

Ferdinand Marcos and Imelda Marcos / Estate of Ferdinand E. Marcos Human Rights Litigation

Case ID:

ARW-65

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Philippines

Position of Public Official(s) (yrs in office):

President (F. Marcos, 1965-1986); First Lady, Governor of Metro Manila and Minister of Human Settlements (I. Marcos. Governor and Minister from 1978-1986)

Jurisdiction of Asset Recovery:

United States

Jurisdiction of Asset Recovery ? Description:

Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

1986

Asset Recovery End:

2011

UNCAC Offenses Implicated:

Art.15

Art.16

Art.17

Art.18

Art.19

Art.20

Art.23

Money laundering Implicated:

Yes

Legal Basis for Asset Recovery:

Private Civil Action

Intl.Cooperation: MLAT/Letter of Request?:

Letter of Request

Basis for Intl Cooperation:

NA

Contributing Factors in Asset Recovery:

Much of the \$7.5 million recovered by the Marcos' era human rights victims resulted from the settlement of the Texas case, in which judicial assistance was provided by the Philippines and Hong Kong. (Source: In Re: Estate of Ferdinand E. Marcos Human Rights Litigation, Case No. 1:03-cv-11111-MLR (MDL-00840-MLR) (D. Hawaii). The U.S. Fifth Circuit Court of Appeals also held that the Full Faith and Credit clause of the U.S. Constitution requires a state to give a judgment on a judgment rendered by a different state court equal dignity to a judgment rendered by its own state court. (Source: Del Prado v. B N Development Company, Inc. et al, Case No. 09-10581 (5th Cir. 2010), citing Roche v. McDonald, 275 U.S. 449 (1928).

Status of Asset Recovery :

Completed (in part) and Ongoing (in part)

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

NA

Case Summary:

See also related entry, "Ferdinand Marcos and Imelda Marcos / Vilma Bautista New York Art Case / Human Rights victims' Settlement."

In January 2011, the U.S. District Court for the District of Hawaii authorized the distribution of \$1,000 to each of the 7,526 eligible members of the class action brought by victims of the Marcos era human rights violations. The Court held that \$10,261,000 were available in the Class Settlement Fund (comprised of \$286,000 from pre-2010 executions and \$9,975,000 net from the Texas class action settlement, *Del Prado v. BN Development Company Inc et al*, Case No. 4:05-cv-00234-Y; and included the following Colorado actions: *De Leon v. Imelda R. Marcos et al.*, No. 09-CV-2216, and 135 Randomly Selected Class Claimants and the Plaintiff Class as Designated in the Judgment of February 3, 1995 v. *Denman Investment Corporation, Inc. et al*, No. 05-CV-702). The Court ordered the funds to be distributed as follows: \$7,526,000 to 7,526 eligible class members, the vast majority of whom reside in the Philippines; \$50,000 advanced to the attorneys for the cost of distribution; \$1,402,288 in plaintiff's attorney fees and \$847,952 in reimbursable costs for their work for the past 25 years; \$300,000 to Alan Meeker in finders fee for locating the Marcos-related properties in Texas and Colorado; \$10,000 to Jerry Pimentel as the next of kin to deceased Mariano Pimentel for Mariano Pimentel's services as a class representative in the Texas and Colorado actions; \$5,000 to Ferdinand De Leon, for services as class representative. The order is in partial satisfaction of a 1995 judgment for \$2 billion that was awarded to the human rights victims, who registered the judgment in Illinois, and in turn, in Texas. In 2010, a federal court in Northern District of Texas approved a settlement agreement between the human rights victims and seven companies that held legal ownership to properties in Texas and Colorado that the claimants had alleged were beneficially owned by the Marcoses. Hong Kong provided judicial assistance in the Texas case. On January 25, 2011, Judge Manuel Real also handed down a Judgment of Contempt against Imelda R. Marcos, Ferdinand E. Marcos and the Estate of Ferdinand E. Marcos in the amount of \$353,600,000. The Court held that it had jurisdiction over a contempt order of May 26, 1995 which provided a daily sanction of \$100,000 against the Marcoses for refusing to furnish information and using the frozen assets of the estate, and that a total of 3,536 days had elapsed since the Contempt Order. On February 24, the Marcoses' attorneys filed an appeal against the Judgment of Contempt. (Source: *In Re: Estate of Ferdinand E. Marcos Human Rights Litigation*, Case No. 1:03-cv-11111-MLR (MDL-00840-MLR) (D. Hawaii), Order Authorizing Distribution to Eligible Class Members from the Settlement Fund, Order for Interim Award of Attorneys Fees and Reimbursement of Expenses, and Order for Finders Fee and Incentive Fee, all issued on January 13, 2011; Judgment of Contempt and Judgment in a Civil Case, both filed on January 25, 2011; Notice of Appeal, filed on February 24, 2011.)

Disposition of Criminal Case(s):

A trial in the U.S. District Court for the Southern District of New York on criminal racketeering and fraud charges concluded in an acquittal for Mrs. Marcos. Mr. Marcos had also been indicted in the case, but the court had deemed him too ill to stand trial. (Sources: *US v. Tantoco, et al*, Case No. 1-87-cr-598-JFK (S.D.N.Y.), Docket Report accessed on January 2, 2011 and Indictment of October 22, 1988, obtained from US National Archives; Craig Wolff, "The Marcos Verdict; Marcos Is Cleared of All Charges In Racketeering and Fraud Case," *New York Times*, July 3, 1990.) On April 21, 2010, the GMA News reported that "According to

records of the Philippine anti-graft court Sandiganbayan as of 2005, Mrs. Marcos continues to face 11 criminal charges and 25 civil cases." (Source: Sohpia Regina M. Dedace, "Imelda Marcos and her road to vindication," GMA News, April 21, 2010, accessed at <http://www.gmanews.tv/story/188960/imelda-marcos-and-her-road-to-vindica...>)

Jurisdiction of Origin: Investigative Agency:

Presidential Commission on Good Government

Jurisdiction of Origin: Prosecuting Authority/Civil Attorney(s):

Presidential Commission on Good Government

Jurisdiction of Origin: Courts Involved:

Sandiganbayan; Supreme Court of the Republic of Philippines

Jurisdiction of Asset Recovery: Investigative Agency:

NA

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Kohn Swift & Graf PC (Attorney Robert A. Swift); Attorney Sherry P. Broder, Liaison Counsel; and Others [for Human Rights Victims Class]; Kabayashi, Sugita & Goda (Attorneys Lex R. Smith, Joseph A. Stewart, Maria Y. Yang) [for Estate of Ferdinand E. Marcos]

Jurisdiction of Asset Recovery: Courts Involved:

U.S. District Court for the District of Hawaii and Ninth Circuit Court of Appeals; U.S. District Court for the Northern District of Texas and Fifth Circuit Court of Appeals; U.S. District Court for the District of Colorado

Documents:

Marcos_Arelma_Merrill_Lynch_9th_Circuit_Decision_2009.pdf

Marcos_Arelma_Merrill_Lynch_535_F3d_1010_2008_Leagle.com

Marcos_Arelma_Sandiganbayan_Business_World_Jan_14_2011.pdf

Marcos_Arelma_US_Supreme_Court_2008.pdf

Marcos_Imelda_Road_Vindication_GMANEWS_Apr_20_2010.pdf

Marcos_US_Arelma_Bautista.pdf

Marcos_US_Arelma_Sandiganbayan_GMANews_Aug_31_2009.pdf

Marcos_US_Arelma_New_Sandiganbayan_GMANEWS_Jun_17_2010.pdf

Documents:

Attachment	Size
 Marcos_US_Hawaii_Judgment_Civil_Jan_25_2011.pdf	64.61 KB
 Marcos_US_Hawaii_Judgment_Contempt_Jan_25_2011.pdf	1.05 MB
 Marcos_US_Hawaii_Order_Distribution_Jan_13_2011.pdf	1.01 MB
 Marcos_US_Hawaii_Order_Atty_Fees_Jan_13_2011.pdf	1.14 MB
 Marcos_US_Hawaii_Order_Finders_Fee_Jan_13_2011.pdf	717.25 KB
 Marcos_US_Texas_Del_Prado_Order_Settlement_Nov_16_2010.pdf	18.21 KB
 Marcos_US_Texas_Del_Prado_Second_Complaint_Aug_9_2010.pdf	570.11 KB
 Marcos_US_Texas_Del_Prado_Complaint_Apr_8_2005.pdf	1.58 MB
 Marcos_US_Hawaii_NYT_Mar_1_2011.pdf	291.56 KB

Documents Links:

Other Sources:

In Re: Estate of Ferdinand E. Marcos Human Rights Litigation, Case No. 1:03-cv-11111-MLR (MDL-00840-MLR) (D. Hawaii), Order Authorizing Distribution to Eligible Class Members from the Settlement Fund, Order for Interim Award of Attorneys Fees and Reimbursement of Expenses, and Order for Finders Fee and Incentive Fee, all issued on January 13, 2011; Judgment of Contempt and Judgment in a Civil Case, both filed on January 25, 2011; Notice of Appeal, filed on February 24, 2011. See also, Del Prado v. B N Development Company Inc et al, Case No. 4:05-cv-00234-Y, Complaint filed on April 8, 2005 and Second Amended Complaint filed on August 9, 2010; Order Granting Motion for Final Approval of Settlement, November 16, 2010; Del Prado v. B N Development Company, Inc. et al, Case No. 09-10581 (5th Cir. 2010), Opinion filed on April 5, 2010. See also, Seth Mydans, "First Payments Are Made to Victims of Marcos Rule," New York Times, March 1, 2011; Teresa Cerrojano, "Marcos victims in Philippines to get compensation," Associated Press, February 24, 2011. Colorado actions included in the Texas settlement agreement are: De Leon v. Imelda R. Marcos et al., No. 09-CV-2216, and 135 Randomly Selected Class Claimants and the Plaintiff Class as Designated in the Judgment of February 3, 1995 v. Denman Investment Corporation, Inc. et al, No. 05-CV-702 (D. Col.); Sohpia Regina M. Dedace, "Imelda Marcos and her road to vindication," GMA News, April 21, 2010, accessed at [http://www.gmanews.tv/story/188960/imelda-marcos-and-her-road-to-vindica....](http://www.gmanews.tv/story/188960/imelda-marcos-and-her-road-to-vindica...)