SPP Guiding Case No. 248: Case of Huang Moumou for Bribery and Illegally Granting Loans

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Decided at the 67th meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on December 31, 2025; issued on February 4, 2026.

Keywords

Crime of bribery / lending at interest / genuine fund needs / normal loan interest rate / interest rate difference

Holding

Where a state functionary takes advantage of the convenience of his or her position to seek benefits for the petitioner, knows that the petitioner is transferring benefits by way of paying interest on a loan in gratitude for the benefit-seeking act, and the interest rate at which the petitioner borrows from him or her is clearly higher than the interest rate at which the petitioner normally borrows from others, yet still lends money to the petitioner and collects high interest, and the high-interest portion corresponds to his or her official acts, the act constitutes the crime of bribery, and the amount of bribery is determined based on the interest corresponding to the interest rate difference exceeding the highest of the petitioner's normal loan interest rates during the same period.

Basic Facts

The defendant Huang Moumou, male, born in 1962, was the former president of the Longyan branch of a certain bank.

From 2008 to 2014, Huang Moumou took advantage of the convenience of his position as president of the Longyan branch of a certain bank to provide assistance to relevant units and individuals in matters such as guarantee credit approval, and illegally accepted property given by others, totaling the equivalent of RMB 13.32 million.

Among them, from 2010 to 2012, Huang Moumou took advantage of the convenience of his position as president of the Longyan branch of the bank to provide assistance to a certain financing guarantee Co., Ltd. actually controlled by Lin Moumou and a certain Fujian real estate Co., Ltd. in matters such as guarantee credit approval and shop sales. To thank Huang Moumou and continue to obtain his support, Lin Moumou expressed his willingness to borrow money from Huang Moumou at a monthly interest rate of 3% for company operations, and indicated that his highest monthly interest rate for borrowing from others was 2%. From August 2011 to October 2012, Huang Moumou lent Lin Moumou a total of RMB 8 million in three installments. Lin Moumou used the money for guarantee credit enhancement, short-term lending, and other business of the financing guarantee company, and paid Huang Moumou interest at a monthly rate of 3%, totaling RMB 1.7249 million, which was 1% higher than the highest monthly interest rate at which Lin Moumou borrowed from others during the same period, with the excess interest totaling RMB 575,000.

The remaining facts of Huang Moumou's illegal loan issuance crimes are omitted.

Procuratorate Performance of Duties

Review for prosecution. On May 17, 2024, the Fuzhou Municipal Supervisory Commission of Fujian Province transferred Huang Moumou to the Fuzhou Municipal People's Procuratorate for prosecution on suspicion of the crimes of bribery and illegal loan issuance. The procuratorial organ held upon review that Huang Moumou's act of illegally accepting the petitioner's property by way of lending at interest was a loan in name but a power-for-money transaction in substance, and constituted the crime of bribery. First, the high-interest

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portion collected by Huang Moumou constituted property illegally accepted from others. The times of Huang Moumou's three loans were interwoven with the times at which he sought benefits for Lin Moumou. Lin Moumou paid Huang Moumou relatively high interest because Huang Moumou, taking advantage of his position, had helped him resolve the guarantee credit approval and was able to help him sell shops, and Lin also expected to obtain more help in the future. As to the amount of bribery, because both parties knew that the interest corresponding to the 1% monthly interest rate difference was a benefit transferred by Lin Moumou to Huang Moumou, and the company operated by Lin Moumou was engaged in short-term lending and other business with genuine fund needs and actually used the money borrowed from Huang Moumou, determining the amount of bribery based on the interest rate difference conformed to the principle of consistency between subjectivity and objectivity, and also conformed to the provision in the Opinions of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Handling Criminal Cases of Bribery that, for bribery accepted in the form of transactions, "the amount of bribery shall be calculated based on the difference between the local market price at the time of the transaction and the price actually paid." Second, Huang Moumou had the subjective intent of bribery. When Lin Moumou proposed to borrow from Huang Moumou, he indicated that he was willing to pay high interest; Huang Moumou still accepted it and actively took advantage of his authority to seek benefits for Lin Moumou, so the intent of bribery was clear. In sum, Huang Moumou's acts satisfied the constituent elements of the crime of bribery and constituted the crime of bribery in accordance with the law. On June 28, 2024, the Fuzhou Municipal People's Procuratorate initiated public prosecution before the Fuzhou Intermediate People's Court against Huang Moumou for the crimes of bribery and illegal loan issuance.

Judgment result. The Fuzhou Intermediate People's Court rendered a first-instance judgment on September 23, 2024. The judgment held that the facts of the procuratorial organ's charge that defendant Huang Moumou had committed the crimes of bribery and illegal loan issuance were clear and the evidence was reliable and sufficient, and sentenced Huang Moumou to ten years and eight months of fixed-term imprisonment and a fine of RMB 1.3 million for the crime of bribery, and to five years and three months of fixed-term imprisonment and a fine of RMB 100,000 for the crime of illegal loan issuance; under combined punishment for multiple crimes, the court decided to impose a term of thirteen years of fixed-term imprisonment and a fine of RMB 1.4 million. After the first-instance judgment was pronounced, Huang Moumou did not appeal, and the judgment became effective.

Guiding Significance

(1) Where a state functionary takes advantage of the convenience of his or her position to seek benefits for the petitioner, knows that the petitioner, in gratitude for the benefit-seeking act, is transferring benefits by paying interest clearly higher than the interest on his or her normal borrowing from others, yet still lends money to the petitioner, and the high-interest portion collected corresponds to his or her official acts, the act constitutes a power-for-money transaction and constitutes the crime of bribery in accordance with the law.

(2) In bribery crimes of the lending-at-interest type, where the petitioner has genuine fund needs and has normal borrowing from others during the same period, the amount of bribery of the state functionary shall be determined based on the interest corresponding to the interest rate difference exceeding the highest of the normal loan interest rates during the same period.

Relevant Legal Provisions

Articles 383, 385, and 386 of the Criminal Law of the People's Republic of China.

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