

Prosecution Document by Prosecutor from Taiwan Nantou District Prosecutors Office

2024 Zheng-Zi No. 4504
No. 6190

Defendant SAOO (Chinese Name: Su O, national of the Philippines)
Female, 0 years old (born on 000)
R.O.C. Contact Address: No. 0, Zhong 0 Road, Yuchi Village, Nantou County
Passport No.: 00000

In the case of breach of the Money Laundering Prevention Act by the above-named defendant, investigation has been completed, and it is deemed that a public prosecution should be filed. The facts and evidence of the offense and the statutes breached are listed below.

Facts of Offense

1. While able to foresee that the provision of financial account details such as debit card and withdrawal passcode to others is highly likely to result in the account being used by a fraud organization, SAOO (Chinese Name: Su Shan) used the account to receive proceeds from fraud, followed by withdrawal of such funds through account transfer or withdrawal by passbook and debit card, making it difficult for the prosecution authority, police authority, constitutional police, prosecution personnel and the victim to pursue the property received through the criminal offense of fraud. The whereabouts of the proceeds from fraud by the fraud organization were hidden. Without violating her free will and with the criminal intention to assist with money laundering and fraudulent acquisition of property by providing the account for the purpose of hiding the whereabouts of the proceeds from the criminal offense of fraud, on a certain date before 18 March 2024 in an unknown location, the defendant provided the withdrawal card and passcode for her account no. 700-00000000000000 with Chunghwa Post Co., Ltd. (hereinafter the "Account") to a certain fraud organization for its use. Subsequently after acquiring the withdrawal card and passcode for the Account, with the common intention to seek unlawful ownership for themselves and based on a conspiracy of criminal intention to acquire property through fraud and to commit money laundering, members of such fraud organization defrauded the persons listed in the attachment at the time and in the manner specified in the attachment, leading these persons into mistake and remitting the amounts listed in the attachment to the Account at the time listed in the attachment. The funds were immediately withdrawn thereafter, creating a breakpoint of fund flow and hiding the whereabouts and location of the proceeds from fraud in this case.
2. The persons listed in the attachment reported the case to the Nantou County Government Police Department, Jiji Branch for investigation.

Evidence

1. The defendant argued in her defense. However, as the defendant has come to Taiwan to work, the Account is a general deposit account. She should know that the account details such as the debit card and the passcode are protections for her personal property and interest. They are highly proprietary. Other than herself and those with close relationships with her, there is no reason for free use of the financial account. An ordinary person is also aware that the debit card and passcode should be kept in due custody to prevent knowledge or use by any other person. The passcode for a debit card is also a protection mechanism for the financial account. Unless disclosed by the person who set up the passcode, it is unknown to others. Even if another person found the debit card, without knowing the passcode, it is very unlikely that a random passcode could match the correct passcode. If a person has bad memory and needs to write down the passcode, the debit card and the passcode should be kept separately to avoid fraudulent withdrawal of funds in the account in case the debit card

is stolen or lost. During investigation by the prosecutorial investigator by this office, the defendant was able to recite the withdrawal passcode immediately. There was no reason for her to write down the passcode and put it in the same location as the card, which created a risk of fraudulent withdrawal by others when the card is lost. The defendant is a foreign national. However, she is an adult with a normal intellectual level and should be aware of the above. Normally, when a person finds out that he/she has lost a debit card, the person would report immediately to the financial institution or the police in order to avoid additional loss. If a member of a fraud organization finds a debit card that is misplaced and uses it for fraudulent purposes, the account of the debit card could be used to receive proceeds from fraud. This victim may be made to follow instructions and remit funds into such account. However, after the original holder of the debit card realizes that the card has been lost, the account could be suspended immediately, making it impossible to forward or withdraw the proceeds of fraud from the account. Unless the member of the fraud organization is sure that the account can be used normally, he/she would not use such account as a tool for criminal offense that could be suspended at any time. The defendant's argument is an excuse to avoid liability and is not credible.

2.

(1) When the law changes after an act, the law at the time of the act is applicable. However, if the law after the act is more favorable to the offender, the law that is most favorable to the offender is applicable. This is the express stipulation of paragraph 1, Article 2 of the Criminal Code. After the defendant's act, the Money Laundering Act was amended and published on 31 July 2024. The amended law took effect and was implemented from 2 August of the same year. Before its amendment, paragraph 1, Article 14 of the Money Laundering Act stipulated the following: "An act of money laundering under any subparagraph of Article 2 shall be punished by no more than 7 years of term imprisonment and a fine no more than NT\$5,000,000." After amendment, paragraph 1, Article 19 of the Money Laundering Act stipulated the following: "An act of money laundering under any subparagraph of Article 2 shall be punished by term imprisonment between 3 and 10 years and a fine no more than NT\$100,000,000. If the proceeds or property received from money laundering is less than NT\$100,000, the offense shall be punished by term imprisonment between 6 months and 5 years and a fine no more than NT\$50,000,000." Comparing the new and old laws, application of paragraph 1, Article 14 of the Money Laundering Act before amendment is more favorable to the defendant. Thus, the defendant's act constituted the offense for assisting acquisition of property through fraud under the first part of paragraph 1, Article 30 and paragraph 1, Article 339 of the Criminal Code and the offense for assisting money laundering under the first part of paragraph 1, Article 30 and paragraph 1, Article 14 of the Money Laundering Act before amendment. The defendant's provision of the Account also constituted the offense for assisting acquisition of property through fraud and the offense for assisting money laundering, making her an imaginary combined offender. According to paragraph 2, Article 30 of the Criminal Act, she should be subject to a reduced penalty for the primary offender.

(2) Note: The defendant received a warning from Nantou County Government Police Department, Jiji Branch on 12 June 2024 in accordance with paragraph 2, Article 15-2 of the Money Laundering Prevention Act, as evidenced by the written warning provided by the branch.

4. Public prosecution is filed in accordance with paragraph 1, Article 251 of the Code of Criminal Procedure.

To
Taiwan Nantou District Court

18 March 2025

Prosecutor 000

This document is certified to be identical to the original document.

21 March 2025

Clerk 000

Statutes Breached

Articles 30 and 339 of the Criminal Code

Article 30 of the Criminal Code and paragraph 1, Article 14 of the Money Laundering Prevention Act before amendment.

Article 30 of the Criminal Code of the Republic of China
(Assisting Offender and Penalty)

Any person who assists with the criminal offense by another person constitutes an assisting offender. The same is applicable even if the other person is not aware of the assistance.

Penalty for the assisting offender shall be reduced from the penalty for the primary offender.

Article 339 of the Criminal Code of the Republic of China
(Ordinary Fraud)

Any person who, with the intent for unlawful ownership by him/herself or a third person, uses fraudulent means to procure another person's delivery of his/her own property or the property of a third person shall be punished by no more than 5 years of term imprisonment, detention and/or a fine below \$500,000.

The same is applicable to any person who uses the means under the previous paragraph to acquire unlawful property interest for him/herself or a third person. Attempted offense under the previous two paragraphs should be penalized.

Paragraph 1, Article 14 of the Money Laundering Act before Amendment

Any act of money laundering under any subparagraph of Article 2 shall be punished by term imprisonment of no more than 7 years and a fine no more than NT\$5,000,000.

Attachment

No.	Victim	Time of Fraud	Means of Fraud	Time of Remittance	Manner and Amount of Remittance (NT\$)	Remarks
1	Chen, O-Zheng (complainant)	14:42, 28 December 2023	Fake investment	12:17, 3 April 2024	Online transfer \$50,000	2024 Zheng-Zi No. 4504
2	Wang O-Ling (complainant)	December 2023	Fake investment	12:4, 26 March 2024	Online transfer \$50,000	2024 Zheng-Zi No. 4504
3	Lai, O-Juan (complainant)	March 2024	Fake investment	A. 9:13, 18 March 2024 B. 9:17, 18 March 2024 C. 9:20, 18 March 2024	A. Online transfer \$30,000 B. Online transfer \$30,000 C. Online transfer \$30,000	2024 Zheng-Zi No. 4504

4	Chem, O-Yi (complainant)	16 March 2024	Fake investment	A. 10:27, 18 March 2024 B. 10:29, 18 March 2024	A. Online transfer \$5,000 B. Online transfer \$2,000	2024 Zheng-Zi No. 4504
5	Chang, O-Ling (complainant)	December 2023	Fake investment	A. 9:35, 27 March 2024 B. 11:33, 27 March 2024	A. Online transfer \$25,000 B. Online transfer \$1,000	2024 Zheng-Zi No. 4504
6	Lian, O-Yi (complainant)	December 2023	Fake investment	9:08, 2 April 2024	Online transfer \$30,000	2024 Zheng-Zi No. 4504
7	Lin, O-Chuan (complainant)	26 February 2024	Fake investment	A. 9:43, 27 March 2024 B. 9:54, 27 March 2024	A. Online transfer \$50,000 B. Online transfer \$49,000	2024 Zheng-Zi No. 4504
8	Yu, O-Ting (complainant)	February 2024	Fake investment	A. 9:14, 2 April 2024 B. 16:00, 2 April 2024	A. Online transfer \$35,000 B. Online transfer \$20,000	2024 Zheng-Zi No. 4504
9	Gao, O-Juan (complainant)	March 2024	Fake investment	2:43, 28 March 2024	Online transfer \$30,015 (including service charge \$15)	2024 Zheng-Zi No. 6190
10	Lin, O-Tzo (complainant)	Mid-February 2024	Fake investment	9:06, 2 April 2024	Online transfer \$33,000	2024 Zheng-Zi No. 6190