# SPP Guiding Case No. 249: Case of Cai Moumou for Bribery and Money Laundering

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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 / paying a small deposit / real estate appreciation gains / amount of actual gains

## Holding

Where a state functionary takes advantage of the convenience of his or her position to seek benefits for the petitioner, and, for the purpose of obtaining the real estate appreciation gains transferred by the petitioner, uses the method of paying a small deposit to "lock in" real estate developed by the petitioner, without signing a contract or paying the purchase price, and, after the housing prices rise, authorizes the petitioner to sell the real estate with the appreciation gains belonging to himself or herself, and the gains obtained correspond to his or her official acts, the act constitutes the crime of bribery, and the amount of bribery shall be determined based on the amount of actual gains.

## Basic Facts

The defendant Cai Moumou, male, born in 1962, was the former general manager of a certain Xiamen Construction Co., Ltd. (a state-owned company, hereinafter referred to as "the Construction Company").

From 1999 to 2022, Cai Moumou took advantage of the convenience of his position as general manager of the Construction Company and other positions to provide assistance to relevant units and individuals in matters such as fund lending and fund disbursement, and illegally accepted property given by others, totaling the equivalent of RMB 62.84 million, of which RMB 5.23 million had not yet been actually obtained before the case arose.

Among them, in 2010, a certain Group Co., Ltd. ("the Group") and a certain Xiamen Investment Co., Ltd. ("the Investment Company") jointly developed a commercial housing project ("the Project"), with the Group deciding major matters such as project development and sales. Cai Moumou accepted the requests of Xu Moumou, general manager of the Group, and Chen Moumou, the actual controller of the Investment Company, and took advantage of the convenience of his position as general manager of the Construction Company to provide assistance to the two companies in borrowing RMB 150 million from the Construction Company for developing the Project. In early 2012, the Group sold part of the Project's housing at internal preferential prices to project shareholders and specific persons recommended by shareholders, while providing that the subscription of housing required a deposit of RMB 500,000 per apartment and the signing of a subscription contract, and that the full purchase price must be paid or mortgage loan procedures completed and a commercial housing sale contract signed within 7 days, failing which the subscription would be cancelled upon expiry. In February 2012, upon the recommendation of Chen Moumou and the consent of Xu Moumou, Cai Moumou, without the ability to purchase housing, subscribed for two apartments with a total price of about RMB 20 million, paying a total deposit of only RMB 200,000, and thereafter did not sign the subscription contract or sale contract and did not pay the purchase price, while the Group did not urge payment. In May and July 2013, Cai Moumou learned that housing prices had risen substantially, and therefore authorized Chen Moumou to sell the two apartments at market prices through "first-hand name change," with the difference between the sale price and the subscription price belonging to himself. To thank Cai Moumou for the assistance previously provided, Chen Moumou and Xu Moumou handled the sale as he



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requested, while deciding to give Cai Moumou an additional discount of RMB 3,000 per square meter on the basis of his subscription price. After the two apartments were sold, upon settlement, the difference between the sale price and the housing price payable by Cai Moumou to the Group was RMB 5.242 million, which was transferred to a bank account designated by Cai Moumou. After deducting the deposit of RMB 200,000, Cai Moumou's actual gain was RMB 5.042 million.

The remaining facts of Cai Moumou's money laundering crimes are omitted.

### Procuratorate Performance of Duties

Review for prosecution. On December 13, 2022, the Huli District Supervisory Commission of Xiamen City, Fujian Province transferred Cai Moumou to the Huli District People's Procuratorate of Xiamen City for prosecution on suspicion of the crime of bribery, and on the same day the Huli District People's Procuratorate submitted the case to the Xiamen Municipal People's Procuratorate for handling. The Xiamen Municipal People's Procuratorate found upon review that Cai Moumou might be additionally involved in money laundering crimes and, after soliciting the written opinion of the Huli District Supervisory Commission, transferred the leads to the Xiamen Municipal Public Security Bureau. On February 10, 2023, the Xiamen Municipal People's Procuratorate initiated public prosecution against Cai Moumou for the crime of bribery before the Xiamen Intermediate People's Court. On April 14, 2023, the Xiamen Municipal Public Security Bureau transferred Cai Moumou to the Xiamen Municipal People's Procuratorate for prosecution on suspicion of the crime of money laundering, and the Xiamen Municipal People's Procuratorate initiated supplementary prosecution against Cai Moumou for the crime of money laundering before the Xiamen Intermediate People's Court on May 10, 2023.

The procuratorial organ held upon review that Cai Moumou's above acts satisfied the constituent elements of the crime of bribery and should be determined as bribery in accordance with the law. First, the appreciation gains of the two apartments obtained by Cai Moumou constituted property illegally accepted from others. The deposit paid by Cai Moumou was only one-fifth of the deposit that should have been paid, and for more than a year after paying the deposit he failed to sign the subscription and sale contracts and pay the purchase price as required, yet he not only did not bear liability for breach of contract but continued to "lock in" the apartments, waiting for the housing prices to rise before selling for profit, effectively evading the market risks such as price fluctuations that would have to be borne by a genuine purchaser. Cai Moumou's act was not a normal, genuine market transaction; he did not actually obtain ownership of the two apartments, had no right to dispose of them, and had no right to obtain the housing appreciation gains. The RMB 5.042 million he obtained was in essence the petitioner's transfer of housing sale gains that belonged to the petitioner, given as a benefit in gratitude for Cai Moumou's official acts. Second, both parties had the subjective intent of offering and accepting bribes. Evidence such as Cai Moumou's statements and the testimony of Chen Moumou and Xu Moumou confirmed that Chen Moumou and Xu Moumou, knowing that Cai Moumou had no authority to dispose of the two apartments, still gave the housing appreciation gains to Cai Moumou in gratitude for his assistance in the company's borrowing matter, and Cai Moumou also knew that he could obtain the corresponding gains because he had used his authority to provide assistance to Chen Moumou and Xu Moumou, so the intent of offering and accepting bribes was clear.

As to whether the amount of bribery should be determined based on the total discount given to Cai Moumou by Chen Moumou and Xu Moumou successively or on Cai Moumou's actual gains, and whether the RMB 200,000 deposit paid by Cai Moumou should be deducted from the amount of bribery, the procuratorial organ held upon review that, unlike bribery acts such as buying housing at a low price or selling housing at a high price, Cai Moumou, without the ability to purchase, paid only a small deposit to "lock in" the housing, with the purpose not of purchasing the housing but of selling for profit after the housing appreciated. What Chen Moumou and Xu Moumou intended to transfer was also the housing appreciation gains. If the amount of bribery were determined based on the total discount given by Chen Moumou and Xu Moumou successively, it would be equivalent to affirming the propriety and legality of Cai Moumou's housing



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purchase, which would be inconsistent with the subjective intent and objective acts of both parties; determining the amount of bribery based on Cai Moumou's actual gains conformed to the principle of consistency between subjectivity and objectivity. The RMB 200,000 deposit paid by Cai Moumou to the petitioner's company was a concealment act to make the subscription, sale, and transfer processes appear to have transaction characteristics; the petitioner's company did not refund it to Cai Moumou after receiving it, so Cai Moumou's actual gain was RMB 5.042 million, and determining the amount of bribery on that basis was appropriate.

Judgment result. The Xiamen Intermediate People's Court rendered a first-instance judgment on November 10, 2023. The judgment held that the facts of the procuratorial organ's charge that defendant Cai Moumou had committed the crimes of bribery and money laundering were clear and the evidence was reliable and sufficient, and sentenced Cai Moumou to fourteen years of fixed-term imprisonment and a fine of RMB 5 million for the crime of bribery, and to four years of fixed-term imprisonment and a fine of RMB 500,000 for the crime of money laundering; under combined punishment for multiple crimes, the court decided to impose a term of sixteen years of fixed-term imprisonment and a fine of RMB 5.5 million. After the first-instance judgment was pronounced, Cai 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, and, for the purpose of obtaining the real estate appreciation gains given by the petitioner, pays a small deposit to "lock in" real estate developed by the petitioner's company, without handling the housing purchase procedures, without paying the purchase price, and without bearing market risks, and sells for profit after the real estate appreciates, the act neither conforms to the housing sale provisions of the real estate company nor to normal real estate transaction practices, and the gains obtained are in essence benefits transferred by the petitioner in gratitude for the state functionary's official acts, so the act constitutes the crime of bribery in accordance with the law.

(2) In handling bribery crimes of the real estate transaction type, attention shall be paid to reviewing and determining whether the object of the bribery agreed upon by both parties is the real estate appreciation gains or the real estate price difference. Where the intended form of bribery is the future appreciation gains of the real estate rather than the special discount given by the petitioner at the time of purchase, and the state functionary has objectively obtained actual gains through selling the real estate, the amount of bribery shall be determined based on the amount of actual gains.

## Relevant Legal Provisions

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

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