

## **Carlos F. Garcia / Ian Carl and Juan Paulo Depakakibo Garcia (Northern California Case)**

**Case ID:**

ARW-29

**Jurisdiction of Origin of Public Official or Entity Allegedly Involved:**

Philippines

**Position of Public Official(s) (yrs in office):**

Former Comptroller of the Philippine Armed Forces (Carlos Garcia, 1990-2004), Sons (Ian Carl and Juan Paulo Depakakibo)

**Jurisdiction of Asset Recovery:**

United States

**Jurisdiction of Asset Recovery ? Description:**

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

**Asset Recovery Start:**

2003

**Asset Recovery End:**

2011

**UNCAC Offenses Implicated:**

Art.15

Art.17

Art.20

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Criminal Prosecution and Forfeiture

**Intl.Cooperation: MLAT/Letter of Request?:**

MLAT

**Basis for Intl Cooperation:**

Unspecified

**Contributing Factors in Asset Recovery:**

Ian Carl and Juan Paulo Depakakibo were apprehended pursuant to a routine search at the airport as they tried to enter the U.S. with the illegal bulk cash. (Source: U.S. v. Ian Carl Depakakibo and Juan Paulo Depakakibo, Case No. 08-cr-00888-MHP (N.D. Cal.)

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

Judgment by Court of First Instance

**Agreement for Returned Assets:**

No

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

One-hundred thousand dollars in U.S. currency had been seized from Ian Carl and Juan Paulo Depakakibo when they tried to enter the U.S. with the cash. In January 2011, the U.S. District Court for the District of Northern California forfeited the confiscated funds to the U.S. Government. The brothers had agreed, as part of their plea, to forfeit the \$100,000 seized from them at the time of their arrest on December 19, 2003. (Source: U.S. v. Ian Carl Depakakibo and Juan Paulo Depakakibo, Case No. 08-cr-00888-MHP (N.D. Cal.), Final Order of Forfeiture, filed January 7, 2011); U.S. Immigration and Customs Service Press Release, "Sons of former Philippine military comptroller charged with bulk cash smuggling," February 25, 2009.) They and their father, mother and a third brother have been charged in the Philippines with the crime of Plunder, for allegedly illegally amassing \$9 million (303.27 million Philippine Pesos) while their father, General Carlos F. Garcia, had been the Comptroller of the Philippine Armed Forces. (Source: Philippines Complaint and Arrest Warrant in the Plunder case, included as Annex A in extradition complaint filed on March 4, 2009, In the Matter of Extradition of Clarita Depakakibo Garcia, Case No. 2:09-mc-50231 (E.D. Mich.)

**Disposition of Criminal Case(s):**

According to a September 9, 2010 press release by the U.S. Department of Justice, former Major General Garcia "recently was found guilty in the Philippines of perjury for a false declaration of his assets and liabilities in 2000." (Source: U.S. Department of Justice Press Release, "Sons of Former Philippine General Plead Guilty to Bulk Cash Smuggling," September 9, 2010.) His Plunder case was ongoing as of July 2013. (Source: Philippines Office of solicitor General, TRO - Garcia) According to the April 5, 2005 Information against former Mr. Garcia, his wife Clarita Garcia and their sons Ian Carl, Juan Paulo and Timothy Mark D. Garcia, the Philippines Ombudsman's Office has charged them with committing the crime of Plunder. (Source: In the Matter of Extradition of Clarita Depakakibo Garcia, Case No. 2:09-mc-50231 (E.D. Mich.), Annex A to Extradition complaint filed on March 4, 2009). In November 2010, Ian Carl and Juan Paulo Depakakibo were sentenced to time served by U.S. District Court for the Northern District of California, subsequent to their guilty plea on bulk cash smuggling charge. (Source: U.S. v. Ian Carl Depakakibo and Juan Paulo Depakakibo, Case No. 08-cr-00888-MHP (N.D. Cal.), Judgment in a Criminal Case, filed on December 1, 2010.)

**Jurisdiction of Origin: Investigative Agency:**

Unknown

**Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):**

Office of the Ombudsman, Office of the Special Prosecutor

**Jurisdiction of Origin: Courts Involved:**

Sandiganbayan, Supreme Court (Third Division)

**Jurisdiction of Asset Recovery: Investigative Agency:**

U.S. Customs and Border Protection, San Francisco International Airport

**Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):**

U.S. Attorney for the Northern District of California

**Jurisdiction of Asset Recovery: Courts Involved:**

U.S. District Court for the Northern District of California

**Documents:**

Garcia\_NDCAL\_Forfeiture\_Motion\_Oct\_20\_2010.pdf

Garcia\_NDCAL\_Forfeiture\_Order\_Nov\_2\_2010.pdf

Garcia\_NDCAL\_ICE\_PR\_Feb\_25\_2009.pdf

Garcia\_NDCAL\_Indictment\_Dec\_9\_2008.pdf



Garcia\_NDCAL\_Judgment\_Dec\_1\_2010.pdf

Garcia\_Phil\_Complaint\_Arrest\_Warrant\_Extradition\_Complaint\_Mar\_9\_2009.pdf

Garcia\_US\_NDCAL\_Guilty\_Pleas\_Justice\_Dept\_Press\_Release\_Sep\_9\_2010.pdf

Garcia\_Depakakibo\_Northern\_California\_Final\_Order\_Forfeiture\_Jan\_7\_2011

**Documents:**

| <b>Attachment</b>  | <b>Size</b> |
|--|-------------|
|  Garcia_NDCAL_Forfeiture_Order_Nov_2_2010.pdf | 60.03 KB    |
|  Garcia_NDCAL_Forfeiture_Order_Jan_2011.pdf   | 51.58 KB    |

**Documents Links:**

**Other Sources:**

U.S. v. Ian Carl Depakakibo and Juan Paulo Depakakibo, Case No. 08-cr-00888-MHP (N.D. Cal.), Indictment filed on December 9, 2008; Order Granting Motion for Preliminary Order of Forfeiture, filed on November 2, 2010; Judgment in a Criminal Case, filed on December 1, 2010; and Final Order of Forfeiture filed January 7, 2011. See also, U.S. Immigration and Customs Service Press Release, "Sons of former Philippine military comptroller charged with bulk cash smuggling," February 25, 2009, accessed at <http://www.ice.gov/news/releases/0902/090225sanfrancisco.htm>; U.S. Department of Justice Press Release, "Sons of Former Philippine General Plead Guilty to Bulk Cash Smuggling," September 9, 2010, accessed at [http://www.justice.gov/usao/can/press/2010/2010\\_09\\_09\\_garcias.guiltyplea...](http://www.justice.gov/usao/can/press/2010/2010_09_09_garcias.guiltyplea...) Philippines Complaint and Arrest Warrant in the Plunder case, included as Annex A in extradition complaint filed on March 4, 2009, In the Matter of Extradition of Clarita Depakakibo Garcia, Case No. 2:09-mc-50231 (E.D. Mich.)