



## 3rd son of Gen. Garcia now also detained in US

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**CHICAGO** – All the members of the Garcia family are now accounted for – in United States detention centers.

Timothy Mark Garcia, the third child of former Armed Forces of the Philippines' comptroller Carlos F. Garcia, was the last to turn up under detention in New York. His mother and two elder brothers had earlier been arrested and locked up in separate detention centers pending resolution of extradition cases filed against them by the Philippine government.

Clarita Garcia and her husband, retired Maj. Gen. Carlos F. Garcia, and their three children – Timothy Mark, 25, Ian Karl, 30, and Juan Paulo, 27 - are all facing plunder charges in the Philippines. Plunder carries a penalty of 30 years to life in prison.

According to a four-page complaint unsealed Monday (March 16) by Magistrate Judge Theodore H. Katz of the US Court of the Southern District of New York: "Timothy Mark Garcia, along with his brothers Ian Carl Garcia, Juan Paulo Garcia, and their mother, Clarita Garcia, acted in concert with their father, Major General Carlos F. Garcia, and others, to willfully, unlawfully, and criminally amass, accumulate, and acquire ill-gotten wealth in the form of funds, landholdings, and other real and personal properties in the aggregate amount of not less than 303-million pesos (US\$6.2-M)."

Assistant United States Attorney Daniel P. Chung said in the complaint that "the criminal activity with which Timothy Mark Depakakibo Garcia is charged in the Philippines, had it occurred in the United States, would be subject to prosecution, among other laws, under Title 18, United States Code, Section 201, which criminalizes bribery of public officials."

Timothy Mark is awaiting a court decision if he can be released on bond.

Sources who refused to be identified told this reporter that Timothy Mark was arrested on a provisional warrant for extradition last March 4 in New York City, where he and his mother Clarita Garcia bought an apartment for \$765,000 (P36.7 million) and he is the "sole resident."

"The source of the funds that were transferred to the United States by General Garcia and his family, and that were used to purchase the above-described property, is believed to be General Garcia's acceptance of bribes and his misappropriation, theft or embezzlement of public funds from the Philippines," the complaint added.

It was very easy for authorities to go after Timothy Mark Garcia because the US government had filed forfeiture proceedings against his New York property in 2004 following representations from the Philippine government that the property was bought from the \$2 million transferred by members of the General Carlos Garcia's family from the Philippines to the United States.

The civil complaint said the apartment of Timothy Mark was "purchased with funds derived from offenses against the Philippines and thus constitutes property involved in illegal money laundering transactions."

The parties in the forfeiture proceedings on March 10, 2005, "agree that a stay of the above-captioned civil forfeiture action is appropriate to allow the Philippine prosecution and investigation to proceed."

There were no other details of the circumstances of his arrest.

Timothy Mark is believed to be the youngest of the Garcia children. According to the complaint filed by Assistant United States Attorney Chung, Timothy Mark Garcia was born on Aug. 20, 1983, placing his age at 25.

A Philippine government request for extradition, signed by Secretary Raul M. Gonzalez dated Feb. 27, 2009, and addressed to the US Department of Justice in Washington, DC, put the date of birth of Timothy Mark was written as Oct. 7, 1960, placing his age at 48.

This would mean that when Timothy Mark was born, his mother, Mrs. Clarita D. Garcia, who was born on Dec. 3, 1950, was only 10 years old. The request was attached in the extradition case of Mrs. Clarita Garcia.

Except for General Garcia, the rest of the members of the family are all US citizens and are subjects to extradition.

Juan Paulo and Ian Karl are detained in the Northern District of California in San Francisco for bulk smuggling charges related to \$100,000 being transported to the US from the Philippines in 2003.

"Those funds are also believed to have been generated through the crimes with which the Garcia family is charged in the Philippines," the complaint alleged.

Chung said Kyle D. Latimer, a senior trial attorney in the office of International Affairs of the US Department of Justice, had provided him a copy of Secretary Gonzalez's letter dated Feb. 27, 2009, requesting issuance of a provisional warrant for Timothy Mark D. Garcia and a copy of the treaty between the Philippines and the US.

Latimer confirmed that "the offense for which the Philippines seeks to extradite (Timothy Mark) Garcia is covered by Article 2 of the Treaty."

The Philippine government will submit a formal request for extradition, supported by the documents specified in the treaty, within the time required under the treaty.

In the complaint filed on March 5, 2009, Chung said, "Timothy Mark Depakakibo Garcia may be arrested and brought before this Court 'to the end that the evidence of criminality may be heard and considered' and that this complaint and the warrant be placed under the seal of the Court until such time as the warrant is executed."

Mrs. Clarita Garcia is likewise under detention at the Wayne County jail in Detroit, Michigan pending her extradition while General Garcia, former comptroller of the Armed Forces of the Philippines, is serving his two-year sentence for perjury in the Philippines.

The Garcia couple, as well as their three children, will face plunder charges in the Philippines as soon as the Garcia family members are extradited to the Philippines. - **GMANews.TV**

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