

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:14-cr-500-T-33TGW

CARBOFIN S.P.A.

\_\_\_\_\_ /

**ORDER**

This cause is before the Court pursuant to the Government's Motion in Support of Statutory Moiety Payments (Doc. # 24), which was filed on April 3, 2015. The Court grants the Motion.

**Discussion**

On December 16, 2014, Defendant Carbofin S.P.A. pled guilty to a three count information charging violations of the Act to Prevent Pollution from Ships, 33 U.S.C. § 1908(a). (Doc. # 12). On March 5, 2015, this Court sentenced Defendant to pay a fine of \$2,150,000.00. (Doc. # 20). The Court also imposed other sanctions. (Id.)

At this juncture, the Government requests that one half of the fine imposed be disbursed to crew members who provided assistance and information resulting in Defendant's conviction. Such payments are authorized by Section 1908(a) of the Act, which states: "A person who knowingly violates the

MARPOL Protocol, this chapter, or the regulations issued thereunder commits a class D felony. In the discretion of the Court, an amount equal to not more than ½ of such fine may be paid to the person giving information leading to conviction.” 33 U.S.C. § 1908(a).

The Government explains, “Because the discharge of oily waste typically takes place in the middle of the ocean in international waters, the only persons likely to know about the conduct and the falsification of the Oil Records Book are crew members.” (Doc. # 24 at 2). Furthermore, “the government’s success in detecting the illegal activity and obtaining sufficient evidence to support investigations and prosecutions is dependent upon the willingness of a crew member to step forward.” (Id.). In this case, four crew members, Rey Irec Ibarrientos Periabras, Israel C. Asuncion, Romeo Ella Romulo, and Eddie Catuma Maloloy, provided such assistance.

Specifically, Periabras and Asuncion “voluntarily came forward independently to Coast Guard inspectors” and provided evidence, particularly videos, which depicted the manner in which Defendant violated the Act. (Id. at 6). While “Romulo did not seek out the Coast Guard inspectors at first,” he ultimately provided valuable information about Defendant’s oil

pollution in 2012 and 2013. (Id.). In addition, Maloloy “provided photographic evidence that confirmed a more systematic problem in CARBOFIN’s fleet, however, he did not send the photographs until asked to do so.” (Id. at 6-7).

The Government recommends that, of the award amount of \$1,075,000.00 that is available for distribution to crew members, that Periabras and Asuncion be awarded \$350,000.00 each, that Romulo be awarded \$275,000.00, and that Maloloy be awarded \$100,000.00.

The Court approves the requested distributions. The Clerk is directed to transfer \$1,075,000.00 from the fine into a restitution account. Thereafter, the Clerk is directed to issue checks in the above amounts. To ensure that each check is safely delivered, the checks shall be sent via Federal Express to:

U.S. Department of Justice  
2 Floor, NOX 2 Building  
Chancery Compound  
1201 Roxas Blvd., Ermita  
Manila 0930  
PHILIPPINES  
632-301-2000 EXT. 6501  
Attention: Donald Ashley  
DOJ Attache

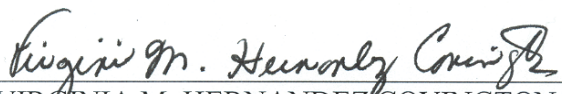
Thereafter, the checks will be hand-delivered to Periabras, Asuncion, Romulo, and Maloloy at the U.S. Embassy upon proper presentation of satisfactory identification.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Government's Motion in Support of Statutory Moiety Payments (Doc. # 24) is **GRANTED**.
- (2) The Clerk is directed to issue checks to the following individuals in the following amounts:
  - (A) \$350,000.00 to Rey Irec Ibarrientos Periabras;
  - (B) \$350,000.00 to Israel C. Asuncion;
  - (C) \$275,000.00 to Romeo Ella Romulo; and
  - (D) \$100,000.00 to Eddie Catuma Maloloy.

**DONE** and **ORDERED** in chambers, in Tampa, Florida, this 7th day of April, 2015.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record