



Management
Association of the
Philippines

The Philippines' Leading Management Association

Press Statement

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The Makati Business Club and the Management Association of the Philippines are deeply dismayed and alarmed by the recent developments in the plunder case pending in the Sandiganbayan against retired Major General Carlos F. Garcia, former Armed Forces of the Philippines comptroller.

Much to the public's surprise, a plea bargain agreement between Mr. Garcia and prosecutors under the Office of the Ombudsman has apparently been reached and allowed by the Sandiganbayan Second Division, which paved the way for the release of the accused. As of today, however, four days after the Sandiganbayan approved Mr. Garcia's motion to post bail, the full details of the plea bargain agreement are known only to a few. Such critical details as the amount and form of a supposed financial settlement have not yet been disclosed to the public. Given the significance of this case and its bearing on our country's fight against corruption and the prosecution of dishonest public officials, we strongly urge the Sandiganbayan or the Ombudsman to release the complete contents of the plea bargain agreement.

Beyond the matter of transparency, however, what is truly at issue here is the decision to entertain plea bargain talks in the first place. We concur with the opinion of former Ombudsman Simeon Marcelo questioning the prosecutors' move given the legally flawed timing of the plea bargain, the prosecutors' failure to consult the aggrieved parties, and the strong case the government had built against Mr. Garcia. The prosecutors' justifications for the unexpected turn of events—that they wanted to spare the government from the burden of a long legal process, that it would enable the government to recover an undetermined portion (“*some*” is how the Sandiganbayan spokesman put it) of Mr. Garcia's ill-gotten assets, and that the Sandiganbayan would not have approved the settlement if “it's not in order”—are feeble and unsound. What is apparent is that justice has been sacrificed for expediency.

A plea bargain on a corruption case of such significance sends the wrong signal to the public about our courts' commitment to support the fight against corruption. Such a move is diametrically opposed to the Aquino administration's fundamental anti-corruption principle, “*Kung walang corrupt, walang mahirap.*” It also serves as an open invitation for all others charged in corruption cases to pursue the route of plea bargains and runs the risk of encouraging future cases. Thus, if the courts are serious in their fight against corruption, they should actively pursue this and other cases to send an unmistakable message that corruption will not be tolerated and will be dealt with the full force of the law.

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