

JGL Eye

By JOSEPH G. LARIOS

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President Aquino Should Ask Congress to Put More Teeth into the Truth Commission and Make Its Investigative Mandate Retroactive to the Marcos Era

CHICAGO, Illinois (*jGLi*) – I don't want to raise the level of a debate in the Philippines as some country being run by theocrats.

Not because 80-percent of the population are Roman Catholics. But because its Constitution recognizes the separation of Church and State.

In PHL, Crime Also Pays as Proven by the General Garcia Caper - MabuhayRadio

Written by

Saturday, 08 January 2011 12:31 -

But sometimes when laws seem to be irrelevant to some defendants like Gen. Carlos F. Garcia, it will not hurt if we draw inspiration from other sources that actually govern moral law.

I am referring to the Bible, which is replete with ways on how to handle matters involving kleptocrats or those stealing from the government.

General Garcia was charged with amassing 303-million pesos (US\$7-million) income, which obviously is beyond his salary as an officer of the Armed Forces of the Philippines.

If Garcia committed this same act before martial law, he would still be charged with violation of the 1955 Republic Act No. 1379, the Philippine Forfeiture Law, which says that property derived from the misuse of public office is forfeited to the Philippine government from the moment of misappropriation.

Because of his unexplained wealth, his millions really belong to the Philippine government, according to this pre-martial-law law.

But because the misappropriation was discovered in 2005 while he was the comptroller of the AFP

, Mr. Garcia was found guilty of violating the Articles of War 96 (undeclared wealth) and 97 (conduct prejudicial to good military order and discipline) as he failed to declare his true assets and his status as a legal permanent resident of the United States.

It is very clear that this huge theft of public funds must have involved long planning. All his family – his wife, and their three children – are all U.S. citizens. As a U.S. Green Card holder, General Garcia still keeps his Filipino citizenship, and thus will let him be employed as a Filipino officer that will let him amass wealth that his family could take to the United States

And because the amount involved is more than 75-million pesos (US\$1.7-M), Mr. Garcia's offense also falls under Plunder Charge, an unbailable offense, whose penalty ranges from life imprisonment to death. He was also charged with violation of the Anti-Money Laundering Act (AMLA), when his family was wiring sizable amount of money to the United States.

UNBECOMING AN OFFICER AND A GENTLEMAN

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A member of the Philippine Military Academy class of 1971, Garcia was stripped of his rank and was dishonorably discharged from the service. His benefits were also forfeited. He was likewise sentenced to two years of hard labor.

After his conviction by the military trial, his case was turned over to the Sandiganbayan, the court that tries public officials.

For some reason, Garcia managed to cope a plea agreement during the waning two months of President Gloria Macapagal-Arroyo's office of the Ombudsman. He had to plead guilty to a lesser offense of bribery, a bailable offense under AMLA, that was later approved by the Sandiganbayan but never made public.

Naturally when the incoming President Noyonoy Aquino administration got wind of the agreement, it raised a howl because under the plea agreement, Garcia will only be returning 150-million pesos or US\$3.4-million out of the 303-M pesos or US\$7-million. Garcia will keep the other half of the loot.

If the Aquino administration would just keep quiet about the deal, it will send a signal that his "tuwid na daan" (straight path) administration might run into dead-end.

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If the Sandiganbayan will publicly announce its decision approving the plea bargain, there is really nothing that President Aquino could do but grin and bear it.

RETURNING FOUR- OR FIVE-FOLD YOU STOLE

But if you take a closer look at it, the amount that Garcia should be returning to the Philippine government is not 150-M pesos or US\$3.4-M but from 1.2-billion pesos to 1.5-billion pesos or US\$28-M to \$US35-M. Why?

According to Exodus 22:1 "If a man steals an ox or a sheep and slaughters it or sells it, he must pay back five head of cattle for the ox and four sheep for the sheep."

In Luke 19:1-10, Zacchaeus, the wealthy tax collector, was caught red-faced when the people rebuked him as Jesus visited his home. So, he told the Jesus, "Behold, half of my possessions, Lord, I shall give to the poor, and if I have extorted anything from anyone, I shall repay it four times over."

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If Garcia can get away by returning half of what he stole, it is not surprising. But this Garcia caper would not have happened if only the Marcos families were jailed and had paid restitution four- or five-fold the amount of money they stole from the Filipino people.

Because the Marcoses are untouchable, they become poster boys of others, like Garcia, former President Estrada, former Undersecretary Jocelyn "Joc-Joc" Bolante, etc.

I just hope President Aquino would not waste his time asking the Philippine Supreme Court reconsider junking the creation of his Truth Commission if he really wants to go after the big fishes in the Arroyo government.

Mr. Aquino should turn his "loss" into a blessing in disguise by asking the Philippine Congress to put more teeth into the Truth Commission.

The Philippine Congress should fund the commission, make its power to investigate retroactive to the time of the Marcos Dictatorship so Mr. Aquino will have basis to investigate the assassination of his father, which is pointing to his uncle, as one of the masterminds. Congress can keep the commission going even beyond his term of office.

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**Mr. President, what are you waiting for? Endorse the Truth Commission to Congress.
Now! # # #**

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