

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

**Case ID:**

ARW-30

**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:**

2012

**UNCAC Offenses Implicated:**

Art.15

Art.17

Art.20

Art.23

**Status of Asset Recovery :**

Completed

**Stage in Asset Recovery Chain:**

Assets Returned to Victim or Requesting Jurisdiction

**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.)

According to a June 3, 2015 statement by the Philippines Office of the Ombudsman, "In January 2012, the United States government through then US Ambassador to the Philippines Harry Thomas, Jr. initially turned over to the Office of the Ombudsman \$100,000, representing cash seized by U.S. Customs authorities from the two sons of General Garcia upon their entry in California in December 2003, which seizure triggered the investigations into the transactions entered into by General Garcia." (Source: Office of the Ombudsman, "US turns

over \$1.38M proceeds of Garcia's forfeited assets," June 3, 2015.)

**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:**

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:**

US District Court for the Northern District of California

**Documents:**

<b>Attachment</b>	<b>Size</b>
 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:**

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.)

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-philippin...> 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>