

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

Case ID:

ARW-84

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

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Contributing Factors in Asset Recovery:

Ongoing Case

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

See See entry Carlos Garcia / Clarita Garcia / Timothy Mark D. Garcia (New York 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 this 2012 civil asset forfeiture case filed against two bank accounts in New York totalling \$245,520.94. According to the complaint filed in the case, the assets were proceeds of General Garcia's corruption and as part of the plea agreement in his Philippines case, his wife and son forfeited the accounts to the Government of Philippines. The US had alleged that Clarita Garcia had smuggled the cash into the US in 2003-2004 and deposited them into accounts belonging to herself and her son, and over \$1.3 million were wire transferred from a Philippines bank to accounts in the U.S. On April 18, 2013, a Default Judgment was ordered in favor of the U.S. (Sources: US v. \$201,166.08 in US Currency and [] \$44,354.86 in US currency [] in name of ICJ Access Worldwide, Case No. 1:12-cv-9388 (SDNY), Verified Claim filed December 26, 2012 and Default Judgment filed April 18, 2013).

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: 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):

US Attorney for the Southern District of New York

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the Southern District of New York

Documents:

| Attachment | Size |
|--|-------------|
|  Garcia_SDNY_Currency_Forfeit_Complaint_Dec_26_2012.pdf | 3.86 MB |
|  Garcia_SDNY_Currency_Default_Judgment_Apr_18_2013.pdf | 93.42 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 |

Other Sources:

US v. \$201,166.08 in US Currency and [] \$44,354.86 in US currency [] in name of ICJ Access Worldwide, Case No. 1:12-cv-9388 (SDNY), Verified Claim filed December 26, 2012 and Default Judgment filed April 18, 2013; US Embassy Manila, "U.S. Helps Philippines Recovers '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>