors with written reports and indicted afterward, and 22 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 2014. Another 39 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 2014, 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。103 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 “anticorruption 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 2014 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 103 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 99 年至 103 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 2014; Table 2-03 depicts the statistics on the case count of the various types of cases referred from 2010 to 2014.

103 年總計移送檢察機關 502 案，其中「貪瀆案件」共 175 案 892 人，含公務員及準公務員 435 人、民意代表 9 人、非公職人員 448 人，與 102 年相較，移送案數減少 153 案，減少幅度 46.6% (153 案/328 案)；移送嫌疑人數減少 1,081 人，減少幅度 54.8% (1,081 人/1,973 人)。在 175 案貪瀆案件中，移送案數較多者為公共工程、採購、警政及其他，5 年來大致呈相同趨勢。

A total of 502 cases were referred to the prosecution agency in 2014, and among them, 175 were “corruption/malfeasance cases” involving 892 individuals, comprising 435 civil servants and quasi-civil servants, 9 elected representatives, and 448 non-public servants. Comparing to the figures in 2013, the referred case count decreased by 153, a rate of decrease of 46.6% (153 cases/328 cases), and the referred suspect count decreased by 1,081, with a rate of decrease of 54.8% (1,081 individuals/1,973 individuals). Among the 175 corruption/malfeasance cases, the majority of the referred cases were in the category order of public works, procurement, police administration and others. Basically, the trend for the past five years has been similar.

「公共工程」類 36 案 222 人，發包單位除公立學校 2 案及軍事單位 1 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。

36 cases were in the “public works” category, involving 222 individuals, except where two contracting units pertained to public schools and one pertained to a military unit, 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 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 32 案 242 人，採購單位除一般政府機關、公營事業機構外，公立學校有 2 案、公立醫院 1 案、軍事單位則有 2 案。公立學校案件有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；公立醫院案件則係醫師分別接受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；軍事單位案件亦有軍方人員辦理國軍副食品採購，與廠商勾結進行圍標。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，或 3 有利用首長職權，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，護航廠商得標而索賄。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。

32 cases were in the “procurement” category, involving 242 individuals, where the procurement units involved not only general government agencies and public enterprises, but also public schools for 2 of the cases, public hospitals for 1 of the case, and military units for 2 of the cases. The public school cases had national university teachers, commissioned by the Ministry of Science and



Technology for research, which purchased research equipment and other items but used false invoices or purchase receipts to claim expenses. The public hospital case involved doctors accepting the Ministry of Health and Welfare and other institutional research grants and, likewise with the university teachers, fabricated invoices and bills in the procurement of research equipment and other items. The military unit case also had military personnel procuring non-staple foods and colluding with manufacturers. For procurement projects, there are cases of reporting higher-than-actual budget, disclosing the minimum pricing in a bidding to the bidders, 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. There was also misuse of senior official authority in altering tender specifications, adopting restrictive tendering methods, helping obtain the budgets, disclosing the committee selection list and other information to manufacturers in order to facilitate an internal committee that allowed the manufacturers to bid and solicit bribery. 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 29 案 81 人，包庇以牽涉賭場或電玩經營的案件最多，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，如違反內部作業規定，受託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。

29 cases were in the “police administration” category, involving 81 individuals, where cases involving casino and video games operators were most prevalent, 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 a breach of internal operating regulations, inquiring for information of individual's vehicle registration, criminal record or reporter's personal data and then disclose the information to other persons privately.

至於「其他」類 37 案中，軍事單位有 1 案，中央部會所屬機關單位有 10 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，議員或鄉鎮市代表會主席詐領助理薪資補助費或特別費，一般公務員詐領薪資、差旅費、加班費、工作費等；（二）侵占財物，例如國軍新訓單位不實申報個人工作獎金，農會職員盜賣託管公糧等；（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；鄉鎮市代表會主席或代表向公所關說人事索取賄款（四）偽造文書並詐領公有財物，如以收取行政規費無法立即繳交市庫，而先手寫登記於收款明細表，俟整批繳入市庫後，於寄送繳款書收據之機會，假借「繫留費」名目向領養民眾詐取財物等。

Of the 37 cases that fell under the “others” category, 1 case to military unit, 10 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 or the chairman of township representative council embezzling salary subsidies and side-payment of councilor assistants, general civil servants using untruthful



documentation to reimburse for their salaries, travelling expense, over-time payment and work salary; (II) embezzlement, such as Armed Forces new training units declaring false personal work bonuses, staff of farmers' associations 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; the chairman of township representative council or representatives involved in bribery with local government; (IV) Forging documents and the embezzling of public property, such as charging administrative fees that are unable to be immediately paid to the city treasury, and registering beforehand by handwriting into the collection schedule, then as soon as the entire batch is turned over to the city treasury, using the opportunity of sending the payment book receipt to extort the people under the guise of a “fee” .

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。

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.

103 年移送之「非貪瀆案件」共 327 案 877 人，含公務員及準公務員 56 人、民意代表 3 人、非公職人員 818 人，較 102 年增加 102 案 192 人，增加幅度分別為 45.3% (102 案/225 案) 及 28% (192 人/685 人)。

A total of 327 “non-corruption/malfeasance cases” were referred in 2014, which involved 877 individuals, comprising of 56 civil servants and quasi-civil servants, 3 elected representatives, 818 non-public servants, up by 102 cases or 192 individuals when compared with that of 2013, with increased by 45.3% (102 cases/225 cases) and 28% (192 individuals/685 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」類案件 65 案，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「環保」類案件 19 案，犯罪事實多係未經核准載運事業廢棄物或恣意傾倒；至都市計畫類案件 17 案中，多係反該土地之編定使用，未經申請擅自建築房屋或建物，或於經編定為特定農業區農牧用地，堆置事業廢棄物等。

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 65 cases that fell under 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-urbanland areas as classified by the County/City Governments. On the other hand, there were 19 cases relating to the “Environmental Protection” category. The crimes mostly involved dumping of industrial waste without the approval of the carrier or wanton dumping. There were 17 cases related to urban planning, most involved unauthorized use of land, building without an application, and using specified farming and agricultural land to dump industrial waste.

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<sup>1</sup>，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

<sup>1</sup> 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。



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, 2011<sup>1</sup>. 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 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 103 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，其中在貪瀆案件之各類線索來源中，亦是居於前 3 名，與前述整體線索數大致呈現一致現象；非貪瀆案件之各類線索來源前 3 名，亦與整體線索數排名相同。（二）政風機構提供線索且「成案」之案數占整體線索數之比例約 3.6%，在貪瀆案件線索來源僅 2 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 16 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，透過檢察機關發交本局進行調查，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<sup>2</sup>者，居全部各類線索來源之冠，比例約高達 54%（271 案 / 502 案），在貪瀆案件及非貪瀆案件線索來源數均係各居第 1 位，主要係本局外勤單位同仁於經營轄區或透過運用關係蒐報相關不法情資，從中發掘涉案對象，主動立案加以偵辦移送，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。

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.



Table 2-04 shows the statistics of case sources on cases referred in 2014, 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. The sources of leads of corruption cases were also from top 3 sources, presenting a roughly consistent phenomenon with the preceding overall number of leads. The lead sources of non-corruption cases were also from the top 3 sources, a similar ranking with the overall leads number. (II) Out of all the sources of leads, only 3.6% belong to the ones provided by ethical institutes and sustain as cases to be investigated. There was only 2 sources of lead for corruption case and it was prosecuted after reported by ethical institutes before the establishment of AAC. There were 16 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 these cases assigned to the Bureau for investigating by the prosecutor's office. There are many qualified and valuable sources from ethical institutes related to corruption that are worth investigating. (III) The Bureau<sup>1</sup> found most of the sources for leads to criminal cases, accounting for as high as 54% (271/502 cases), topping all sources in corruption and non-corruption cases. It is mostly the Bureau's field work personnel gathering and reporting unlawful cases through business areas and through using connections. From that they uncover the suspects and actively file cases. One can see that such leads remain fundamental to the anti-corruption work of the Bureau, and are unique intangible assets.

## (二) 移送法律統計

### 2. Statistics on Applicable Laws of Referred Cases

表 2-05 係統計 103 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 2014.

103 年移送之 175 案「貪瀆案件」中，以貪污治罪條例為主要適用法律移送之 145 案最多，占 82.9% (145 案/175 案)，詳細情形，併表 2-08 說明。以刑法移送者次之，<sup>2</sup>指本局外勤處站人員自行發現或蒐集嫌疑人不法資料後，通報本局立案偵處之案件。

<sup>2</sup> Refers to the Bureau's field work personnel autonomously finding or gathering information on the suspect and then reporting it to initiate an investigation.



計 28 案，占 16% (28 案 /175 案)，嫌疑人有鄉鎮區長、鄉鎮民意代表、警察、監獄管理員、軍職人員、稅關務人員、殯葬單位人員、縣市政府職員、鄉鎮公所職員、村里長；所犯罪名以洩露國防以外之秘密罪 12 案 2 最多，5 次之公文書登載不實罪 9 案。

Among the 175 “corruption/malfeasance cases” referred in 2014, most of them were referred by the key applicable law of Anti-corruption Act with 145 cases, which accounted for 82.9% (145 cases/175 cases), with detailed circumstances as described in merged table 2-08. Followed by those referred by the Criminal Code with 28 cases, which accounted for 16% (28 cases/175 cases), with suspects encompassing borough presidents in local townships, representatives in the townships, policemen, officers in prisons, military officers, staff in tax bureaus, staff in mortuary units, employees in county or city government, employees in township councils, borough chiefs for villages; 12 of the crimes involve disclosing classified information unrelated to national defense, which accounts for the highest percentage. The second frequent crime involves forging untruthful reports and documents with 9 cases.

103 年移送之 327 案「非貪瀆案件」中，以政府採購法移送之 167 案最多，占 51.1% (167 案 /327 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 92 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 58 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 9 案再次之；其餘 3 案係 87 條第 6 項未逐犯移送；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。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，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，公營事業也包含在內，得其中不乏有軍事單位辦理採購，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 327 “non-corruption/malfeasance cases” referred in 2014, most of them were referred by the Government Procurement Act with 167 cases, which accounted for 51.1% (167 cases/327 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)



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as stipulated under Paragraph 5, Article 87 of said law with 92 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, Article 87 with 58 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 9 cases; the rest 3 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, equipment, specifications, or contractor qualifications 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. Most of the suspects are vendors involved in the bidding process, and the institutes who open the bids involving the cases include central governments, county/city governments, township councils, public hospitals, public schools, and some government-owned businesses. Among them there are procurements for military units which indicating that the vendors in Taiwan are not afraid of leveraging sensitive procurements for illegal profits.

327 案「非貪瀆案件」中，以刑法移送之 106 案次之，占 32.4% (106 案/327 案)，公共工程類 12 案與採購類 17 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 9 案，犯行以佯稱熟識法官或司法高層得以擺平官司計 3 案，另有 3 案則係佯稱自己為律師，可協助處理官司，而後騙取受害人金錢，其餘 3 案係具律師資格，利用擔任案件辯護人，向當事人佯稱能疏通院檢而詐取財物；屬「教育」類之案件有 3 案，均係觸犯普通詐欺罪，主要是公立國中小學校長及教職員詐領活動費、出差費、上課鐘點費等；屬「醫療」類之案件有 4 案，多係觸犯背信罪，主要是公立醫院醫師勾結藥商向病患推薦醫療器材等；另「破壞國土」類 46 案多為竊佔國有土地及盜採河川砂石案件；其餘「警政」、「消防」、「都市計畫」、「關務」、「金融」及「環保」類之案件各有 1 案，移送罪名多係為行使偽造文書罪。至於以其他法律移送者有 54 案，占 16.5% (54 案/327 案)，有屬「環保」類之廢棄物清算法案件計 18 案，有屬「破壞國土」類之山坡地保育利用條例、水土保持法等案件，計 19 案；有屬「都市計畫」類之違反區域或都市計畫法案件計 16 案；屬「採購」類之案件有 1 案。

Among the 327 “non-corruption/malfeasance cases,” 106 cases were referred by the Criminal Code, being the second most, which accounted for

32.4% (106 cases/327 cases). The articles used to refer the 12 cases from the public works category and the 17 cases from the procurement category were mostly offenses of fraud or false entry in occupational documents; there were 9 “judicial fraud” cases that also were offenses of fraud violations, 3 cases were the criminal conducts of which were mostly those pretending to be acquainted with the judges or high levels of judicial can settle the lawsuit, the other 3 cases were those pretending to be a lawyer can assist in handling affairs, and defrauded the victims of money afterwards. There were also 3 cases of people pretending to be lawyers. They claim to help with lawsuits then cheat the victim out of money. The remaining 3 cases were of people with lawyer qualifications exploiting their position as the defending counsel and defrauding the victim through feigning competence; there were 3 cases belonging to the “education” category and all violated the offenses of fraud, most of which were principals and teachers at public elementary and junior high schools embezzling activity fee, travel expenses, class hourly fees, etc. There were 4 cases belonging to the “medical care” category, mostly involving breaches of trust. The main offenders were doctors at public hospitals colluding with drug manufacturers by recommending medical equipment to patients etc.; the 46 cases in the “spoil of land conservation” category are all usurping cases with offenses of usurping state-owned land and illegal sandstone quarrying; the remaining categories include “police administration”, “firefighting”, “urban planning”, “customs affairs”, “financial affairs” and “environmental protection” with 1 case each. The cases mostly involved the forging of documents. 54 cases were referred by other laws, which accounted for 16.5% (54cases/327 cases); 18 cases pertained to the Waste Disposal Act under the “environmental protection” category, a total of 19 cases pertained to the Slope Land Conservation and Utilization Act, Soil and Water Conservation Act, and so forth under the “spoil of land conservation” category, there were a total of 16 cases under the “urban planning” category that violated Regional Plan Act or Urban Planning Law; 1 case under the “procurement” category.

表 2-06 係 99 年至 103 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 103 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 2010 and 2014 classified by “key applicable laws”, and Figure 2-02 depicts case



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count statistics by percentage on cases referred in 2014 classified by “key applicable laws” .

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，惟在 103 年貪污治罪條例 145 案占移送總數 28.9%（145 案 /502 案）退居第二位，政府採購法 1697 案占移送總數 33.73%（1697 案 /502 案）躍為第一位，刑法 1342 案占移送總數 26.37%（1324 案 /502 案）仍居於第三位，主要係因 103 年積極清理辦理單純政府採購案件之積案，所致排名變化；而適用其他法律者僅 56 案，占移送總數 11.2%（56 案 /502 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 2014, 145 cases were referred by the Anti-corruption Act, which accounted for 28.9% (145 cases/502 cases) out of all cases referred, which dropped to second place, 167 cases were referred by the Government Procurement Act, which accounted for 33.3% (167 cases/502 cases) out of all cases referred, which leaped to first place, and 134 cases were referred by the Criminal Code, which accounted for 26.7% (134 cases/502 cases) out of all cases referred, which remained in third place; the ranking change were mostly due to long pending cases of active cleaning of government procurement cases in 2014; only 56 cases were referred by other laws, which accounted for 11.2% (56 cases/502 cases) out of all cases referred, 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 99 年至 103 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 103 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 2010 and 2014 classified by “key applicable laws” , and Figure 2-03 depicts head count statistics by percentage on cases referred in 2014 classified by “key applicable laws” .

103 年以貪污治罪條例移送之嫌疑人人數為 831 人，占移送總數 46.5% (831 人 /1,789 人)，以政府採購法移送者 504 人次之，占移送總數 28.2% (504 人 /1,789 人)，再次為觸犯刑法罪名者 327 人，占移送總數 18.3% (327 人 /1,789 人)。99 年至 103 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，在 103 年在案數成長不少，近 5 年排序位居當年度第 4 位或第 5 位。

The head count on suspects referred by the Anti-corruption Act in 2014 were 831 individuals, which accounted for 46.5% (831 individuals/1,789 individuals) of all suspects referred, those referred by the Government Procurement Act was 504 individuals, which accounted for 28.2% (504 individuals/1,789 individuals) of all suspects referred, and there were 327 individuals that breached the Criminal Code, which accounted for 18.3% (327 individuals/1,789 individuals) of all suspects referred. Of the ranking on suspect count referred between 2010 and 2014, 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, and it was a huge growth in the number of cases in 2014, it has been ranked in the fourth or fifth place in the past five years.

表 2-08 係 99 年至 103 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 年及 103 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，在近五年大致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 2010 and 2014. Said table shows, except 2013 and 2014, 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 basically identical for the past five years.

103 年以貪污治罪條例為主要適用法律者有 145 案，其中以同法第 6 條第 1 項第 4 款「對於主管或監督事務圖利罪」移送之 43 案最多，其次為同法第 4 條第 1 項第 5 款「違背職務收受賄賂罪」移送之 25 案、第 5 條第 1 項第 3 款「不違背職務收受賄賂罪」移送之 25 案，再次依序為第 5 條第 1 項第 2 款「利用職務上詐取財物」移送之 24 案、第 4 條第 1 項第 3 款「經辦工程或採購舞弊罪」10 案、第 4 條第 1 項第 1 款「竊侵占公有財物罪」7 案、同條項第 2 款「藉勢藉端勒索或強占財物罪」5 案、第 6 條第 1 項第 3 款「竊





取侵占非公用私有財物罪」3案、第6條第1項第5款「對於非主管或監督事務圖利罪」1案、第6條之1「財產來源不明罪」1案、第11條第1項「違背職務行賄罪」1案。

In 2014, those referred by the Anti-corruption Act as the key applicable law totaled to 145 cases, and among them, the most were referred by Subparagraph 4, Paragraph 1, Article 6 of the same Act “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 25 cases, and Subparagraph 3, Paragraph 1, Article 5 “offenses of accepting bribes without breaching one’ s duties” with 25 cases, and trailed by those referred by Subparagraph 2, Paragraph 1, Article 5 “offenses of defrauding monetary property by seizing the opportunity of one’ s position” with 24 cases, and Subparagraph 3, Paragraph 1, Article 4 “offenses of fraud on one’ s project or procurement under management” with 10 cases, then those referred by Subparagraph 1, Paragraph 1, Article 4 “offenses of embezzling public monetary property” with 7 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 5 cases, then those referred by Subparagraph 3, Paragraph 1, Article 6 “offenses of embezzling non-public, private monetary property” with 3 cases, then those referred by Subparagraph 5, Paragraph 1, Article 6 “offenses of profiting on matters not under one’ s administration or supervision” with 1 case, and those referred by Article 6-1 “offenses of civil servants having property from unidentified sources” with 1 case, and those referred by Paragraph 1, Article 11 “bribery that violate one’ s official duties” 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。103年移送之24案：一、涉及政府採購業務者均屬第一類犯行，主要為大學教師受國家科學委員會委託辦理研究計畫或中央相關部會所設研究單位研究人員，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。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，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，有縣市議會議員，以向工程承包商表示，施工會遭受議員、環保局及黑道分子刁難，可藉議員身分出面打點擺平，詐取疏通費。

“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 24 cases referred in 2014: 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, or researchers set by the Central Competent Authorities 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. 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 county/city councilor soliciting bribes from contractors by saying construction will meet with difficulties from councilor, the Department of Environmental Protection and gangsters.



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103 年查獲公務員「違背職務要求、期約或收受賄賂」計 25 案，公共工程類 8 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 2014, there were 25 cases in which civil servants were found “breaching one’s duty by demanding, agreeing promissorially to, or accepting bribery”, where 8 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 9 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 3 案，分別為地方政府人員 1 案、中央研究機構人員 1 案及中央三級機關人員 1 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、其他等各 1 案，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、市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、縣市工業區人員包庇工業區排放污水之廠商，未依作業規定進行稽查採樣及查報違規，做業者得免除裁罰。

9 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 3 cases, which separately pertained to the local government personnel for 1 case, the central research

institute members for 1 case, and the central third-level agency staff for 1 case 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" with 1 case each, 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; municipal works bureau staff investigated the demolition of buildings in violation. Through recording untruthful methods of releasing water to avoid demolition, county industrial zone staff covered for manufacturers in the industrial zone releasing polluted water by not inspecting or sampling in accordance with regulations, meaning they avoid penalty.

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 11 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 23 案分屬警政、社福補助、建管、地政、監理、關務、補助款及其他等類型。

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 11 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 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 23 cases, pertained to police administration, social welfare



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subventions, construction management, land administration, motor vehicle management, customs affairs, grants and “others” category.

103 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 8 案，採購類有 5 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」；採購類案件中，有市議會秘書長、鄉鎮市公所人員採購人員、污水處理廠人員直接收取定額金錢或接受性招待等不正利益。其餘不涉及工程及政府採購事項者，計有 12 案，類型有警政、關務、環保及其他等。

In 2014, 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 Anticorruption 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 8 cases involved in government procurement matters in the public works category and 5 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. Of the procurement cases, we had the city council secretary-general, township city office authority procurement staff, and sewage treatment plant staff directly collecting fixed amounts of money and other unlawful benefits. The remaining did not involve engineering and government procurement people. There was a total of 12 cases in categories including police administration, customs affairs, environmental protection, and others.

以「經辦工程或採購舞弊罪」移送之 10 案，有 4 案屬公共工程類，6 案屬採購類，前者大都發生於縣市政府或鄉鎮市公所發包之工程及採購，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。至於後者，有縣市議會人員辦理議會多媒體系統建置採購案收取回扣後，包庇承攬廠商浮編不必要配備及不實驗收，並洩露招標須知等採購訊息，護航得標承攬。

Among the 10 cases referred by “offenses of fraud on one’s project or procurement under management”, 4 cases fell under the public works category, and 6 cases fell under the procurement category. The public works category mostly occurred in projects and procurement tendered by county/city councilor or township/city offices, 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 procurement category, there were county/city council staff conducting multi-media system of collecting commission and then covering up for the manufacturer, in addition to exposing bid prerequisites and other procurement information.

「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，103 年計移送 5 案，例如有直轄市區長假藉民眾陳情及代為協調，脅迫施工承包廠商支付一定比例回饋金給地方，但卻中飽私囊。

“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





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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 5 cases referred in 2014, for example, the municipality mayor pretending to be transparent to the people and representing negotiation, yet coercing construction contractors to pay a certain percentage of money to the region but in actuality pocketing the money.

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，規定犯罪主體除犯貪污治罪條例第 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」實施以來，本局 103 年計有 1 案，主要是臺灣高等法院案件承審法官，涉犯貪污治罪條例，無法交待說明不明財產之來源而移送檢察署偵辦。

“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 Anticorruption 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” . Since implementation, the Bureau has had a total of 1 case in 2014. It was mainly a Taiwan High Court case trial judge who violated corruption regulations and was unable to explain the source of assets and hence transferred to the Public Prosecutor’ s Office for investigation.

表 2-09 係 99 年至 103 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 320 條第 2 項竊佔罪，與 99 年至 102 年均以刑法第 339 條第 1 項普通詐欺取財罪移送案數為多者，有所不同。

Table 2-09 depicts the cases referred by the Criminal Code and the state of applicable charges between 2010 and 2014. Said table shows that the most referred cases were by Paragraph 2, Article 320, offenses of occupying real property, which is different from the most referred case by Paragraph 1, Article 339, offenses of fraud (illegally gaining properties) of the state of the rankings between 2010 and 2013.

103 年以刑法為主要適用法律之「貪瀆案件」有 28 案，「非貪瀆案件」有 119 案，合計 104 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 2014, “corruption/malfeasance cases” referred by the Criminal Code as the key applicable law tallied to 28 cases; and “non-corruption/malfeasance cases” to 119 cases, totaling 104 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.

103 年以 320 條第 2 項「竊佔罪」移送之 42 案最多，占刑法案件之 31.9%（42 案 /132 案），多為竊佔國有林地或國有土地案件，前已述及；以刑法第 339 條第 1 項「普通詐欺取財罪」移送之 26 案次之，占刑法案件之 19.7%（26 案 /132 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；再次之，以刑法第 342 條第 1 項「背信罪」移送之 13 案，占刑法案件之 9.8%（13 案 /132 案），多為受託辦理採購、委託設計監造，違背受託機關任務，損害機關辦理採購利益案件。

In 2014, most cases were referred by Paragraph 2, Article 320 “offenses of occupying real property” of the Criminal Code with 42 cases, which accounted for 31.9% of all criminal cases (42 cases/132 cases), most of which were cases related to the stealing of state-owned forest and land as mentioned previously. The 26 cases referred by Paragraph 1 Article 339 of the Criminal Code “illegally gaining profits”, account for 19.7% (26 cases/132 cases) of all criminal cases,



where most were judicial fraud cases, public enterprise staff and public and private school teachers embezzling public money cases. Following are cases referred by Paragraph 1 Article 342 of the Criminal Code “abuse of trust” with 13 cases, which accounted for 9.8% (13 cases/132 cases) of all criminal cases. Most were procurement and design commissions that violated the duties commissioned by the institute, and institute damaging procurement for benefit cases.

### (三) 嫌疑人資統計

#### 3. Statistics on Suspect Demographics

表 2-10 係對 99 年至 103 年移送案件嫌疑人之身分及性別作統計，圖 2-04 則顯示 103 年移送各類身分嫌疑人之身分性別比例。103 年移送之 1,789 名嫌疑人中，男性嫌疑人 1,496 人，占 83.6% (1,496 人 / 1,789 人)，高、中、低階公務員男性嫌疑人分別占各類別之 98.7% (72 人 / 73 人)、86.7% (162 人 / 187 人) 及 90.5% (86 人 / 95 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 2010 and 2014, and Figure 2-04 depicts the gender and status ratio of suspects of a variety of identities referred in 2014. Among the 1,789 suspects referred in 2014, male suspects tallied to 1,496 individuals, which accounted for 83.6% (1,496 individuals/1,789 individuals), male suspects of high-, middle-, and low-ranking civil servants accounted respectively in each category for 98.7% (72 individuals/73 individuals), 86.7% (162 individuals/187 individuals) and 90.5% (86 individuals/95 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 99 年至 103 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。103 年中階公務員比例 36.7% 最高，準公務員 26.3% 次之，低階公務員 18.6% 再次之，民意代表 4.1% 最低，103 年比例走勢大致與前 4 年相同，差異不大，仍以中階公務員層級涉案人數為最多。

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 2010 and 2014. In 2014, middle-ranking civil servants accounted for the highest proportion with 36.7%, followed by quasi-civil servants with 26.3% and trailed by low-ranking civil servants with 18.6%, with elected

representatives being the lowest with 4.1%. The proportion trend in 2014 is basically the same and make no difference when compared with the past 4 years, where middle-ranking civil servants accounted for the highest number of involved suspects.

表 2-11 為 103 年移送各類身分嫌疑人之主要適用法律。

Table 2-11 depicts the key applicable laws adopted on suspects of various types of identities referred in 2014.

103 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 409 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」422 人中，64 人與公務員共同違犯第 4 條至第 6 條等貪瀆罪名，358 人違犯第 11 條行賄罪，行賄對象有：縣市長、鄉鎮市長、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、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 2014, civil servants of various ranks, quasi civil servants, and elected representatives referred by the Anti-Corruption Act totaled to 409 individuals, making it the most widespread applicable law on public servants with alleged corruption/malfeasance crime. Among the 422 “nonpublic servants” referred by the same law, 64 individuals colluded with civil servants to commit corruption/malfeasance crime as stipulated under Article 4 through Article 6, and 358 individuals committed offenses of bribery as stipulated under Article 11, where bribing subjects included: county/city mayors, personnel responsible for procurement and those in public enterprises, such as township mayors, 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.

103 年依政府採購法移送之公職人員人數計有 3 人，涉案對象有一般行政機關、鄉



鎮市民代表共犯借牌圍綁標，與其職務職權無關，然而以該法移送之非公職人員則有 501 人，占全部移送人數之 28% (501 人 / 1,789 人)，有一定比例人數，本局 92 年至 103 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 administrative agency, and township councilor who are accomplices in rigging bids. 501 non-civil-servants were arrested for misconducts irrelevant to their job responsibilities, accounting for 28% (501 individuals / 1,789 individuals). The number accounts for a significant percentage and the data from 2003 to 2014 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 103 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，以高中學歷占多數；非公職人員則以高中學歷居多，大學學歷次之，與往年相較，大學或專科學歷有逐漸增多的趨勢。碩士以上學歷 206 人中有 25 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 2014. 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 senior high school degree, a majority of the non-public servants held senior high school degree, followed by those who held university degrees; as compared with the previous years, the number of those with university degrees or junior colleges degrees have gradually increased. Out of the 206 individuals with at least a master's degree, 25 were quasi-civil servants, where mostly were public university teachers, and many of them holding a master's and 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 99 年至 103 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 2010 and 2014.

103 年移送之公職人員（含公務員、準公務員及民意代表）確知其學歷者有 437 人，具大學學歷者占 30.4%（133 人 /437 人）居多，以具碩士以上學歷者占 29.1%（127 人 /437 人）次之，餘依次為專科學歷者占 22.9%（100 人 /437 人），高中學歷者占 13.9%（61 人 /437 人），國中以下學歷者占 3.7%（16 人 /437 人）。比較特殊是 102 年因大量偵辦大專院校教師接受國科會委託專案研究計畫，詐領補助經費關係，致具碩士以上學歷人數為最多，應屬一時現象，不致成為常態。103 年度學歷比例消長情形，整體而言與前 4 年相當類似，差異不大，仍以大學學歷與專科學歷居於前 2 位，然而高中學歷公職人員比例則從 98 年之 19.3% 逐年遞減，雖在 102 年僅有 18.8%，但 103 年更減少到 12%，應與我國中學教育普及，學歷普遍提升有關。

Among public servants (including civil servants, quasi-civil servants, and elected representatives) referred in 2014, 437 individuals were with known education, of whom, those with a university degree or higher accounted for the most at 30.4% (133 individuals/437 individuals), followed by those with a master's degree at 29.1% (127 individuals/437 individuals), and the remainders in order comprised of those holding a junior college degree at 22.9% (100 individuals/437 individuals), those holding a senior high school degree at 13.9% (61 individuals/437 individuals), and those holding a junior high school degree or lower at 3.7% (16 individuals/437 individuals). A special case was in 2013 where a large amount of investigations were conducted on professional training college teachers who had been commissioned for research by the National Science Council and it was found that fraudulent expenditure was mostly done by those with a Master's degree or higher. This should be a one-time phenomenon and not the norm. The growth and decline rate in 2014 is basically the same and no difference when compared with the past four years, where those with university degree and junior college degree continue to rank in the top two. The ratio of those with a junior college degree has been on a declining trend from 19.3% in 2009 to nowadays. Even though the ratio in 2013 is only 18.8%, it has declined even more to 12% in 2014. It is probably related to the universal education for junior high schools, and general increase of our nation's education.

表 2-13 顯示 99 年至 103 年移送各類民選公職人員之人數統計，其中 103 年移送各



級民意代表 21 人，地方自治團體首長 16 人，概述如下：

Table 2-13 depicts the head count statistics on a variety of public-elected public servants referred between 2010 and 2014, and among them, 21 elected representatives of all levels and 16 local self-governance organization heads were referred in 2014, as briefly described below:

1、移送縣市議會副議長 1 人，犯行略為，市議會副議長利用民間鋼鐵公司為順利通過擴廠環評，藉勢藉端向該公司勒索，並向進行抗爭地方自救會施壓，阻撓該自救會干擾後續環評審查，協助廠商通過環評。

a. 1 Vice chairman of county/city council was referred. In summary, the deputy speaker of the city council exploited non-governmental steel companies to smoothly pass environmental impact assessments of factory enlargements, using power to extort the companies, pressuring self-help councils, and obstructing them from interfering with follow-up EIA investigations.

2、移送縣市議員 6 人，犯行分別為：市議員為協助其配偶獲取一般事業廢棄物清除利益，以議員身分施壓市政府環保局及代操作焚化廠人員，要求降低家戶垃圾進廠量，提高之一般事業廢棄物進廠量；縣議員勾結農會職員分別以買空賣空，帳面作帳，偽造人頭農戶及印章，詐領公糧收購款；縣議員虛報助理名單，向議會詐領補助費；利用縣議員身分，藉督導考察港口養灘工程之機會，向負責疏浚及養灘施工廠商，以工程會受議員、環保局及黑道分子刁難為由，勒索錢財；縣議員本身擔任遊樂場區實際負責人，未經國有土地管理機關同意，竊佔國有地並闢建道路及游泳池。

b. There were 6 referrals of county/city councilors, where the criminal conducts separately pertained to: city councilors aiding their spouses in obtaining general enterprise industrial waste elimination benefits through using their position to pressure the Department of Environmental Protection and substituting staff that operate the waste burning plants. Also, requesting a reduction in household garbage entering the plant and increasing industrial waste. The county representative colluding with an Agricultural Council member to buy and sell short, forge peasant household numbers and stamps, and embezzle taxes paid in grain. The county councilor misreporting the assistant list to fraudulently obtain subsidies. Exploiting the county councilor position to oversee and inspect the harbor sand fill works and extorting money from the dredging manufacturer with the reasoning that the council members,

the Department of Environmental Protection, and gangsters will cause difficulties. County councilor themselves being the actual person in charge of the playground area and secretly opening up development of roads and swimming pool on state-owned land without consent.

3、移送鄉鎮市民代表會主席 4 人、副主席 1 人及代表 9 人，犯行略有：代表主席受鄉民賄賂代為謀求清潔隊員職缺，以杯葛鄉公所年度預算為由，向鄉長施壓進用關說人員，擔任公所清潔隊員；與廠商勾結，向公所招標承辦人員施壓，圍標鄉公所辦理標案；利用擔任代表會正副主席機會，勾結與廠商勾結以不實發票，向代表會詐領特別費。

c. There were 4 referrals of township council chairpersons, 1 referral of vice chairperson, and 9 referrals of councilors, where the criminal conduct sorts include: Representative chairman accepting bribes from villagers, using the excuse of boycotting the township administrative authority' s annual budget to pressure the mayor to use corrupt staff. Colluding with manufacturers to invite bids and pressure the administrative authority staff. Exploiting the vice-chairperson of the representative council, colluding with manufacturers using false invoices, and soliciting a “special fee” from the representative council.

4、移送縣市長 1 人犯行略述如下：經銷金酒之廠商為延續經銷權，向縣長行賄，並安排親信人員擔任金酒公司總經理，以取得經營控制權，於其後辦理遴選經銷商作業，未依政府採購法辦理，為特定廠商量身訂作，修改經銷商審查及管理辦法，免除須具備酒類經銷實績之資格限制，協助廠商取得經銷合約，並以優惠經銷價，圖利得標經銷權之廠商。

d. 1 county/city mayor was referred and below is the summary: In order to preserve the distribution rights, the dealer of Kinmen Kaoliang Liquor Inc. bribed the county mayor and organizing the county mayor' s confidant to hold the position of CEO of the Kinmen Kaoliang Liquor Inc. Once obtaining control of the operation, he chose distributors without following governmental procurement law. He amended the distributor' s investigation and management methods to avoid restrictions on selling alcohol. He also aided manufacturers in obtained contracts and used favorable selling prices to profit from manufacturers with distribution authority.

5、移送鄉鎮市長 9 人，多與政府採購業務相關者，例如：向投標廠商索要採購回扣，洩露標案底價協助廠商得標承攬；收受廠商賄款，指示經辦採購人員，以虛偽比價方式，



指定由特定廠商承攬；向投標廠商索要回扣，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，護航放水通過驗收。

e. There were 9 referrals of township mayors, mostly related to government procurement operations, for example: requesting a procurement commission from bidding manufacturers and exposing minimum prices to aid a manufacturer in winning a bid and getting a contract. Accepting manufacturer bribes and using false parity methods to appoint specific manufacturers to get contracts. Requesting a commission from bidding manufacturers to aid in the obtainment of contracts and allow manufacturers to skimp on the job and stint on materials, as well as not following the procurement contract in conducting sampling and testing in the work completion phase in order to allow water releasing to pass verification.

6、移送村里長6人，犯行主要為：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回饋金、利用辦理縣市政府補助活動機會，編造不實參加人員名單並盜蓋印章，核銷補助經費；於辦理年度社區環境清潔競賽活動，未實際聘僱人員清潔環境，而製作不實之工資印領清冊，向鄉公所詐領出勤工資；向工程得標廠商表示，施作工程嚴重影響居民生計為由，將發動里民抗爭阻撓，以此要脅得標廠商支付補償金，中飽私囊。

f. 6 village chiefs were referred mainly because they did not conduct actual events, requested blank receipts from businesses to record false items, prices and amounts to audit and write off fraudulent money. They also took advantage of county city government event subsidies to fabricate false participant lists and forge seals to write off subsidy money. In the conducting of the annual community environment cleaning competition event, they did not in actuality hire staff to clean the environment, but instead created false wages and inventories to embezzle wages from the township administration authorities. They also indicated to bidding engineering work manufacturers, that carrying out the engineering work will heavily affect the livelihoods of residents in order to mobilize resistance from the people, and thereby coercing bidding manufacturers to pay a compensation fee that goes right into their pockets.

## 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, "civil servants election" and "non-civil servants election", 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





## 第二部分 廉政工作執行概況與成果

### Part Two. Anti-corruption Work Implementation Status and Results

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 個地區機動工作站或局本部之支援人力，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 and the Bureau' s head office, 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 83 年至 103 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 103 年度為例，黑色數字表示 103 年度未舉辦該選舉，統計數字係 102 年或先前年度舉辦者，經本局調查蒐證後檢察官於 103 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 1994 and 2014 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 2014 as an example, the figures in black represents those elections that were not held in 2014, the statistical figures pertain to the results of elections held in 2013 or earlier that the Bureau has investigated and gathered evidence, where the prosecutor has indicted the cases in 2014; while the figures in red represents the elections that were held that year, where the prosecutor has indicted the cases that same year.

103 年本局主要任務為 103 年 11 月 29 日分區舉行之「103 年地方公職人員選舉」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 103 年底為止，

103 年各級公職人員選舉起訴案件共 39 案，起訴人數達 183 人。

In 2014, the Bureau's chief mission has been the vote-buying investigation and crackdown on the "2014 Local Civil Servants Election", which was held on November 29th, 2014. 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 2014, there were 39 indictment cases and up to 183 suspects indicted for the 2014 Civil Servants Election.

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 39 案 183 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 39 cases, involving 183 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 39 件起訴案件當中，以在 102 年各級農漁會選舉 4 案、農田水利會 13 案，103 年基層村里長選舉 8 案、鄉鎮市民代表 6 案、鄉鎮市長 2 案、縣市議員 4 案、直轄市議員 1 案、103 年第八屆立委選舉 1 案（為補選案件），起訴概況分述如下：

Among the 39 indictment cases mentioned above, the bulk pertained to the 2013 Farmers' and Fishermen's Associations Elections with 4 cases, the Irrigation Association with 13 cases, and the 2014 rudimentary village chief elections with 8 cases, township council representatives with 6 cases, township mayors with 2 cases, and the county/city councilors with 4 cases, councilors of the special municipality with 1 case, and 8th Legislative Elections held in 2014 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:

立法委員選舉賄選起訴 1 案 3 人，係臺南市 100 年第八屆立委選舉，由立委候選人之樁腳以致送茶葉 1 斤禮盒之對價，向選區之選舉人買票賄選。

3 individuals (1 case) were prosecuted during the 2011 Tainan City 8th Legislative Election where candidates' vote captains used 600g of tea leaves in trying to buy votes from the voters in the district.

#### 2、直轄市議員：

##### b. Councilors of the Special Municipality:

103 年地方公職人員直轄市議員選舉賄選起訴 1 案 4 人，高雄市市議員候選人利用舉辦造勢活動，以補貼便當及茶水費用之名義，以每人新臺幣（下同）300 元之對價，向在場之選舉人行賄買票。

4 individuals (1 case) were prosecuted in the 2014 Local Civil Servants Special Municipality Councilors Elections. Candidates from Kaohsiung city tried to buy votes by holding an event where voters at the scene were given each individual in the amount of NTD300 for subsidized lunchboxes and beverage fee.

#### 3、縣市議員選舉

##### c. County/City Councilors Elections:

103 年地方公職人員縣市議員選舉賄選起訴 4 案 7 人，分別於新竹市、苗栗縣、彰化縣及金門縣等地，均為現金買票案件，多係透過樁腳抄錄選區內可行賄選民名單，分別以每票 1,000 元不等現金，向選區之選民買票賄選，其中有 1 案係向同選區其他候選人搓圓仔湯，以 200 萬元代價要求退選。

7 individuals were prosecuted in 4 cases during the 2014 Local Civil Servants County/City Councilor Elections in Hsinchu City, Miaoli County, Changhua County, Kinmen County and other places where cash (NTD1,000 per vote) was used to purchase votes from a list of bribable voters obtained from vote captains. One of the cases involved a candidate bribing another candidate from the same electoral district to withdraw from the election for NTD2, 000,000.

#### 4、鄉鎮市長：

##### d. Township Mayors:

103 年地方公職人員鄉鎮市長選舉賄選起訴 2 案 17 人，均在新竹縣竹北市，並為現金買票案件，透過樁腳鄰長抄錄選區內可行賄選民名單，分別以每票 2,000 元不等現金，向選區之選民買票賄選。

17 individuals were prosecuted in 2 cases during the 2014 Local Government Official Township Mayor Elections in Chupei City of Hsinchu County where cash was also used to buy votes. Through a list of bribable voters obtained from vote captains, NTD2, 000 cash per vote was used to buy votes from the voters of the electoral district.

#### 5、鄉鎮市代表：

##### e. Township Council Representatives:

103 年地方公職人員鄉鎮市代表選舉賄選起訴 6 案 33 人，分別於新竹縣竹北市、苗栗縣造橋鄉與南庄鄉、彰化縣永靖鄉與二水鄉及花蓮縣秀林鄉等地，均屬現金買票賄選，透過樁腳抄錄選區內可行賄選民名單，由候選人或透過樁腳分別以每票 2,000 元不等現金，向選區之選民買票賄選。

33 individuals were prosecuted in 6 vote-buying cases during the 2014 Local Civil Servants Council Representative Elections in Chupei City of Hsinchu County, Tsaochiao and Nanzhuang Township of Miaoli County, Yungching and Ershui Township of Changhua County, and Hsiulin Township of Hualien County, and others. In each case, cash was used to buy votes from a list of bribable voters in each electoral district obtained by vote captains. Either the vote captain or candidate themselves would bribe the voters using NTD2, 000 per vote.

#### 6、村里長選舉：

##### f. The Village Chief Elections:

103 年縣市基層村里長選舉賄選起訴 8 案 19 人，以現金買票案件為多，另有贈送茶葉或食品禮盒賄選。因村里長選舉選區幅員小，選票數也少，候選人間或候選人與選民彼此熟稔，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 103 年起訴 8 案，加上近幾年如 102 年起訴的 2 案、101 年起訴的 6 案，以及 100 年起訴之 122 案，合計達 138 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 2014 county/city rudimentary village chief elections, 8 charges were made, involving 19 individuals. All the cases involved buying votes with cash. Bribery was also done through gifting tea leaves and food packages. As the village chief elections tend to cover a smaller electoral district, and there are fewer votes, candidates and voters 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 8 cases in 2014, coupled with 2 charges laid in 2013, 6 cases in 2012, and 122 cases in 2011, the number of cases totaled 138. The number is much higher than any other election for civil 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.

#### 7、農漁會選舉：

##### g. Farmers' and Fishermen's Associations Elections:

102 年各級農漁會選舉賄選在 103 年起訴計有 4 案 18 人，而在 102 年當年度起訴 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、桃園市、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，在起訴案件中不乏係現任農漁會總幹事、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。

18 individuals in 4 cases were charged in 2014 on vote-buying in 2013 Farmers' and Fishermen's Associations Elections at all levels, and 172 individuals in 75 cases were charged in 2013, among all the cases, 1 case (2 individuals) was pertinent to the fishermen's association 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 City, Taichung City, Changhua County, Nantou County, Tainan City, Pingtung 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 servant positions.

#### 8、農田水利會：

##### **h. Irrigation Association:**

103 年農田水利會會務委員選舉賄選起訴 13 案 82 人，分別在桃園市、新竹縣、苗栗縣、臺中市、彰化縣等地農田水利會選舉中，查獲會務委員候選人進行賄選，賄選型態以金錢買票為主，少部分致送禮品，賄選方式由候選人本身及其樁腳或會務人員，對具選舉權會員進行買票，支持特定候選人，集體操縱選情，延續渠等既得利益，由前揭起訴案數及人數來看，非公職之基層農農田水利會選舉仍普遍存在賄選之風。

82 individuals in 13 cases were charged for vote-buying in the 2014 Irrigation Association Elections of Taoyuan City, Hsinchu County, Miaoli County, Taichung City, Changhua County, and others. It was investigated that the candidates mainly used money as a means for bribery and sometimes through gifts. Candidates, their vote captains, and association members would bribe those members with voting rights in order to get them to support specific candidates, collectively manipulate the election, and continue vested interests. Looking at the aforementioned cases and people, vote-buying is nonetheless widespread even for non-governmental levels in Irrigation Association elections.



## (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，該二法未特別規範者，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 civil servants 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 civil servants elections, they are stipulated in the Civil Servants 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-civil 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 103 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 2014, 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才識品德，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，103 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 78 人。

Regarding elections for civil servants, the prosecutors prosecuted 78 people in 2014 under the Civil Servants Election and Recall Act for “bribery to voters” .

在非公職選舉領域，103 年檢察官依農會法「對有選舉權人行賄罪」起訴 2 人；依同法「有選舉權人受賄罪」起訴 7 人。另依農田水利會組織通則「對有投票權人行賄罪」起訴 40 人；依同法「有選舉權人受賄罪」起訴 1 人，緩起訴 33 人，職權不起訴 2 人。

At elections of non-civil servants, in 2014, the prosecutors prosecuted 2 individuals under the Farmers Association Act for “bribery to eligible voters” . 7 individuals were prosecuted for “eligible voters taking bribes” . 40 individuals were prosecuted under the Act of Irrigation Association Organization for “bribery to voters” . 1 individual was prosecuted under the same Act for “eligible voters taking bribes” , 33 were deferred, and 2 were not prosecuted.

## 2、對候選人賄選：

### b. Vote-buying Candidates:

在公職選舉領域，103 年檢察官依公職人員選舉罷免法「對候選人行賄而約其放棄競選罪」起訴 5 人。

In the domain of civil servants elections, 5 individuals were prosecuted in 2014 under the Civil Servants Election and Recall Act for “offering bribes for making candidates abandon campaign for elections” .

在非公職選舉領域，103 年檢察官依農會法「對候選人行賄約其放棄競選罪」起訴 5 人；依同法「候選人受賄而許以放棄競選罪」起訴 4 人。另依農田水利會組織通則「對候選人行賄而約其放棄競選罪」起訴人 6 人。



In the domain of non-civil servants elections, 5 individuals were prosecuted under the Farmers Association Act for “offering bribes for making candidates abandon campaign for elections”. Under the same Act, 4 individuals were prosecuted for “candidates taking bribes in consideration of quitting the campaign”. In addition, 6 individuals were prosecuted from the Act of Irrigation Association Organization for “offering bribes for making candidates abandon campaign for elections”.

### (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、捐助團體經費及其他等 6 大類，表 2-17 及圖 2-07 係近六年經檢察官起訴及 103 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 six major types, namely vote-buying with money, gift giving, food and beverage entertainment, travel entertainment, funding donations to organizations and others; 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 2014 grouped by vote-buying modes, which are separately described as follows:

## 1、金錢賄選：

### a. Vote-Buying with Money:

103 年金錢賄選案件起訴 31 案，占同年起訴案件 39 案之 79.5%，近六年合計起訴 664 案，占全部起訴案件 827 案之 80.3%，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 2014, 31 cases of money vote-buying cases were indicted, which accounted for 79.5% of the 39 indictment cases in the same year, while a total of 664 cases were indicted in the past six years, which accounted for 80.3% of the 827 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





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:

103 年禮品賄選案件起訴 5 案，占同年起訴案件之 12.8%，該類型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 2014, 5 cases of gift vote-buying case were indicted, which accounted for 12.8% of the indictment cases in the same year. Said vote-buying type 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:

103 年餐飲賄選案件經起訴 1 案，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 2014, 1 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:

103 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 2014. 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:

103 年未有捐助經費經起訴者，此型態係候選人假藉贊助各種活動名義，捐助相關經費，間接地向選民買票賄選案件。

There were no vote-buying with funding donation cases indicted in 2014. This refers to candidates supporting various events with donations to indirectly buy votes from the electorate.

## 6、其他：

### f. Others:

103 年起訴案件中，難以歸入前述 5 種賄選型態者有 2 案，占同年起訴案件之 5.1%。2 案均屬有意勝選之參選人在完成候選人登記，向選區內擬參選人在未完成選舉登前，以搓圓仔湯方式，分別向擬參選人給付 50 萬元至 200 萬元不等之金錢，要求放棄參選。

Among the indictment cases in 2014, there were 2 cases that were hard to be categorized under any of the aforementioned five vote-buying modes, which accounted for 5.1% of all indictment cases of the same year. The 2 cases both involved candidates who had registered for an election, bribing/coercing candidates that had yet to register with NTD500,000 to NTD2,000,000 cash to request they withdraw from the election.

近六年來餐飲、旅遊及捐助經費等傳統賄選型態之起訴案數，相較於金錢賄選或致贈禮品等，顯得零星，其原因在於行賄者以辦理餐飲或旅遊等方式，過於招搖容易引起檢調單位介入調查及偵辦，候選人意圖賄選時，為避免遭偵辦起訴，選後官司纏身，多不採用此等方式。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地區，從投票日前一年起部署，清查過濾選區內高風險賄選者，鎖定意圖賄選之特定候選人，進行蒐證，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或檢舉金錢賄選訊息，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 food and beverage, travel excursion, funding



donations, and so forth has appeared scattered, when compared with vote-buying through money and gifts. The reasoning for this is that conducting bribery methods such as food or travel is much more likely to incite investigation and hence prosecution. To avoid this, bribers mostly choose not to use these methods. Nevertheless, 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 deploy the crackdown one year prior to the voting date by thoroughly investigating high risk bribing candidates and denying those candidates with intention to buy votes by collecting evidence. With regard 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 offer tips or report 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 103 年 9 月 3 日至 5 日，在本局幹部訓練所舉辦為期三天「103 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 “2014 Anti-Corruption Work Refinement Seminar” at the Bureau’s management training center from September 3rd to 5th (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，人權兩公約與本局業務實例探討、犯罪偵查與個人資料保護、案件偵辦經驗報告與研討、詢問工作經驗報告、職場壓力管理、搓圓仔湯態樣賄選案件偵辦心得、環保案件稽查實務等議題，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 the Bill of Human Rights and exploring case studies from the Bureau, crime investigation and personal data protection, case investigation experience report and discussion, work experience enquiry report, workplace stress management, coercive bribery cases in vote-buying, environment protection cases audit and other issues. 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.

另配合 103 年地方公職人員選舉查察賄選專案工作，於 103 年 10 月 8 日於局本部，召訓本局各業務單位支援查賄人員 80 人，辦理「查賄專案支援人力講習」，聘請臺灣臺中地方法院檢察署主任檢察官洪家原、外勤處站查賄績優同仁，分就選舉查察案件偵查實務、查察賄選經驗分享及查賄案例與注意事項進行講授，使支援查賄人員瞭解查賄法令及注意事項，掌握工作技巧，達成查賄任務。

Also, combining with the 2014 local civil servants election to investigate vote-buying work, on 2014 October 8th we trained 80 supporting bribery investigation staff members from various departments within the Bureau to conduct the “Bribery Investigation Case Support Staff Seminar”, and inviting Taiwan Taichung District Court Prosecution Office chief Hong Jia Yuan and field working colleagues with outstanding performance to give lectures on election investigation case practices, sharing experiences in investigating bribery, past bribery cases and matters that



need attention. This will allow supporting bribery investigation staff members to better understand vote-buying investigation laws, matters that require attention, and have a better grasp on skills to successfully fulfill their duties.

## 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，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 categories, namely the bulletin board, operations profile, anti-corruption laws and regulations, operational guidelines, case study reports, reference literature, yearbooks, bribery crackdown area, etc., 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 103 年間偵辦法務部矯正署綠島監獄典獄長蘇○○等涉嫌不法案、屏東縣獅子



鄉鄉長孔○等涉嫌不法案、屏東縣車城鄉鄉長林○○等人涉嫌不法案、103 年臺南市第 2 屆正副議長選舉李○○涉嫌賄選案、國防部軍備局副食品採購廠商圍標涉嫌行賄不法案、基隆市議長黃○○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 2014, the Bureau investigated illegal case of former warden Su ○ ○ and others at Green Island Prison, Agency of Corrections, Ministry of Justice, and illegal case of Shizi Township Mayor Kong ○ ○ and Checheng Township Mayor Lin ○ ○, Pingtung County. Furthermore, investigations were conducted on vote-buying case of Second Term Tainan City Council Speaker and Deputy Speaker Election in 2014 for Li ○ ○ who was allegedly involved with vote-buying, suspected bid-rigging and bribery case of non-staple foods procurement of Armaments Bureau, Ministry of National Defense, and the Bureau had also investigated illegal case of Keelung City Council Speaker Huang ○ ○, etc. 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.

## 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○○華、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



## 第二部分 廉政工作執行概況與成果

### *Part Two. Anti-corruption Work Implementation Status and Results*

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 ○○ hua, 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。

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 103 年社會矚目案件偵辦輯要

*Part Three. Summary of High Profile Investigations in 2014*

# 第三部分

Part Three. Summary of High Profile Investigations in 2014

## 103 年社會矚目案件偵辦輯要



## 第三部分 103 年社會矚目案件偵辦輯要

Part Three. Summary of High Profile Investigations in 2014

### 壹、前法務部矯正署綠島監獄典獄長等涉嫌不法案

本案起訴情形，可參閱本年報第四部分起訴案例 05。

#### 一、發掘由來

案係本局臺北市調查處偵辦他案執行通訊監察另案發掘，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 24 名公務員及案關人執行通訊監察近 1 年 3 個月之久，並進行非公開調查作為，前後調查期間近 2 年，蒐獲蘇○○與胡○○勾結相關重要事證，完整勾勒出蘇○○等人受賄模式，並擬定涉嫌事實及偵辦方向。

本案因案情複雜，涉案人數眾多，於 103 年 11 月 12 日發動偵辦後，執行第一波偵辦作為，順利突破關鍵嫌疑人趙○○等人心防，坦承行受賄相關案情，經檢方聲押，法院裁定蘇○○等收押禁見。於發動第二波偵辦，約談案關人等，查扣相關證物，並取得吳○○等人重要供詞，經多次借提在押被告，交叉比對相關供述，掌握蘇○○等人收受賄款或不正利益等事證，總計搜索 41 個處所，約談案關人等二、三十餘人，終於釐清案件全貌。

本案查獲不法所得合計新臺幣 163 萬餘元，案經調查完竣移送臺北地檢署依法偵辦，檢察官計起訴 16 人。

#### 三、偵後影響



相關涉案人員於案發後經服務機關停職，媒體也高度關注本案發展，除報導偵辦進度外，亦指責涉嫌人等之收受不正利益行徑，引起輿論廣大迴響與國人省思，有助吏治整飭及政風端正。臺北地檢署於 104 年 1 月 16 日起訴蘇○○等人。





## 貳、基隆市議會議長黃○○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 12。

### 一、發掘由來

案係民眾檢舉，立案偵辦，並由基隆地檢署發交併案偵辦。

### 二、偵辦歷程

本案先後對多名公務員及廠商進行調查作為，期間清查相關議員及其配偶、子女之金融帳戶，陸續函調卷證資料、議會錄音檔、相關核銷憑證，過濾勾稽可疑資金，另為避免基隆市議員以臨時會撐起保護傘，規避即將面臨之調查，輔以行動蒐證作業。

本案因黃○○涉及案件繁多，情節各異，是時廉政署亦偵辦黃員案件，故於 103 年 8 月 20 日發動偵辦前，與基隆地檢署檢察會商執行作為及偵辦方向，第一波執行搜索包括議員、基隆市議會及廠商辦公室等處所，在偵辦期間並接獲檢舉，指黃員利用職務機會詐取財物，經調取相關憑證及清查廠商帳戶資料，初步掌握涉案人員不法事證，於陸續發動第二波、第三波等偵辦作為，並向基隆地方法院聲請羈押廠商、白手套及黃員等 5 人獲准，期間多次借提在押嫌犯，突破廠商、議會基層承辦人心防，完整掌握黃員詐領公款模式，並從扣押物發現黃員另涉有不法，並發動偵辦作為，突破行賄廠商人員心防，掌握黃員等行受賄模式，經搜索 66 個處所，製作 460 份筆錄，行動蒐證 3 次，資金清查逾百帳戶以上，終釐清案件全貌。

本案查獲黃○○詐領公款達新臺幣（下同）950 萬元以上、行賄款 50 萬元，鄭○○行賄款 20 萬元、收賄款 50 萬元，案經移送基隆地檢署偵辦後，檢察官於 103 年 12 月 24 日起訴基隆市議長黃○○等 8 人。

### 三、偵後影響

本案於發動偵辦後，基隆市議長、議員及廠商等陸續遭收押禁見，引發媒體高度關注本案發展，對灌輸人民正確守法觀念，端正社會風氣，對提升公務人員具備法治素養有極高警惕效果，亦展現本局肅貪工作之正面意義。

## 叁、103 年臺南市第二屆正副議長選舉涉嫌賄選案

本案起訴情形，可參閱本年報第四部分起訴案例 14。

### 一、發掘由來

案係臺南市調查處主動發掘，立案偵辦，並配合臺南地檢署指揮，擴大偵辦。

### 二、偵辦歷程

經成立專案小組進行初步偵查後，將本案分成現金賄選、招待旅遊等 8 案，分屬臺南地檢署 4 位檢察官指揮偵辦，並過濾大額通貨交易及通訊紀錄，並與通訊監察內容比對，勾勒出李全教行賄模式，另輔以行動蒐證，蒐獲賄選之重要事證。

本案因案情複雜，涉案人數眾多，於 104 年 2 月 8 日發動偵辦前，與專案小組承辦檢察官進行多次會議，擬定涉嫌事實及偵辦方向，實施通訊監察，密集行動蒐證，分析行、受賄對象近 30 線電話通聯紀錄，調閱路口監視畫面，並傳喚多名議員查證。於發動偵辦時，動員臺南市調查處、南部地區機動工作站及臺北市調查處、雲林縣調查站、嘉義縣、市調查站等共 133 名調查人員執行搜索 50 個處所，製作 60 餘人次筆錄。

本案偵辦期間，專案小組檢察官於複訊後，除諭令同案共犯莊○、曾王○○、宋○○、潘○○等人交保候傳外，並向臺南地方法院聲押李○○、蔡○○、楊○○、林○○及前台南縣議長吳○○獲准；經臺南市調查處於 104 年 4 月 1 日移送臺南地檢署偵辦，該署於同日對李○○等 8 人提起公訴。

### 三、偵後影響

本案偵辦期間，投入大量人力與檢方配合偵辦，提供最新偵查訊息及相關研析資料，與檢方討論偵辦時程，並決定後續偵查作為，於元旦連續假期及農曆年過年期間仍未懈怠，持續執行現譯及行動蒐證，掌握最新資訊及犯罪事實及事證，不但偵破李○○涉嫌賄選犯行，並擴大偵破副議長候選人郭○○涉嫌賄選犯行，回應社會對打擊賄選之期待，展現政府查察賄選之決心，對本局偵辦賄選案件極具有正面宣傳效果。



## 肆、屏東縣獅子鄉鄉長孔○及車城鄉鄉長林○○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 01 及 02。

### 一、發掘由來

案係高雄市調查處執行他案通訊監察另案發掘，並報請屏東地檢署指揮偵辦。

### 二、偵辦歷程

本案立案偵辦後，陸續向屏東地方法院聲請對承包商及公務人員等 22 人執行通訊監察，初步掌握涉案人員不法事證，於 103 年 7 月 31 日發動偵辦，搜索包括車城鄉公所、獅子鄉公所承辦人員、廠商辦公室、住家等 31 個處所，調閱工程相關資料，並向屏東地方法院聲請羈押相關公務人員及主要包商等 4 人獲准。後續又清查案關公務人員及包商等金融帳戶資料，勾稽資金流向，並突破部分廠商人員心防，掌握廠商行賄相關公務人員模式後，遂陸續發動多波偵辦作為，並分別於 103 年 8 月 22 日聲押獅子鄉長孔○、103 年 9 月 16 日聲押白手套駱○○及 103 年 10 月 22 日聲押車城鄉長林○○獲准，偵辦期間詢問達 50 餘人次，搜索處所達 46 處，查獲不法所得合計新臺幣 4,500 萬元以上。案經移送屏東地檢署偵辦，檢察官並分別於 104 年 1 月 12 日起訴車城鄉長林○○等 3 人、緩起訴 10 人，104 年 6 月 3 日起訴獅子鄉長孔○等 3 人，緩起訴 14 人。

### 三、偵後影響

本案於發動偵辦後，相關公所首長及廠商等陸續遭收押，引發媒體高度關注本案發展，對灌輸人民正確法律概念，端正社會風氣，並提升公務人員所需具備的法治素養有極高警惕效果，亦展現本局肅貪工作之正面意義。

# 第四部分 103 年起訴案例簡介

*Part Four. Summery of Indictment Cases in 2014*





# 第四部分

Part Four. Summary of Indictment Cases in 2014

## 103 年起訴案例簡介



## 第四部分 103 年起訴案例簡介

Part Four. Summary of Indictment Cases in 2014

### 案例 01 屏東縣獅子鄉鄉長孔○等涉嫌不法案

- ◎案件類型：公共工程
- ◎主辦單位：高雄市調查處
- ◎起訴日期：104 年 6 月 3 日
- ◎起訴機關：屏東地方法院檢察署
- ◎起訴被告：孔○ 等 17 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

屏東縣獅子鄉鄉長孔○，將鄉公所財經課技士盧○○調陞為該課代理課長，並同意將盧○○引介之舊識黃○○，遷調獅子鄉公所任職財經課技士，盧○○為表感謝，除致送新臺幣(下同)20 萬元予孔○外，亦要求黃○○比照其例，致送 20 萬元予孔○收受。

另孔○於擔任鄉長期間，與盧○○、黃○○共同合意，利用監督及辦理鄉公所辦理之工程採購等標案機會，刻意安排易○工程顧問公司負責人張○○及昶○規劃設計公司合夥人阮○○，借用昌○技師事務所牌照，承攬鄉公所案關工程之設計監造標，並於得標後，交付得標金額 8% 至 10% 回扣予孔○。復於工程標發包前，分配指定予亨鍊○造公司負責人林○○等特定廠商，由該等指定廠商自行協議相互陪標，使其中一家廠商得標承攬，並依決標金額按孔○ 8%、盧○○ 1%、黃○○ 3% 交付回扣，合計渠等收受回扣達金額達 3,481 萬餘元。



## 案例 02 屏東縣車城鄉鄉長林○○等涉嫌不法案

- ◎案件類型：公共工程
- ◎主辦單位：高雄市調查處
- ◎起訴日期：104 年 1 月 9 日
- ◎起訴機關：屏東地方法院檢察署
- ◎起訴被告：林○○ 等 13 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

屏東縣車城鄉鄉長林○○及其機要秘書趙○○，與亨○營造公司負責人林○○、弘○營造公司及宏○土木包工業負責人陳○○共同勾結，基於壟斷鄉公所工程標案由特定廠商承攬之犯意，由林○○先行安排昶○規劃設計顧問公司合夥人阮○○及易○工程顧問公司負責人張○○，承攬鄉公所工程之設計監造標，並於得標後交付得標金額 10% 回扣給林○○。嗣於工程標發包前，林○○即授意機要秘書趙○○通知林○○等特定廠商至鄉公所接受工程分配，或由該等特定廠商主動索討特定工程，該等指定之特定廠商則自行協議相互陪標事宜，得標後即按慣例，依決標金額 5% 至 10% 支付回扣給林○○及趙○○等人，合計林○○等人收受案關設計監造及承攬工程廠商之回扣金額達新臺幣（下同）1,114 萬餘元。



## 案例 03 國防部軍備局副食品採購廠商圍標行賄涉嫌不法案

- ◎案件類型：採購
- ◎主辦單位：臺南市調查處
- ◎起訴日期：103 年 8 月 15 日
- ◎起訴機關：臺南地方法院檢察署
- ◎起訴被告：王○ 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

陸軍後勤部副供中心中部管制室中校主任王○等 36 名軍士官及約雇人員與廠商勾結，除將公務上知悉之訪廠秘密洩漏予特定廠商外，或以投單副食品、或虛報單價為由，協助聯合元○公司、農○○公司、禹○公司等，共同圍標國防部軍備局辦理之冷凍牛肋條及羊小排等共同供應契約採購案，並順利得標承攬。禹○公司負責人吳○○等人，為販售虛增重量之違規肉品牟取暴利，因無處理肉品之機具，遂將進口之肉品運送至元○公司處理，並將肉品解凍泡（灌）水後，再予冷凍以虛增重量，運送至各國軍副食品供應站，該等肉品解凍後與實際重量不符，於副供站驗收不過時，即透過中間人任○○居間疏通後，均能順利通過驗收，渠等向廠商收取賄款金額達新臺幣 434 萬餘元。

## 案例 04 中研院分子生物研究所謝○○辦理採購涉嫌不法案

- ◎案件類型：採購
- ◎主辦單位：臺北市調查處
- ◎起訴日期：103 年 10 月 8 日
- ◎起訴機關：新北地方法院檢察署
- ◎起訴被告：謝○○ 等 8 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

中研院分子生物研究所總務謝○○及助理段○○，分別與機電空調系統維修廠商仁○行負責人葛○○、大○重電行負責人郭○○、千○公司負責人余○○、國○企業社負責人段○○、星○公司負責人王○○、奕○公司負責人溫○○、俊○公司負責人孫○○等人勾結，於辦理該所機電空調工程及財物勞務等採購時，以浮報發票金額、虛列完工單施作項目等方式，分割開立不實單張金額未逾新臺幣（下同）10 萬元發票，向中研院核銷後，再由葛、溫 2 員依約，按每張發票支付 2 萬 5,000 元賄款給予渠等 2 人，合計收受賄款達 1,442 萬餘元。



## 案例 05 前法務部矯正署綠島監獄典獄長蘇○○等涉嫌不法案

- ◎案件類型：矯正
- ◎主辦單位：臺北市調查處
- ◎起訴日期：104 年 1 月 6 日
- ◎起訴機關：臺北地方法院檢察署
- ◎起訴被告：蘇○○ 等 19 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

蘇○俊於任職臺北監獄副典獄長期間，非透過正常管道為受刑人王○麟訂購聯合報等 6 家報紙。胡○菁透過蘇○俊傳遞東森公司重要文件予受刑人王○麟。另蘇○俊透過臺北監獄教誨師趙○核算受刑人王○麟之累進處遇分數，由趙○交予祖○華轉交蘇○俊，蘇○俊與胡○菁約在內湖區內湖捷運站附近見面，由蘇○俊當面交予胡○菁詳閱，事後蘇○俊將該分數表攜回綠島監獄辦公室銷毀。胡○菁透過蘇○俊指示祖○華，為受刑人王○麟夾帶電動剃頭刀供渠私用。池○霖多次透過蘇○俊，為陳○怡、白○升等人，安排臺北監獄受刑人高○勝特見或增加接見事宜。蘇○俊及祖○華自胡○菁收受賄賂、不正利益分別計新臺幣（下同）19 萬餘元及 1 萬餘元；蘇○俊收受池○霖之現金賄款 18 萬元及不正利益 32 萬元。

羅○德透過蘇○俊向宜蘭監獄專員曾○賢關說，將該監獄受刑人高○聖調整至輕鬆單位。羅○德要求蘇○俊，務必使受刑人張○申請調至花蓮自強外役監服刑案順利通過，蘇○俊致電花蓮自強外役監戒護科長陳○賜協助，據以提報遴選委員會通過。胡○菁透過蘇○俊結識宜蘭監獄典獄長吳○威，並以職務之行為核准胡○菁對受刑人吳○仁及顏○進特別會面，蘇○俊收受羅○德交付不正利益共 5 萬餘元，吳○威收取不正利益計 7 萬餘元。

## 案例 06 國有財產局前局長洪○○涉嫌圖利不法案

- ◎案件類型：破壞國土
- ◎主辦單位：臺北市調查處
- ◎起訴日期：103 年 7 月 10 日
- ◎起訴機關：士林地方法院檢察署
- ◎起訴被告：洪○○ 等 3 人
- ◎起訴法條：貪污治罪條例第 6 條第 1 項第 4 款對於主管或監督之事務圖利罪等

劉○○購得臺北市北投區泉源段 3 小段 506 等地號國有土地上之建物及未辦理總登記建物，基於取得該等土地開發後出售利益，向國有財產局北區辦事處申請承租該等地號國有土地，經該處勘測課承辦人現場勘查並製作國有土地勘查表，交由管理課承辦人審查，發現劉○○申請承租之土地使用面積多達 4572 平方公尺，已超過「國有非公用不動產租賃作業程序」第 15 點第 3 項規定，不得辦理承租，洪○○為協助劉員取得該等國有土地之全部使用權，乃口頭指示承辦人，將該國有土地核辦出租予劉○○。

洪○○續為協助劉○○向該處申請整建執照，增加建築棟數及面積，指示承辦人員依照劉○○准許請求，核發土地使用權同意書。

嗣劉○○又恐該申購案遭註銷後將無法再辦理申購，又求助已升任國有財產局局長的洪○○，由黃員指示北區辦事處人員以每平方公尺新臺幣（下同）2 萬 2,000 元，總價 4,543 萬元之價格讓售給劉○○，使劉員得順利取得上開國有土地並改建相關建物，不法獲利計 4,543 萬元。





## 案例 07 聯慶報關公司吳○○等涉嫌集體行賄高雄關旗津分關關員案

- ◎案件類型：關務
- ◎主辦單位：航業調查處
- ◎起訴日期：103 年 5 月 8 日
- ◎起訴機關：高雄地方法院檢察署
- ◎起訴被告：吳○○ 等 21 人
- ◎起訴法條：貪污治罪條例第 5 條第 1 項第 3 款不違背職務之行為收受賄賂罪等

97 年至 102 年間，正尼公司實際負責人吳○○及股東林○○與聯慶、銘毅等 11 家報關行，為使受進口業者委託辦機器、冷凍品等進口貨品報關及通關業務，為免貨櫃遭驗貨關員刁難及抽核，能快速通關，致不影響進口商銷貨時效，以每張報單新臺幣（下同）500 元至 6,000 元不等賄款，分別以涼水費、快單費等名義，行賄業務二課驗貨關員，收賄關員計有課長吳○○、課長翁○○、股長陳○○、股長陳○○、股長李○○、股長郭○○、稽核柯○○及驗貨員林○○等人，合計索賄金額達 616 萬餘元。

## 案例 08 臺中市警察局員警蔡某等涉嫌不法案

- ◎案件類型：警政
- ◎主辦單位：臺中市調查處
- ◎起訴日期：103 年 6 月 12 日
- ◎起訴機關：臺中地方法院檢察署
- ◎起訴被告：蔡○○ 等 11 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

臺中市警局第一分局民權派出所員警蔡○○得悉女友賴○○在其負責警勤區內，承租臺中市五權一處大樓經營色情應召站，竟基於違背查緝職務而收受賄賂之犯意，而不予執行取締，包庇賴女經營應召站，每月並向賴女索取新臺幣（下同）3 至 5 萬元之賄款，作為包庇、通風報信之代價。102 年 11 月間，蔡○○得知同派出所員警林○○，將於特定期日查緝賴女所經營色情應召站，除將該查緝時日洩露給賴女知悉外，並於查緝當日前往應召站現場，替賴女關說，蔡○○合計索得賄款 78 萬元。

另色情業者林○○與其女友黃○○，在臺中市東興路等 3 處所開設色情應召站，林○○知悉蔡○○與賴○○為男女朋友關係，為避免蔡○○查緝其等經營應召站，於 100 年間由黃○○先與賴○○洽談合夥經營，賴女遂投資入股投資，嗣黃○○與蔡○○達成協議，每月須交付 3 萬元，作為蔡○○洩漏查緝訊息之代價，林○○為規避警方取締，同意蔡○○所提條件，每月由黃○○將 3 萬元現金委託友人轉交予賴○○，再轉交給蔡○○，林○○、黃○○總計交付蔡○○賄款 42 萬元。



## 案例 09 臺南市警局第五分局員警張○○等涉嫌不法案

- ◎案件類型：警政
- ◎主辦單位：南部地區機動工作站
- ◎起訴日期：103 年 8 月 15 日
- ◎起訴機關：臺南地方法院檢察署
- ◎起訴被告：張○○ 等 2 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

臺南市民葉○○於臺南市區開設迪斯妮咖啡坊及夢之鄉休閒廣場色情應召站，提供「半套」或「全套」性交易服務，為避免遭警方查緝，與舊識擔任第五分局督察組員警張○○協議，以顧問費名義，按月支付張○○現金賄款新臺幣（下同）1 萬元，由張○○出面排除查緝或員警刁難，合計張○○收受葉○○交付賄款達 15 萬元。

## 案例 10 臺南市官○鋼鐵公司擴廠環評作業等涉嫌不法案

- ◎案件類型：環保
- ◎主辦單位：臺南市調查處
- ◎起訴日期：104 年 1 月 16 日
- ◎起訴機關：臺南地方法院檢察署
- ◎起訴被告：郭○○ 等 2 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

臺南市議會副議長郭○○於 100 年 8 月間獲悉官○鋼鐵公司須辦理環評，遭到地方人士、鄰近居民組成自救會抗爭，郭○○乃指示助理郭○○出面向官○鋼鐵公司前董事長陳○○及現任董事長汪○○表示，該公司若要順利通過擴廠環評，希望該公司不要走錯路找錯人，事後官○鋼鐵公司仍持續受自救會抗爭不斷，乃聯繫郭○○尋求解決，陳、汪兩人畏懼郭某權勢，怕其藉故阻撓後續環評審查，致鉅額投資付諸流水，迫於無奈答應給予新臺幣（下同）1,200 萬元，郭○○因恐藉勢向官○鋼鐵公司勒索財物之行為日後遭司法機關偵辦，多次以人頭支票加郭○○個人簽字背書之模式，將收賄款項偽成為借款，藉此脫免刑責，期間郭○○均無讓支票兌現之意，前票不曾兌現，仍不斷索款，後因官○鋼鐵公司環差報告決議不通過，郭○○方停止後續索賄行為，合計郭○○利用其權勢共計勒索所得金額達 700 萬元。



## 案例 11 觀音工業區下水道系統營運中心陳○○等涉嫌貪瀆案

- ◎案件類型：環保
- ◎主辦單位：臺北市調查處
- ◎起訴日期：103 年 10 月 14 日
- ◎起訴機關：桃園地方法院檢察署
- ◎起訴被告：陳○○ 等 23 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

101 年 7 月間，經濟部依「促進民間參與公共建設法」辦理「桃園縣觀音工業區下水道系統擴建營運移轉案」（下稱：本 ROT 案），由上○環工公司取得最優申請人資格，雙方簽訂本 ROT 案契約，取得 20 年經營許可權，並依約設立觀音工業區下水道系統營運中心，為依法受託處理公共事務之權限。上○環工公司負責人陳○○、副總經理蔡○○、工業局環境保護中心稽核室北區組組長陳○○等，基於不法之犯意，以人頭設立華○林公司作為收取賄款之白手套公司，向觀音工業區內廠商佳○公司負責人姜○○，利○公司負責人陳○○等人收取賄款後，指示觀音污水廠副廠長邱○○，觀音污水廠處理管制組組長吳○○、檢驗組組長徐○○、操作組組長彭○○等人，未依規定進行廠商申請納管審查作業、對外稽查採樣、違規查報及水質檢驗業務，並於行政院環境保護署「事業廢棄物申報及管理資訊系統」申報不實資料，協助行賄廠商排放污水，合計渠等向觀音工業區內廠商收取賄款達新臺幣 302 萬元。



## 案例 12 基隆市議會議長黃○○涉嫌不法案

- ◎案件類型：其他
- ◎主辦單位：北部地區機動工作站
- ◎起訴日期：103 年 12 月 24 日
- ◎起訴機關：基隆地方法院檢察署
- ◎起訴被告：黃○○ 等 9 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

基隆市議會議長黃○○於 100 年起，在未實際購買議會禮品下，指示該議會總務組組員張○○，要求配合廠商安○商行林○○、泰○禮品行呂○○及曹○食品行曹○○等提供不實發票或收據，並持向該議會辦理核銷，俟款項核撥後再由廠商提現交付張員，張員復依黃○○指示將該等款項支用於渠私人用途，詐取新臺幣（下同）金額 914 萬餘元。

日○生公司「東京站」建案於 100 年 12 月間發生鄰地邊坡崩塌土石滑落，市議會議員鄭○○、陳○○遂提案質詢，黃○○配合出面要求市府協調停工，該公司副總經理劉○○為避免工期延宕，經黃員居間協調後，劉員偕同工地主任黃○○，分別以 50 萬元行賄鄭○○及陳○○。

基隆市議會 101 年 4 月間審議「月眉路都市計畫道路改善拓寬工程」經費預算案，因該拓寬案直接影響國○集團陳○○經營之「月眉土資場」及「擁恆文創園區」之開發利益，陳員遂透過黃○○，以議長影響力護航該預算案，惟因多數議員均持反對立場，黃○○遂與市議員鄭○○共同行賄反對市議員楊○○ 40 萬元，復以遊說其他議員之方式，於 101 年 12 月間通過系爭工程預算案。



## 案例 13 100 年陳○○等為臺南市第五選區立委候選人李○○賄選案

- ◎案件類型：中央公職人員賄選
- ◎主辦單位：臺南市調查處
- ◎起訴日期：102 年 5 月 30 日
- ◎起訴機關：臺南地方法院檢察署
- ◎起訴被告：陳○○ 等 3 人
- ◎起訴法條：公職人員選舉罷免法第 99 條第 1 項對有投票權人行賄罪

陳○○為支持李○○競選第 8 屆立法委員臺南市第 5 選區立法委員，於民國 100 年 4 月 20 日，中國國民黨發布新聞確定徵召李○○參選臺南市第 5 選區立法委員後，分別與陳○○、陳○○共同基於投票行賄之犯意聯絡，由陳男及陳女於 100 年 7 月 21 日，打電話向第 8 屆立法委員選舉臺南市第 5 選區內有投票權之蘇○○，以每票茶葉 1 斤之對價，行求期約投票給參選之李○○。

## 案例 14 103 年臺南市第二屆正副議長選舉涉嫌賄選案

- ◎案件類型：地方公職人員賄選
- ◎主辦單位：臺南市調查處
- ◎起訴日期：104 年 4 月 1 日
- ◎起訴機關：臺南地方法院檢察署
- ◎起訴被告：李○○ 等 7 人
- ◎起訴法條：公職人員選舉罷免法第 100 條第 1 項對地方民意機關正副首長選舉有票權人行賄罪

李○○於 103 年中決意參選臺南市議會第二屆議員起，即有意競逐議長之位，與羅○○、卓○○、楊○○、郭○○、林○○、蔡○○等人共同基於賄選之犯意為：（一）李○○透過羅○○、卓○○向有投票權人之無黨籍市議員谷○·哈○表示，提供新臺幣（下同）100 萬元政治獻金給谷○·哈○，供其選舉之用，要求支持李○○參選議長，但經谷○·哈○拒絕。（二）李○○透過楊明達對市議員候選人林○○表示，提供 30 萬元放在楊○○處，林○○可取用，並請林○○於議長選舉時能支持李○○參選議長，但經林○○拒絕。（三）李○○、郭○○搭擋參選正副議長後，透過林○○、蔡○○對市議員當選人侯○○、蔡蘇○○、賴○○及唐○○，以手勢比出「1」（意指賄款 1000 萬元）之代價，要求於正副議長選舉時，投票支持李○○、郭○○，為行求賄選，惟遭侯○○明確拒絕。



## 案例 15 103 年彰化縣縣議員選舉候選人蕭○○涉嫌賄選案

- ◎案件類型：地方公職人員賄選
- ◎主辦單位：彰化縣調查站
- ◎起訴日期：103 年 9 月 22 日
- ◎起訴機關：彰化地方法院檢察署
- ◎起訴被告：蕭○○
- ◎起訴法條：公職人員選舉罷免法第 97 條第 1 項對有候選人行賄而約其放棄競選罪

103 年 1 月 23 日民進黨彰化縣黨部公告辦理第 18 屆彰化縣議員選舉黨內提名作業，黨員蕭○○與同黨黨員許○○具參選資格，均有意投入縣議員選舉第六選區黨內初選，蕭○○為提高其個人獲黨內提名及當選之公算，基於行求、期約或交付賄賂之犯意，於辦理黨內提名作業期間之 103 年 2 月 8 日晚間九時許，於彰化縣員林鎮中山路之風尚人文咖啡館內，對具有黨內初選候選資格之許○○，以新臺幣(下同)200 萬元賄賂向許○○行求，要求允諾放棄參加黨內初選競選作為及嗣後舉行之該選區縣議員選舉，遭許○○拒絕後，蕭○○又再次要求期約或收受賄賂之犯意，要求許○○對其支付 200 萬元賄賂，渠則許諾放棄參加黨內初選競選作為，亦遭許○○拒絕。

## 案例 16 103 年新竹市市議員選舉候選人謝○○涉嫌賄選案

- ◎案件類型：地方公職人員賄選
- ◎主辦單位：新竹市調查站
- ◎起訴日期：103 年 12 月 10 日
- ◎起訴機關：新竹地方法院檢察署
- ◎起訴被告：謝○○ 等 4 人
- ◎起訴法條：公職人員選舉罷免法第 99 條第 1 項對有投票權人行賄罪

新竹市市議員候選人謝○○為求勝選，與競選總幹事韓○○、樁腳彭○○、吳○○、張○○等人共同基於賄選犯意，由韓○○及彭○○共同於 103 年 10 月初某日，依吳○○抄錄里內選民吳○○等人名冊，由吳○○於 103 年 10 月 15 日，以每票新臺幣（下同）1,000 元，依吳○○提供選民名冊進行賄選。

張○○與韓○○復又共同於 103 年 10 月間某日，拜託復中里里長王○○抄錄可供行賄之有投票權人員蘇○○、彭蔡○○、魏黃○○等人名冊，嗣於同年 10 月底某日，由張○○依王○○提供選民名冊，以每人 1000 元現金，進行買票賄選。





表 2-01 103 年案件偵辦工作統計總表

Table 2-01 Summary Table of the Investigation Work Performed in 2014

單位：案

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	502	經本局偵辦後，於103年間以移送書方式送檢察機關者。 Cases referred officially to prosecutors for indictments in 2014 after investigations
	函送起訴 Forwarded to Prosecutors	15	經本局偵辦後，以函文方式送檢察機關，檢察機關嗣於103年間起訴者。 Cases forwarded to prosecutors with written reports and indicted afterward in 2014 after investigations.
	其 他 Others	22	經本局配合檢方偵辦，檢察機關於103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 2014 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio.
	小 計 Subtotal	539	占全年成果統計案數93.7%。 Accounts for 93.7% of the year.
賄選案件 Vote-buying Cases		39	經本局配合檢方偵辦，檢察機關於103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6.3%。 The Bureau has cooperated with the prosecutors in the investigation, whereby the prosecution agencies have in 2014 brought indictments, summary judgments, deferred prosecutions, or non-prosecutions ex officio., which accounts for 6.3%.
總計 Total		578	註1：本表統計期間為103年1月1日至103年12月31日。 Note 1 : The period for statistics is between January 1 and December 31, 2014. 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 2-02 103 年移送案件統計總表

Table 2-02 Summary of Statistics on Cases Referred in 2014

單位：案、人、元  
Unit : case/person/TWD

類型 Category	項目 Item	案數 No. of Cases	嫌疑人數 No. of Suspects			涉案金額 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 Corruption/Malfeasance	公共工程 Public works	36	76	0	146	167,700,673	552,711,495	229,397,462	30,000
	採購 Procurement	32	107	1	134	139,715,866	12,173,497	560,586,731	99,976,900
	司法貪瀆 Judicial corruption and malfeasance	3	4	0	2	2,149,400	21,500	—	900,000
	警政 Police administration	29	41	0	40	10,229,905	12,481,800	—	2,413,027
	消防 Fire fighting	0	0	0	0	—	—	—	—
	矯正 Correction	1	7	0	9	1,630,013	—	—	—
	都市計畫 Urban planning	0	0	0	0	—	—	—	—
	建管 Construction management	8	15	0	12	4,017,892	19,318,548	—	—
	地政 Land administration	2	3	0	3	257,500	40,110,000	—	—
	稅務 Taxation	1	1	0	0	—	—	—	4,200
	關務 Customs affairs	4	27	0	29	6,405,450	20,168	—	—
	金融 Financial affairs	0	0	0	0	—	—	—	—
	醫療 Medical care	2	5	0	0	94,785	386,124,127	—	—
	教育 Education	4	28	0	2	341,616	—	—	11,226,084
	工商登記 Company registration	0	0	0	0	—	—	—	—
	監理 Motor vehicle management	1	7	0	0	—	96,321,006	—	—
	殯葬 Mortuary Service	1	1	0	0	—	—	—	—
	環保 Environment protection	5	11	2	16	14,979,998	—	—	4,281,102
	破壞國土 Spoil of land conservation	3	11	0	0	—	136,304,034	—	—
	河川及砂石管理 Rivers and gravel management	0	0	0	0	—	—	—	—
社福補助 Public welfare subsidy	1	2	0	0	—	45,000	—	—	
補助款 Subvention	5	18	0	7	27,859,365	200,000	—	—	
其他 Others	37	71	6	48	95,464,428	1,239,514,709	—	8,654,378	
小計 Sub-total	175	435	9	448	470,846,891	2,495,345,884	789,984,193	127,485,691	
非 Non-Corruption/Malfeasance	公共工程 Public works	61	0	1	178	—	—	9,432,448,173	135,124,304
	採購 Procurement	136	17	1	374	—	—	4,196,120,146	457,454,066
	司法詐欺 Judicial fraud	9	1	0	13	—	—	—	27,647,000
	警政 Police administration	1	1	0	0	—	—	—	—
	消防 Fire fighting	1	1	0	0	—	—	—	32,000
	都市計畫 Urban planning	17	0	0	34	—	—	—	—
	關務 Customs affairs	1	0	0	3	—	—	—	180,000
	金融 Financial affairs	1	0	0	2	—	—	—	13,950,000
	醫療 Medical care	4	12	0	11	—	—	—	31,051,072
	教育 Education	3	11	0	3	—	—	—	575,590
	環保 Environment protection	19	0	0	77	—	—	—	—
	破壞國土 Spoil of land conservation	65	2	1	116	—	—	—	158,660,000
	其他 Others	9	11	0	7	—	—	—	35,029,390
	小計 Sub-total	327	56	3	818	—	—	13,628,568,319	859,703,422
	總計 Total	502	491	12	1266	470,846,891	2,495,345,884	28,047,120,831	987,189,113

**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	99年 2010	100年 2011	101年 2012	102年 2013	103年 2014	合計 Total	
貪 Corruption/Malfeasance	公共工程 Public works	59	58	46	45	36	244	
	採購 Procurement	38	53	61	156	32	340	
	司法貪瀆 Judicial corruption and malfeasance	1	2	3	4	3	13	
	警政 Police administration	24	35	24	40	29	152	
	消防 Fire fighting	2	1	2	2	0	7	
	矯正 Correction	6	2	4	1	1	14	
	都市計畫 Urban planning	1	5	1	0	0	7	
	建管 Construction management	5	7	5	3	8	28	
	地政 Land administration	3	7	2	3	2	17	
	稅務 Taxation	2	0	2	2	1	7	
	關務 Customs affairs	2	7	1	4	4	18	
	金融 Financial affairs	1	0	0	0	0	1	
	醫療 Medical care	2	8	0	2	2	14	
	教育 Education	5	4	7	2	4	22	
	工商登記 Company registration	0	0	0	0	0	0	
	監理 Motor vehicle management	1	1	2	2	1	7	
	殯葬 Mortuary Service	7	4	2	0	1	14	
	環保 Environment protection	8	12	5	5	5	35	
	破壞國土 Spoil of land conservation	0	1	0	0	3	4	
	河川及砂石管理 Rivers and gravel management	1	2	1	0	0	4	
	社福補助 Public welfare subsidy	1	1	1	3	1	7	
	補助款 Subvention	1	9	4	6	5	25	
	其他 Others	80	85	47	48	37	297	
	<b>小計 Sub-total</b>		<b>250</b>	<b>304</b>	<b>220</b>	<b>328</b>	<b>175</b>	<b>1,277</b>
	非 Non-Corruption/Malfeasance	公共工程 Public works	101	73	69	69	61	373
採購 Procurement		128	119	105	107	136	595	
司法詐欺 Judicial fraud		7	10	14	6	9	46	
警政 Police administration		0	0	0	0	1	1	
消防 Fire fighting		0	0	0	0	1	1	
都市計畫 Urban planning		0	0	0	0	17	17	
關務 Customs affairs		0	0	0	0	1	1	
金融 Financial affairs		0	0	0	0	1	1	
醫療 Medical care		4	3	1	2	4	14	
教育 Education		10	14	17	6	3	50	
環保 Environment protection		3	13	22	11	19	68	
破壞國土 Spoil of land conservation		17	18	16	12	65	128	
其他 Others		24	20	14	12	9	79	
<b>小計 Sub-total</b>			<b>294</b>	<b>270</b>	<b>258</b>	<b>225</b>	<b>327</b>	<b>1,374</b>
<b>總計 Total</b>		<b>544</b>	<b>574</b>	<b>478</b>	<b>553</b>	<b>502</b>	<b>2,651</b>	

表 2-04 103 年移送案件案源統計表

Table 2-04 Statistics of Case Sources on Cases Referred in 2014

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	21	2	18	2	124	8	175
非貪瀆案件 Non-Corruption/ Malfeasance	41	2	87	16	147	34	327
總計 Total	62	4	105	18	271	42	502

**表 2-05 103 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 2014**
**單位：案**  
**Unit: case**

類型 Category	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	
貪 瀆	公共工程 Public works	35	—	1	0	36	
	採購 Procurement	27	—	5	0	32	
	司法貪瀆 Judicial corruption and malfeasance	3	—	0	0	3	
	警政 Police administration	17	—	12	0	29	
	消防 Fire fighting	0	—	0	0	0	
	矯正 Correction	1	—	0	0	1	
	都市計畫 Urban planning	0	—	0	0	0	
	建管 Construction management	8	—	0	0	8	
	地政 Land administration	2	—	0	0	2	
	稅務 Taxation	0	—	1	0	1	
	關務 Customs affairs	4	—	0	0	4	
	金融 Financial affairs	0	—	0	0	0	
	醫療 Medical care	2	—	0	0	2	
	教育 Education	4	—	0	0	4	
	工商登記 Company registration	0	—	0	0	0	
	監理 Motor vehicle management	1	—	0	0	1	
	殯葬 Mortuary Service	0	—	1	0	1	
	環保 Environment protection	5	—	0	0	5	
	破壞國土 Spoil of land conservation	3	—	0	0	3	
	河川及砂石管理 Rivers and gravel management	0	—	0	0	0	
	社福補助 Public welfare subsidy	1	—	0	0	1	
	補助款 Subvention	5	—	0	0	5	
	其他 Others	27	—	8	2	37	
	<b>小計 Sub-total</b>		<b>145</b>	<b>—</b>	<b>28</b>	<b>2</b>	<b>175</b>
	非 貪 瀆	公共工程 Public works	—	49	12	0	61
		採購 Procurement	—	118	17	1	136
		司法詐欺 Judicial fraud	—	0	9	0	9
警政 Police administration		—	0	1	0	1	
消防 Fire fighting		—	0	1	0	1	
都市計畫 Urban planning		—	0	1	16	17	
關務 Customs affairs		—	0	1	0	1	
金融 Financial affairs		—	0	1	0	1	
醫療 Medical care		—	0	4	0	4	
教育 Education		—	0	3	0	3	
環保 Environment protection		—	0	1	18	19	
破壞國土 Spoil of land conservation		—	0	46	19	65	
其他 Others		—	0	9	0	9	
<b>小計 Sub-total</b>			<b>—</b>	<b>167</b>	<b>106</b>	<b>54</b>	<b>327</b>
<b>總計 Total</b>			<b>145</b>	<b>167</b>	<b>134</b>	<b>56</b>	<b>502</b>



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	99年 2010		100年 2011		101年 2012		102年 2013		103年 2014	
		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		217	39.8%	247	42.9%	200	41.8%	299	54.1%	145	28.9%
政府採購法 Government Procurement Act		200	36.8%	177	30.8%	159	33.3%	157	28.4%	169	33.7%
刑法 Criminal Code		110	20.2%	120	20.9%	83	17.4%	74	13.4%	132	26.3%
毒品危害防制條例 Narcotics Control Act		0	0.0%	1	0.2%	0	0.0%	1	0.2%	0	0.0%
槍砲彈藥刀械管制條例 Guns, Ammunition and Knives Controlling Act		2	0.4%	0	0.0%	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		2	0.4%	0	0.0%	0	0.0%	1	0.2%	3	0.6%
廢棄物清理法 Waste Disposal Act		4	0.7%	13	2.3%	23	4.8%	10	1.8%	18	3.6%
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		1	0.2%	5	0.9%	2	0.4%	3	0.5%	10	2.0%
山坡地保育利用條例 Slope Land Conservation and Utilization Act		4	0.7%	1	0.2%	1	0.2%	2	0.4%	7	1.4%
都市計畫法 Urban Planning Act		1	0.2%	0	0.0%	0	0.0%	0	0.0%	2	0.4%
區域計畫法 Regional Planning Act		1	0.2%	8	1.4%	5	1.0%	4	0.7%	14	2.8%
律師法 Attorney Regulation Act		1	0.2%	1	0.2%	4	0.8%	0	0.0%	0	0.0%
水利法 Water Act		0	0.0%	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%	1	0.2%	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		0	0.0%	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		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
政治獻金法 Political Donations Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
總計 Total		544	100.0%	574	100.0%	478	100.0%	553	100.0%	502	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	99年 2010		100年 2011		101年 2012		102年 2013		103年 2014	
		人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %	人數 No. of suspect	百分比 %
貪污治罪條例 Anti-corruption Act		764	37.8%	874	38.9%	825	45.1%	1532	57.2%	831	46.5%
政府採購法 Government Procurement Act		764	37.8%	754	33.6%	535	29.2%	604	22.5%	504	28.2%
刑法 Criminal Code		435	21.4%	525	23.4%	354	19.3%	460	17.2%	327	18.3%
毒品危害防制條例 Narcotics Control Act		1	0.1%	1	0.05%	5	0.3%	1	0.0%	0	0.0%
槍砲彈藥刀械管制條例 Guns, Ammunition and Knives Controlling Act		10	0.5%	1	0.05%	0	0.0%	2	0.1%	0	0.0%
懲治走私條例 Smuggling Punishment Act		0	0.0%	4	0.2%	0	0.0%	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		4	0.2%	0	0.0%	0	0.0%	1	0.0%	3	0.2%
廢棄物清理法 Waste Disposal Act		14	0.7%	17	0.8%	37	2.0%	18	0.7%	67	3.7%
森林法 Forestry Act		1	0.1%	2	0.1%	15	0.8%	23	0.9%	1	0.1%
水土保持法 Soil and Water Conservation Act		2	0.1%	10	0.4%	2	0.1%	4	0.1%	21	1.2%
山坡地保育利用條例 Slope Land Conservation and Utilization Act		8	0.4%	1	0.05%	4	0.2%	1	0.0%	12	0.7%
都市計畫法 Urban Planning Act		1	0.1%	0	0.0%	0	0.0%	0	0.0%	2	0.1%
區域計畫法 Regional Planning Act		2	0.1%	17	0.8%	9	0.5%	4	0.1%	19	1.1%
商業會計法 Business Accounting Act		9	0.4%	28	1.2%	35	1.9%	24	0.9%	0	0.0%
稅捐稽徵法 Tax Collection Act		0	0.0%	3	0.1%	1	0.1%	0	0.0%	0	0.0%
洗錢防制法 Money Laundering Control Act		3	0.1%	4	0.2%	2	0.1%	5	0.2%	0	0.0%
律師法 Attorney Regulation Act		2	0.1%	1	0.05%	6	0.3%	0	0.0%	0	0.0%
電腦處理個人資料保護法 Computer-Processed Personal Data Protection Act		0	0.0%	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		0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
政治獻金法 Political Donations Act		0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	0.1%
其他法律 Others		3	0.1%	2	0.1%	0	0.0%	1	0.0%	0	0.0%
總計 Total		2,023	100.0%	2,244	100.0%	1,830	100.0%	2,680	100.0%	1,789	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	99年 2010	100年 2011	101年 2012	102年 2013	103年 2014
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.	22	20	10	12	7
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.	9	10	7	8	5
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.	23	23	15	19	10
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.	30	28	39	28	25
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.	44	61	46	157	24
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.	24	21	31	25	25
6	1	1	意圖得利，抑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.	1	0	0	1	0
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.	2	6	1	2	3
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.	58	76	50	43	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.	3	2	1	4	1
6-1 6-1			公務員財產增加與收入顯不相當，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	1
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.	1	0	0	0	1
總計 Total				217	247	200	299	145

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)

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

單位：案  
Unit: case

條 Article	項 Paragraph	罪名 Description	99年 2010	100年 2011	101年 2012	102年 2013	103年 2014
122	2	違背職務受賄罪 Offense of accepting bribes and breaching one's duties	0	0	0	1	0
123	1	準受賄罪 Quasi-bribery-taking	0	0	0	0	1
129	2	違法扣留或迴扣款物罪 A civil servant intercepting or embezzling money or objects that should be issued to people	0	3	0	1	0
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	3	15	6	5	12
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	1	0	1	0	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	1	0
138		妨害職務上掌管之文書物品罪 Destroying or hiding documents, objects supervised by civil servants	0	0	1	0	0
157	1	挑唆包攬訴訟罪 Luring someone to enter a lawsuit and then taking the case	1	0	0	0	1
165		湮滅刑事證據罪 Destruction of criminal evidence	0	0	0	0	1
168		偽證罪 Perjury	2	0	0	0	0
169	1	誣告罪 Malicious accusation	0	0	0	0	1
210		偽造、變造私文書罪 Forgery of private documents	0	3	4	1	6
211		偽造、變造公文書罪 Forgery of private documents	1	1	2	1	2
212		偽造變造特種文書罪 Forgery of limited kinds of documents	0	0	0	0	0
213		公文書不實登載罪 A civil servant fraudulently filling in something on official documents	15	17	5	12	7
214		使公務員登載不實罪 Causing a civil servant to make fraudulent entries into official documents	3	1	0	1	1
215		業務上文書登載不實罪 Fraudulently filling in something on private documents due to business	5	3	2	4	1
216		行使偽變造或登載不實文書罪 Using the forged, falsified, or false information-entry documents	4	3	0	2	5
217	1	偽造印章印文或署押罪 Forging a seal, the impression of a seal, or a signature	0	1	0	0	0
217	2	盜用印章印文或署押罪 Using a seal, the impression of a seal without authority	0	0	0	0	1
218	1	偽造公印或公印文罪 Forging a public seal or the impression of a public seal	1	0	0	0	0
218	2	盜用公印或公印文罪 Using a public seal or the impression of a public seal without authority	0	0	1	0	0
231	2	公務員包庇媒介性交及猥褻罪 A civil servant harboring a person who makes others to have sexual intercourse	0	1	0	0	1
266	1	普通賭博罪 Gambling	0	0	0	0	0
268		聚眾賭博 Organized gambling parties	0	0	0	1	1
304	1	強制罪 Offense of coercion	0	0	0	0	1
305		恐嚇危害安全罪 Threatening to cause injury to the life, body, freedom, or property of another	0	1	0	0	0
320	1	竊盜罪 Larceny	0	2	0	1	4
320	2	竊佔罪 Larceny of real estate	12	5	7	3	42
321	1	加重竊盜罪 Larceny accompanied with gangs or weapons, or by way of intrusion, or performing at night	1	0	0	0	0
335	1	侵占罪 Embezzlement	0	1	0	1	1
336	1	公務公益侵占罪 Embezzling properties possessed on the occasion of official matters or public welfare	1	3	2	0	0
336	2	業務侵占罪 Embezzling properties possessed on the occasion of profession or business	8	4	4	1	2
339	1	普通詐欺取財罪 Fraud (illegally gaining properties)	38	38	34	33	26
339	2	普通詐欺得利罪 Fraud (illegally gaining profits)	2	2	3	0	0
339	3	詐欺未遂罪 Failure of fraud	1	0	1	1	2
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	1	0	0	0
342	1	背信罪 Abuse of trust	11	15	10	4	13
總計 Total			110	120	83	74	132

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)

Table 2-10 Statistics of Suspect Demographics in Cases Referred in the Past 5 Years  
(By Status and Gender)

單位：人  
Unit: person

年度 Year	類別 Status	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-civil 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	
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		
103年		72	1	162	25	86	9	101	33	18	3	1,057	222	1,789
2014		73		187		95		134		21		1,279		
總計 Total		533	68	1,268	159	841	149	430	129	171	39	5,525	1,254	10,566
		601		1,427		990		559		210		6,779		



表 2-11 103 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）

Table 2-11 Statistics of Suspect Demographics in Cases Referred in 2014  
(By Applicable Laws and Status)

單位：人  
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		64	0	9	0	73
中階公務員 Middle-ranking civil servant		143	1	43	0	187
低階公務員 Low-ranking civil servant		63	0	32	0	95
準公務員 Quasi-civil servant		121	0	13	0	134
民意代表 Representative		18	2	0	1	21
非公職人員 Non-civil servant		422	501	230	126	1,279
總計 Total		831	504	327	127	1,789

表 2-12 103 年移送案件嫌疑人資料統計表之二（以學歷及身分統計）

Table 2-12 Statistics of Suspect Demographics in Cases Referred in 2014  
(By Education and Identification)

單位：人  
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		36	25	2	4	3	3
中階公務員 Middle-ranking civil servant		58	45	37	7	6	34	187
低階公務員 Low-ranking civil servant		6	26	37	19	3	4	95
準公務員 Quasi-civil servant		25	33	22	24	2	28	134
民意代表 Representative		2	4	2	7	2	4	21
非公職人員 Non-civil servant		79	247	205	346	235	167	1,279
總計 Total		206	380	305	407	251	240	1,789

**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 Representatives		人數 Suspect count						地方自治團體首長 Principal of local self-governing body	人數 Suspect count					
		99年 2010	100年 2011	101年 2012	102年 2013	103年 2014	合計 Total		99年 2010	100年 2011	101年 2012	102年 2013	103年 2014	合計 Total
立法院 Legislative Yuan	立法委員 Legislator	1	2	3	0	0	6	縣市長 Mayor of County / City	0	1	6	1	1	9
縣市議會 County/City Council	議長 The Speaker of the Council	2	0	0	0	0	2	鄉鎮市長 Mayor of Township	36	33	15	29	9	122
	副議長 The Vice- speaker of the Council	0	0	0	1	1	2	村里長 Village Chief	17	28	21	50	6	122
	縣市議員 County/City Councillor	9	9	5	44	6	73							
鄉鎮市民代表 會 Township Council	主席 Chairperson of the Council	14	8	4	4	4	34							
	副主席 Vice- chairperson of the Council	3	3	2	1	1	10							
	代表 Township Councillor	27	19	6	25	9	86							
總計 Total		56	41	20	75	21	213	總計 Total	53	62	42	80	16	253

表 2-14 歷年賄選案件起訴情形統計表（以案數統計）

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

單位：案  
Unit: case

選舉別 年度 Category 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
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
103年 2014	0	0	0	2	8	1	1	4	6	4	0	13	39
總計 Total	30	2	125	371	523	494	99	752	291	310	17	12	3,039

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）**
**Table 2-15 Statistics of No. of Suspects in Indicted Vote-buying Cases in the Past 10 Years**
**單位：人**  
**Unit: person**

選舉別 年度 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
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
103年 2014	0	0	0	17	19	3	4	7	33	18	0	82	183
總計 Total	61	19	283	1,556	1,568	1,485	664	2,476	744	637	9	47	9,631

**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 2-16 103 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)

Table 2-16 Table 2-16 Statistics of Vote-buying Cases Indicted in 2014

(By Key Applicable Laws and No. of Defendants)

單位：人  
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 for making candidates abandon campaign for elections)	5	0	0	0	5
	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 (Offering bribes to voters)	78	0	0	0	78
	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 voters 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 (Voters 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 (Eligible voters taking bribes)	7	0	0	0	7
	第47條之1第1項第2款 (對有選舉權人行賄罪) Subparagraph 2, Paragraph 1, Article 47-1 (Offering bribes to eligible voters)	2	0	0	0	2
	第47條之1第1項第3款 (對候選人行賄而約其放棄競選罪) Subparagraph 3, Paragraph 1, Article 47-1 (Offering bribes for making candidates abandon campaign for elections)	5	0	0	0	5
	第47條之1第1項第4款 (候選人受賄而許以放棄競選罪) Subparagraph 4, Paragraph 1, Article 47-1 (Candidates taking bribes in consideration of quitting the campaign)	4	0	0	0	4
漁會法 The Fishermen Association Act	第50條之1第1項第2款 (對有選舉權人行賄罪) Subparagraph 2, Paragraph 1, Article 50 (Offering bribes to eligible voters)	0	0	0	0	0
農田水利會 組織通則 Organic Act of the Irrigation Association	第38條之1第1項第1款 (有選舉權人受賄罪) Subparagraph 1, Paragraph 1, Article 38 (Eligible voters taking bribes)	1	0	33	2	36
	第38條之1第1項第2款 (對有選舉權人行賄罪) Subparagraph 2, Paragraph 1, Article 38 (Offering bribes to eligible voters)	40	0	0	0	40
	第38條之1第1項第3款 (對候選人行賄而約其放棄競選罪) Subparagraph 3, Paragraph 1, Article 38 (Offering bribes for making candidates abandon campaign for elections)	6	0	0	0	6
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)	0	0	0	0	0
	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 (Offenses of gambling)	0	0	0	0	0
總計 Total		148	0	33	2	183

表 2-17 近六年賄選案件賄選型態統計表

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

單位：案  
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
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
103年 2014		31	5	1	0	0	2	39
總計 Total		664	62	18	8	13	62	827

圖目錄

圖 2-01 103 年移送案件案源比例圖

Figure2-01 Scale Drawing of Case Sources on Cases Referred in 2014

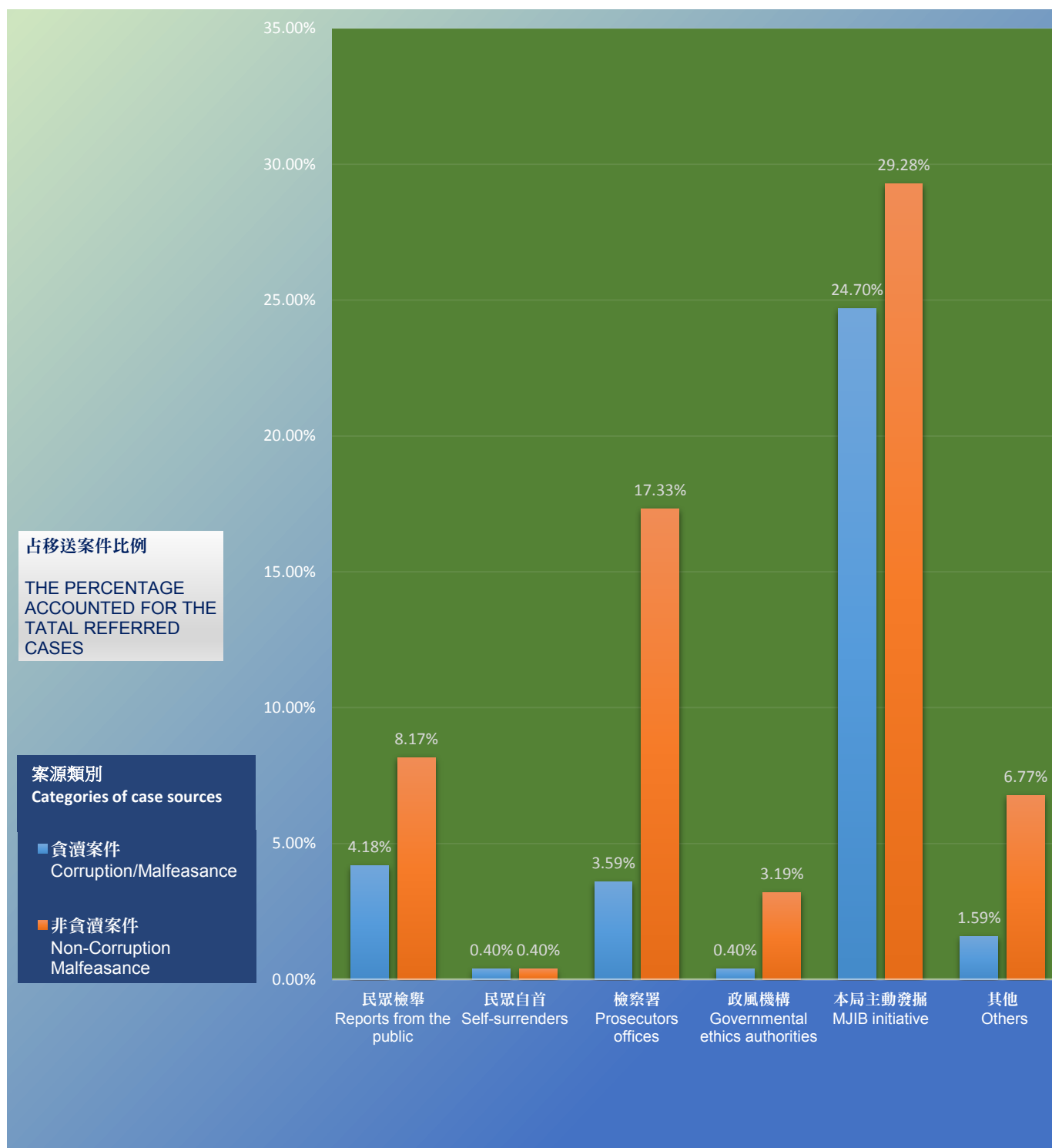


圖 2-02 103 年移送案件主要適用法律比例圖之一（以案數統計）

Figure 2-02 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2014  
(By No. of Cases)

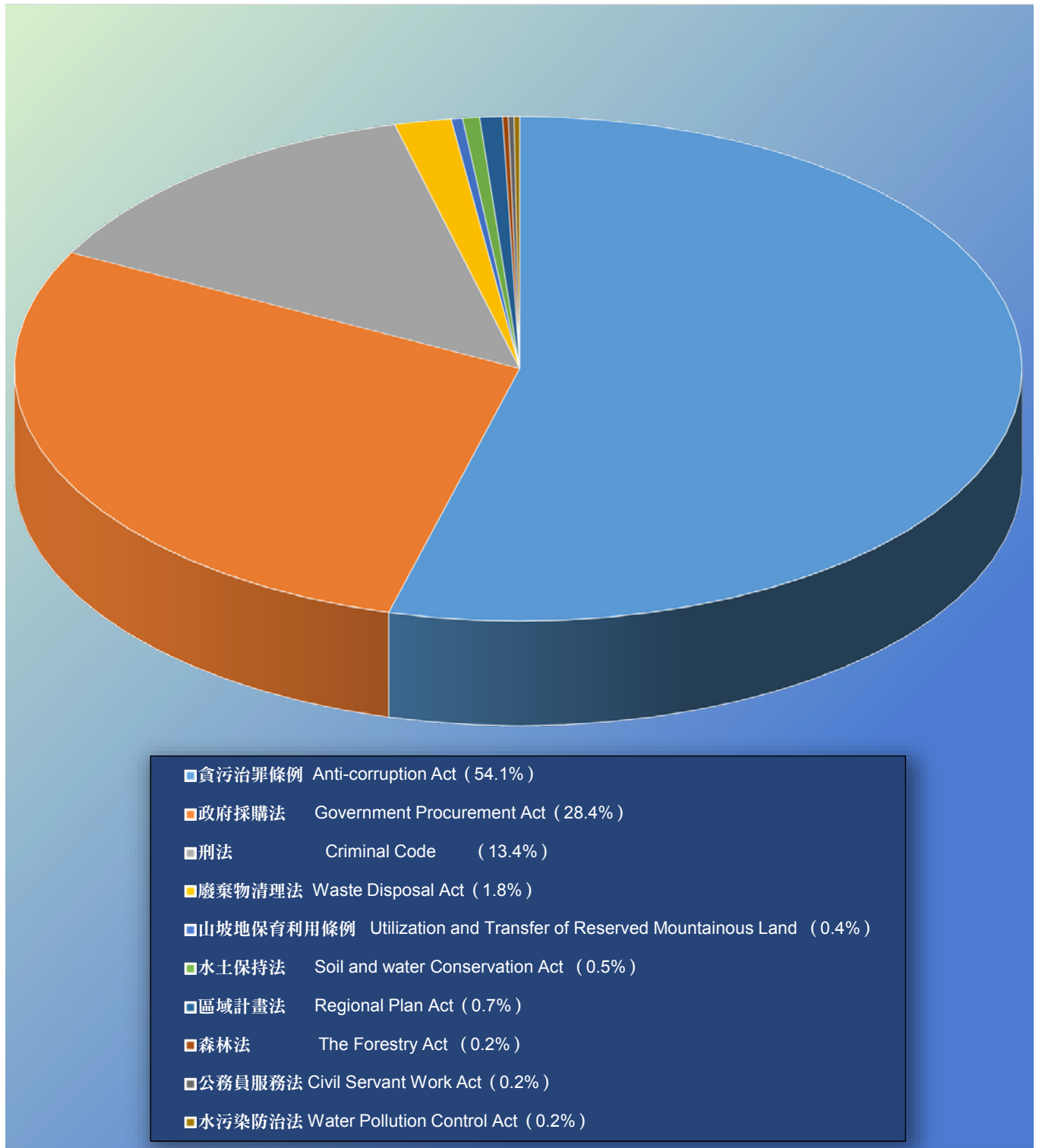


圖 2-03 103 年移送案件主要適用法律比例圖之二 (以人數統計)

Figure 2-03 Pie Chart of Ratios of Key Applicable Laws on Cases Referred in 2014  
(By No. of Suspects)

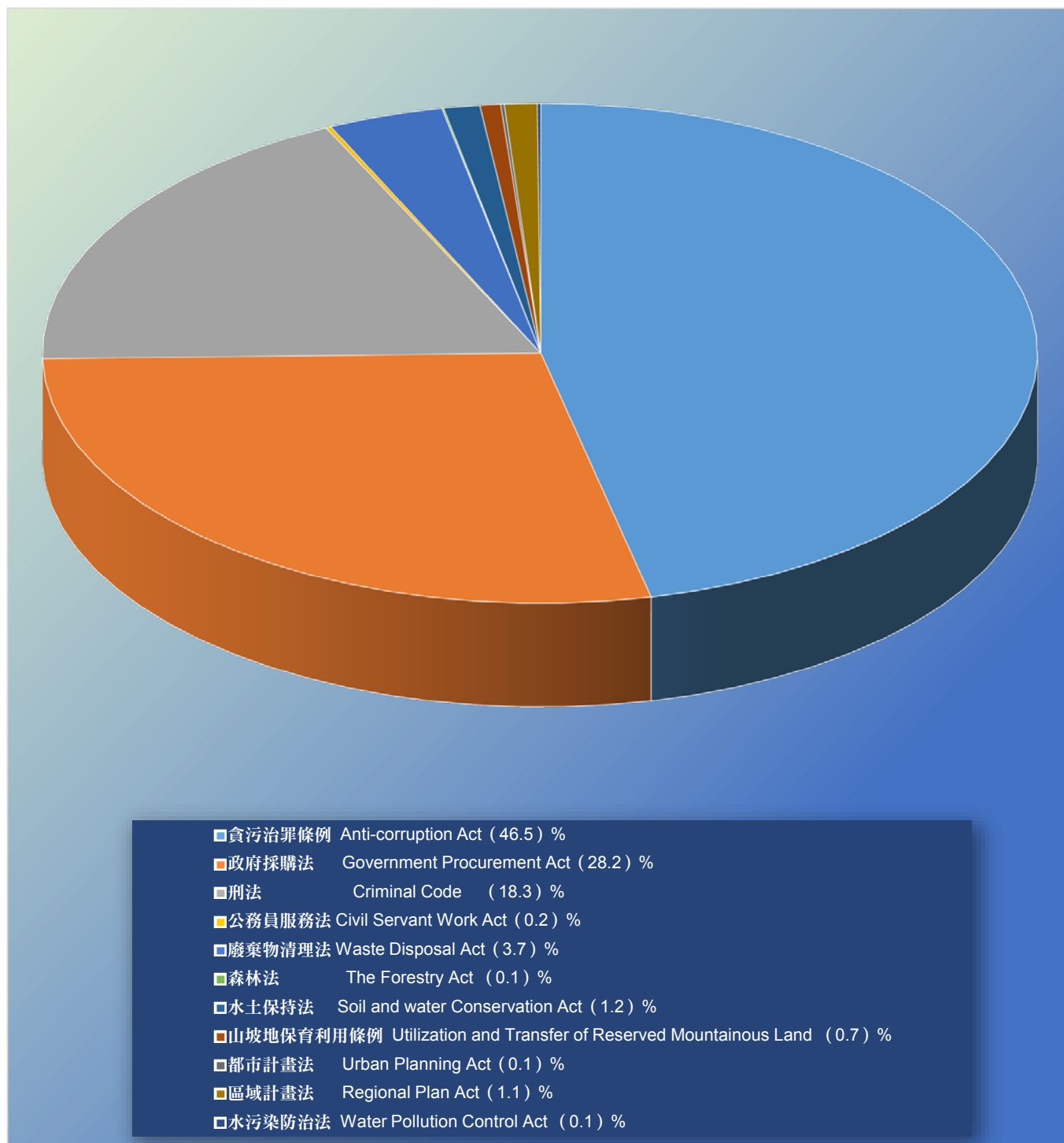




圖 2-04 103 年移送案件嫌疑人性別身分比例圖

Figure 2-04 Bar Chart of Ratios of Suspects' Gender and Status Information on Cases Referred in 2014 (By Status and Gender)

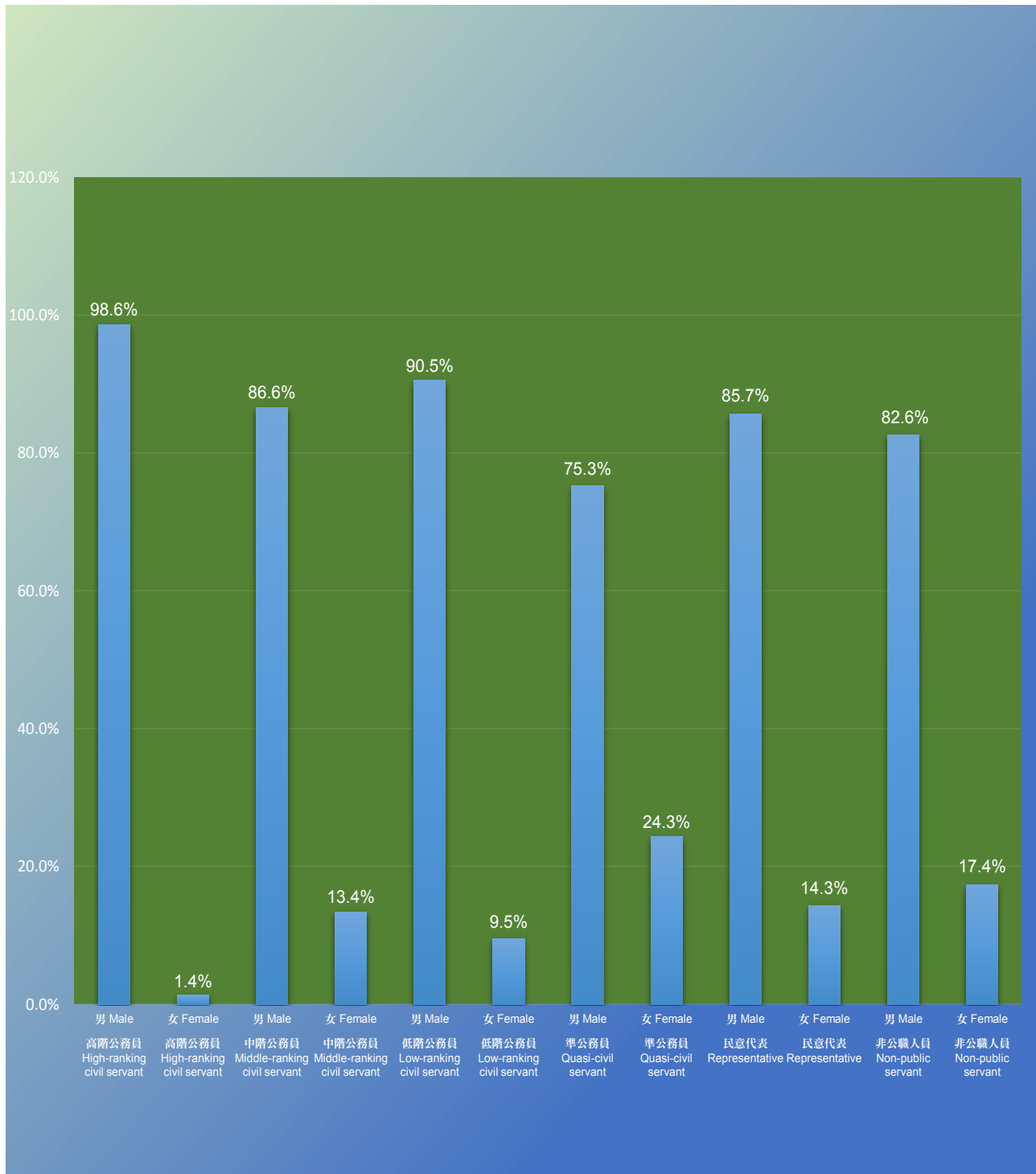


圖 2-05 近五年移送公職人員身分比例圖

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

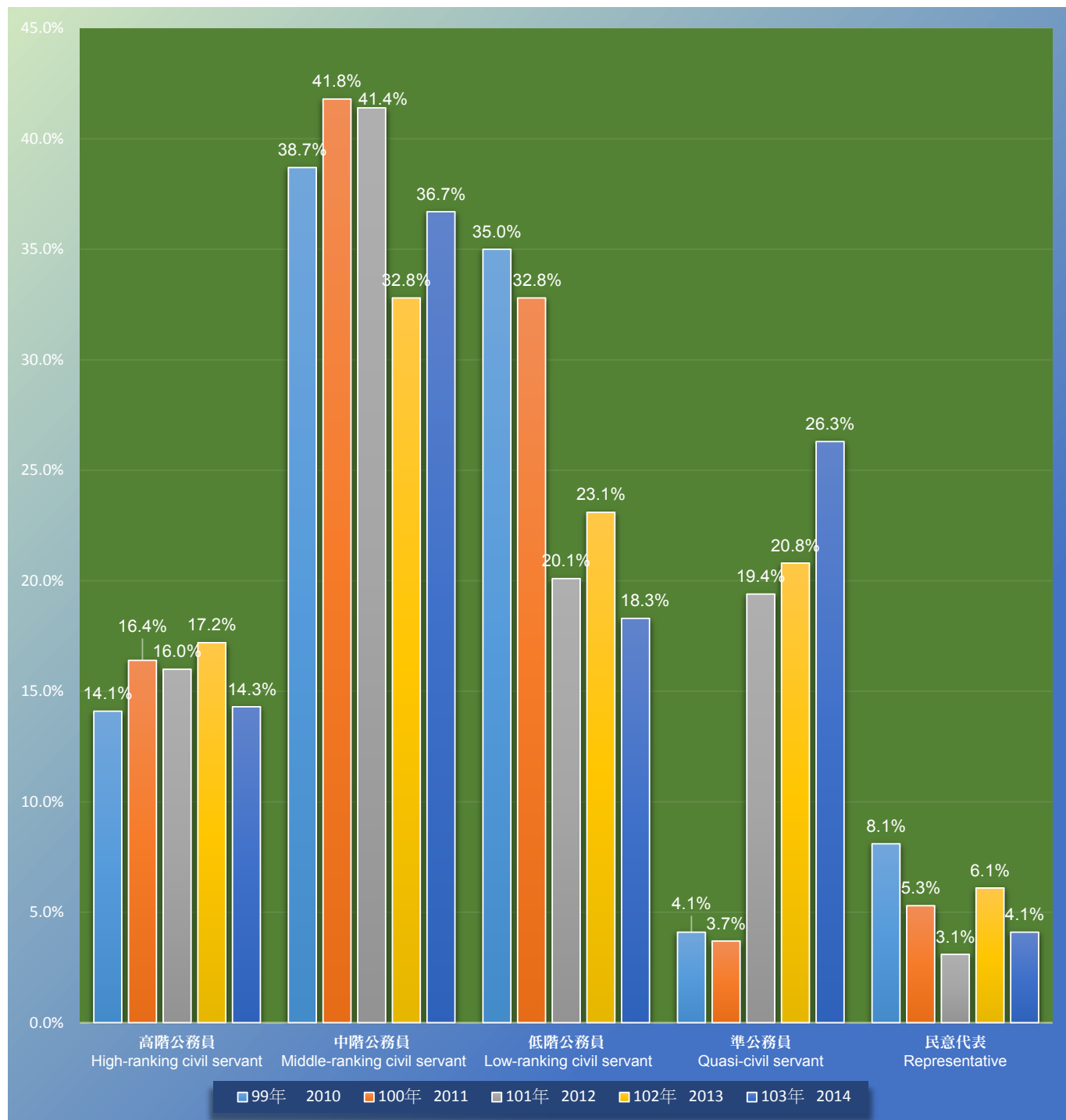


圖 2-06 近五年移送公職人員學歷比例圖

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

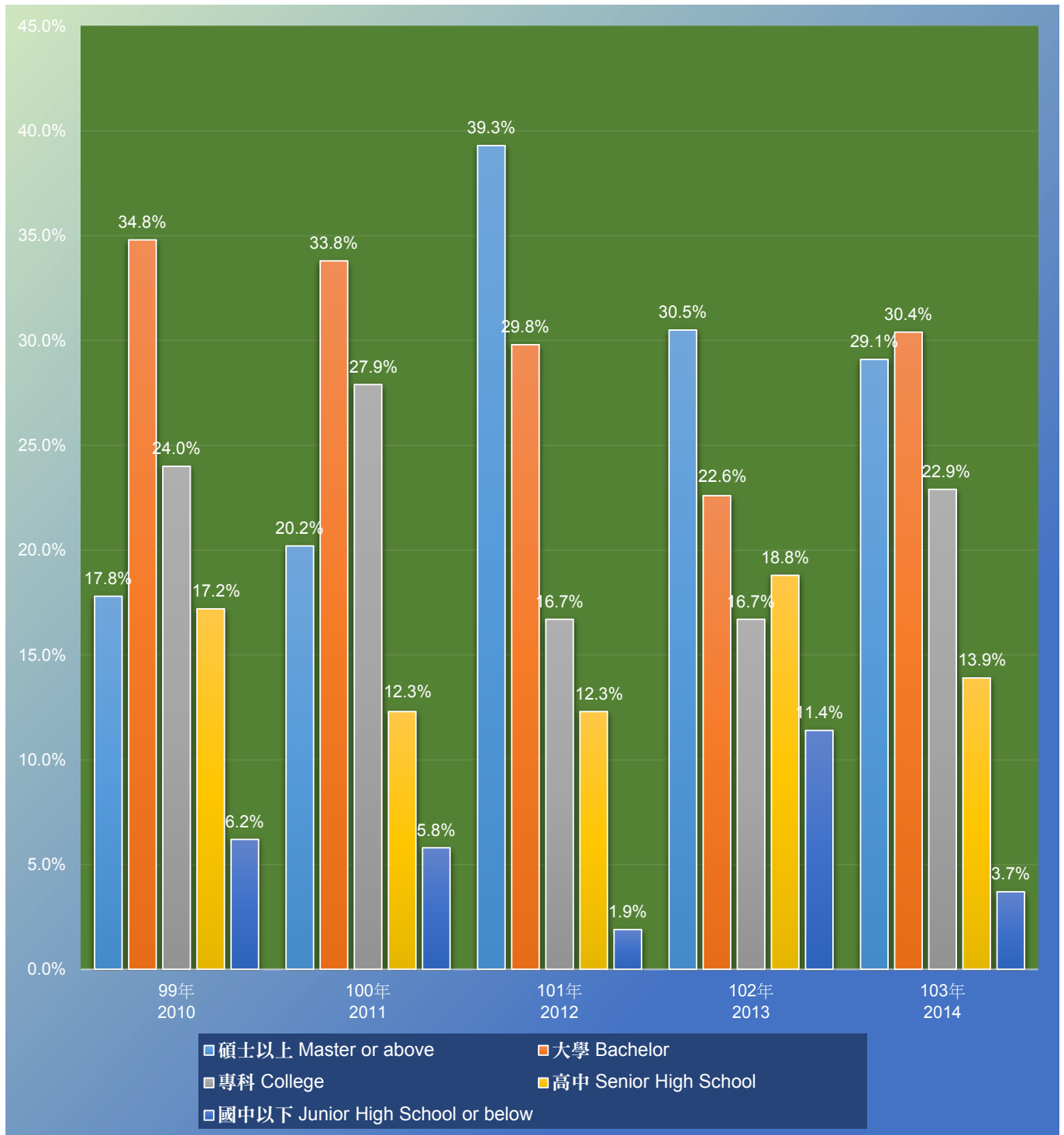
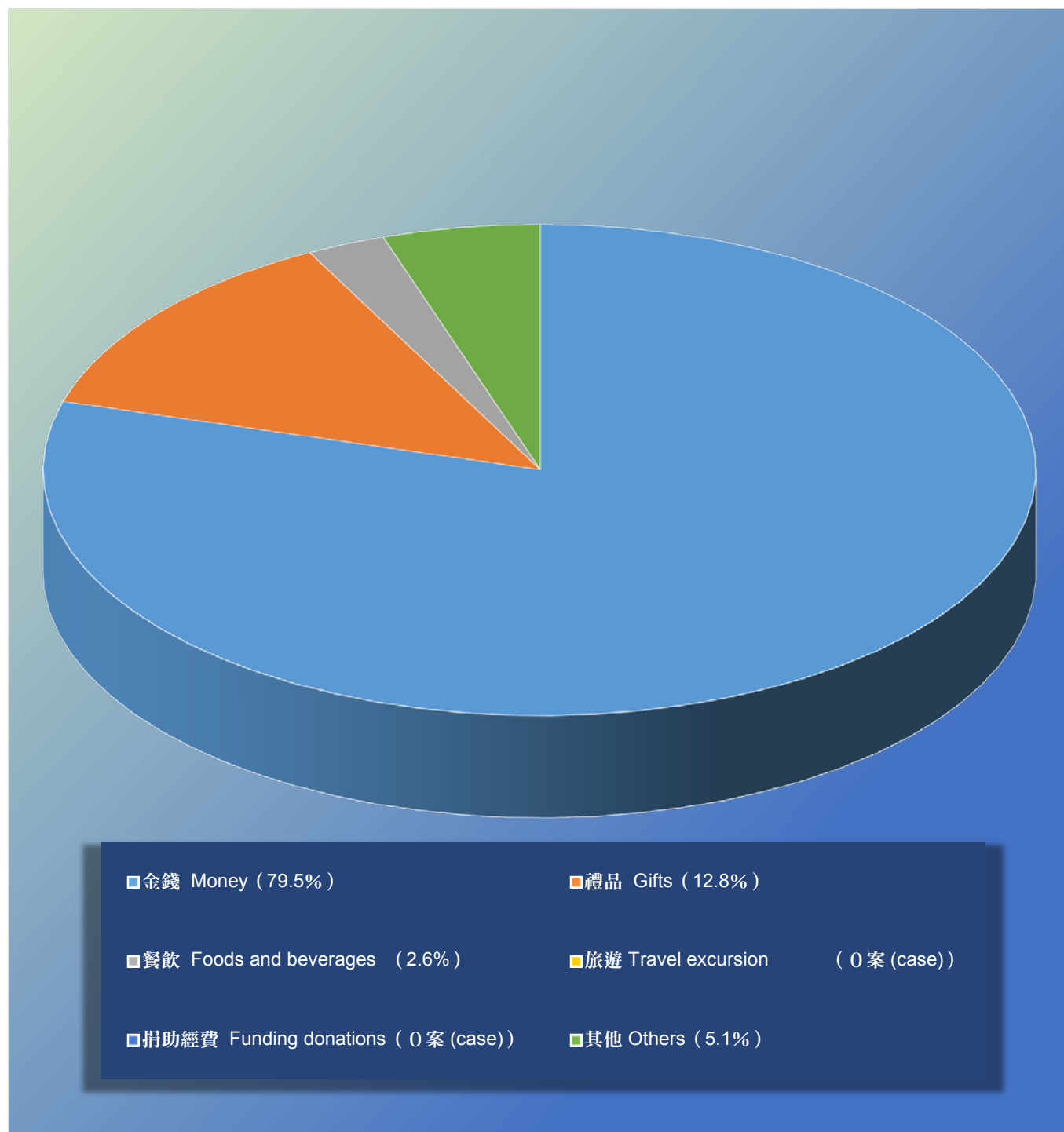


圖 2-07 103 年賄選案件賄選型態比例圖

Figure 2-07 Pie Chart of Ratios of Vote-buying Cases Indicted in 2014



# 中華民國 103 年 廉政工作年報

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