

Carlos Garcia / Clarita Garcia / Timothy Mark D. Garcia (New York Condominium)

Case ID:

ARW-31

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), Wife (Clarita Garcia), Son (Timothy Mark)

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:

2004

Asset Recovery End:

2015

UNCAC Offenses Implicated:

Art.15

Art.17

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Non-Conviction Based Confiscation

Basis for Intl Cooperation:

Unknown

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

Combined net proceeds from New York bank accounts and sale of Manhattan condominium

Agreement for Returned Assets:

No

Case Summary:

Related to the General Carlos Garcia corruption cases in the Philippines, the U.S. filed criminal and civil actions against members of the Garcia family and their US assets. The actions include 2004 civil forfeiture proceedings in New York against an apartment that was allegedly purchased with corrupt proceeds, and 2009 extradition proceedings against Clarita Garcia (wife) and a third son Timothy Mark Garcia (who is not involved in the Northern

California bulk cash smuggling case against Ian Carl and Juan Paulo D. Garcia). (Sources: U.S. v. All Right, Title and Interest in Real Property and Appurtenance Located at Trump Park Avenue Condominium, Unit 6A, Case No. 1:04-cv-08918-RJH (S.D.N.Y.), Complaint filed November 10, 2004; In Re Clarita Depakakibo Garcia, Case No. 2:09-mc-50231-GCS (E.D. Mich.), Extradition Complaint filed March 4, 2009; unable to obtain copies of the extradition complaint against son Timothy and copy of a March 16, 2009 criminal complaint that were reported to have been filed against him in U.S. District Court for the Southern District of New York, as noted by Joseph G. Lariosa, "3rd son of Gen. Garcia now also detained in U.S.," GMANews.TV posted at <http://www.gmanews.tv/story/153224/3rd-son-of-Gen-Garcia-now-also-detained-in-U.S.>) On May 20, 2011, the US Government wrote to the court stating that the agreement with the Garcias for the forfeiture of the condominium had been stalled as it was contingent on the Philippine government's formal withdrawal of extradition requests of former general Garcia's sons and wife from the U.S. (Source: US v. All Right, Title and Interest in Real Property and Appurtenance Located at Trump Park Avenue Condominium, Unit 6A, Case No. 1:04-cv-08918-RJH (S.D.N.Y.), Endorsed Letter to the Court by US Government dated May 20, 2011 and filed June 2, 2011.) In November 26, 2012, the US was granted a default judgment against the condominium. (Source: US v. All Right, Title and Interest in Real Property and Appurtenance Located at Trump Park Avenue Condominium, Unit 6A, Case No. 1:04-cv-08918-RJH (S.D.N.Y.), Default Judgment, November 26, 2012).

According to a statement by the US Embassy Manila, on June 3, 2015, "U.S. Ambassador Philip S. Goldberg presented Ombudsman Conchita Carpio-Morales with a check in the amount of U.S. \$1,384,940.28 payable to the Republic of the Philippines. The check represents ill-gotten gains acquired by former AFP Comptroller General Carlos F. Garcia. [] Philippine and U.S. investigators worked closely together to determine that General Garcia laundered a substantial portion of his criminal proceeds through the United States. In particular, investigators with the U.S. Department of Homeland Security traced the criminal proceeds to two Citibank accounts in New York and a condominium in Trump Tower in New York. The U.S. Attorney's Office for the Southern District of New York then initiated civil forfeiture proceedings against those assets and eventually obtained default judgments of forfeiture. The net proceeds resulting from the sale of the condominium and the funds from the two Citibank accounts were returned to the Philippines by the United States today." (Source: US Embassy Manila, "U.S. Helps Philippines Recover 'Ill-Gotten Gains'?", June 3, 2015, at <http://manila.usembassy.gov/press-photo-releases-2015/us-helps-philippines-recover-ill-gotten-gains.html>.)

Disposition of Criminal Case(s):

According to a June 3, 2015 statement by the Ombudsman of the Philippines, "the Office of the Ombudsman filed criminal cases of perjury, money laundering and plunder against [Carlos] Garcia who eventually was convicted of perjury by the Sandiganbayan. In the last two criminal cases, Garcia pleaded to the lesser offenses of Indirect Bribery and Facilitating Money Laundering, which plea bargaining is the subject of review by the Supreme Court. Meanwhile, forfeiture proceedings are pending with the Sandiganbayan." (Source: Office of the Ombudsman, "US turns over \$1.38M proceeds of Garcia's forfeited assets," June 3, 2015.)

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 had 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:

Department of Homeland Security

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

U.S. Attorney for the Southern District of New York; U.S. Attorney for the Eastern District of Michigan

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Southern District of New York; U.S. District Court for the Eastern District of Michigan

Documents:

Garcia_GMANEWS_Apr_10_2008.pdf





Garcia_Phil_Complaint_Arrest_Warrant_Extradition_Complaint_Mar_9_2009.pdf

Garcia_Phil_Sct_Oct_12_2009.pdf

Garcia_US_NDCAL_Guilty_Pleas_Justice_Dept_Press_Release_Sep_9_2010.pdf

Garcia_SDNY_USG_Letter_Status_Forfeiture_May_20_2011

Documents:

Attachment	Size
 Garcia_SDNY_Condo_Default_Judgment_Nov_26_2012.pdf	88.03 KB
 Garcia_SDNY_USG_Letter_Status_Forfeiture_May_20_2011.pdf	121.88 KB
 Gacria_US_SDNY_Asset Return_USEmbassy Manila Press_Jun3_2015.pdf	54.13 KB
 Garcia_US Asset Return_Phil Ombudsman_statement_Jun3_2015.pdf	111.76 KB

Documents Links:

Other Sources:

U.S. v. All Right, Title and Interest in Real Property and Apputenance Located at Trump Park Avenue Condominium, Unit 6A, Case No. 1:04-cv-08918-RJH (S.D.N.Y.), Complaint filed November 10, 2004 and Endorsed Letter to the Court by US Government dated May 20, 2011 and filed June 2, 2011 and Default Judgment filed November 26, 2012; In Re Clarita Depakakibo Garcia, Case No. 2:09-mc-50231-GCS (E.D. Mich.), extradition case filed March 4, 2009; unable to obtain copies of the extradition complaint against son Timothy and copy of a March 16, 2009 criminal complaint that were reported to have been filed against him in U.S. District Court for the Southern District of New York, noted by Joseph G. Lariosa,"3rd son of Gen. Garcia now also detained in U.S.," GMANews.TV posted at <http://www.gmanews.tv/story/153224/3rd-son-of-Gen-Garcia-now-also-detained-in-U.S.>); 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.press.html;

US Embassy Manila, "U.S. Helps Philippines Recover 'Ill-Gotten Gains'?", June 3, 2015, at <http://manila.usembassy.gov/press-photo-releases-2015/us-helps-philippines-recover-ill-gotten-gains.html>; Office of the Ombudsman, "US turns over \$1.38M proceeds of Garcia's forfeited assets," June 3, 2015, at <http://www.ombudsman.gov.ph/index.php?home=1&pressId=NjU3>