

## **Ferdinand Marcos and Imelda Marcos / Vilma Bautista New York Art Case**

**Case ID:**

ARW-205

**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); Foreign Service Officer and de facto Personal Secretary to Mrs. Marcos (Bautista, early 1970s through approx. 1986)

**Jurisdiction of Asset Recovery:**

United States

**Jurisdiction of Asset Recovery ? Description:**

Undertaking recovery effort; Asset location / Alleged asset location

**Asset Recovery Start:**

2011

**Asset Recovery End:**

Ongoing

**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:**

Criminal Prosecution

**Intl.Cooperation: MLAT/Letter of Request?:**

Unknown

**Basis for Intl Cooperation:**

Unknown

**Contributing Factors in Asset Recovery:**

Ongoing Case, but in announcing the indictment against Ms. Bautista and others, District Attorney Vance "thanked the New York State Department of Taxation and Finance for its contribution to the investigation, and thanked the auction house and fine art storage firm Christie's for its valuable assistance." (Source: New York County District Attorney's Office Press Release, "DA Vance: Three Individuals Charged in Conspiracy Involving Monet Artworks that Disappeared with the Collapse of the Marcos Regime in the Philippines," November 20, 2012.)

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

Other

**Agreement for Returned Assets:**

Ongoing

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

In January 2014, Ms. Bautista was sentenced to imprisonment and ordered to pay US\$3.8 million in taxes owed from US \$28 million she had received from the sale of a Monet painting. (Sources: James C. McKinley, Jr., "Former Marcos Aide Sentenced in Art Sale," New York Time, January 13, 2014 and New York County District Attorney's Office Press Release, "DA Vance: Three individuals Charged in Conspiracy Involving Monet Artworks that Disappeared with the Collapse of the Marcos Regime in the Philippines," November 20, 2012.). In November 2013, the Philippines' Presidential Commission on Good Government issued a statement welcoming Ms. Bautista's conviction and stated that the PCGG "will now be working to recover the proceeds and assets which were confiscated from Ms. Bautista and which we assert to be owned by the Republic." (Source: Philippines Presidential Commission on Good Government, PCGG Statement on the Conviction of Vilma Bautista, November 19, 2013.)

On November 20, 2012, the District Attorney for New York County, New York, announced the indictment of "VILMA BAUTISTA, 74, CHAIYOT JANSEN NAVALAKSANA (?JANSEN?), 37, and PONGSAK NAVALAKSANA (?PONGSAK?), 40, for illegally conspiring to possess and sell valuable works of art acquired by former First Lady of the Philippines Imelda Marcos during her husband's presidency, keeping the proceeds for themselves, and hiding those proceeds from New York State tax authorities and others. The art included a Claude Monet "Water-Lily" painting, which the defendants sold in September 2010 for \$32 million. The indictment charges all three defendants with Conspiracy in the Fourth Degree, and also charges BAUTISTA with Criminal Tax Fraud in the First Degree and Offering a False Instrument for Filing in the First Degree. JANSEN is charged with Criminal Tax Fraud in the Fourth Degree and Offering a False Instrument for Filing in the First Degree. [ ]

According to the indictment, BAUTISTA was employed by the Philippine government as a Foreign Service Officer assigned to the Philippine Mission to the United Nations in New York from the early 1970s through approximately 1986. During that period and for years after, BAUTISTA unofficially acted as the New York-based personal secretary of Imelda Marcos, whose husband, Ferdinand Marcos, now deceased, served as President of the Philippines from 1965 to 1986. During her husband's presidency, Imelda Marcos used state assets to acquire a vast collection of artwork and other valuables. Much of the art adorned official Philippine government property in the Philippines and Manhattan. Ferdinand and Imelda Marcos fled the Philippines in February 1986 following a popular revolt.

In the period of time immediately before and after the fall of the Marcos regime, a significant amount of artwork and other valuables disappeared from Philippine government property, including from the Philippine Consulate townhouse in Manhattan. Since then, the Philippine government has engaged in a public campaign to recover missing and stolen property acquired by the Marcoses. BAUTISTA is accused of having been aware of and monitoring this campaign, even as she possessed some of the valuable works of art." (Source: New York County District Attorney's Office Press Release, "DA Vance: Three Individuals Charged in Conspiracy Involving Monet Artworks that Disappeared with the Collapse of the Marcos Regime in the Philippines," November 20, 2012.)

**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: Sophia 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...>). In October 2015, the New York State Appellate Court overturned her conviction on conspiracy charge and remanded to trial court; it affirmed conviction on charges of Criminal Tax Fraud in the First Degree and Offering a False Instrument for Filing in the First Degree. (Source: People v. Baptists, 2015 NY Slip Op 07589, October 20, 2015.)

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

NA

**Jurisdiction of Origin: Courts Involved:**

NA

**Jurisdiction of Asset Recovery: Investigative Agency:**

New York County District Attorney's Office, Major Economic Crimes Bureau; New York State Department of Taxation and Finance





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

New York County District Attorney's Office

**Jurisdiction of Asset Recovery: Courts Involved:**

New York State Supreme Court (trial level); Appellate Division, First Department

**Documents:**

<b>Attachment</b>	<b>Size</b>
 Bautista_Statement on the Indictment of Vilma Bautista _PCGG_2013.pdf	709.72 KB
 Marcos_Bautista_Conviction_NY_District_Attorney_PR_Nov_18_2013.pdf	9.71 MB
 Marcos_Bautista_US_Sentenced in Art Sale_NYTimes_Jan_13_2014.pdf	116.85 KB
 Marcos_Bautista_PCGG-statement-on-the-conviction-of-vhb1.pdf	4.63 MB

**Other Sources:**

New York County District Attorney's Office Press Release, "DA Vance: Three Individuals Charged in Conspiracy Involving Monet Artworks that Disappeared with the Collapse of the Marcos Regime in the Philippines," November 20, 2012, accessed at <http://www.manhattanda.org/press-release/da-vance-three-individuals-char...> and "DA VANCE: FORMER SECRETARY TO IMELDA MARCOS CONVICTED ON ALL COUNTS AT TRIAL INVOLVING DISAPPEARANCE OF MONET AND OTHER ARTWORKS," November 18, 2013, at <http://manhattanda.org/press-release/da-vance-former-secretary-imelda-ma...>

The People of the State of New York vs. Vilma Bautista, et al, Indictment No. 4939/2012), accessed at Russ Buettner, "Imelda Marcos's Ex-Aide Charged in '80s Art Theft," New York

Times, November 20, 2012, at <http://www.nytimes.com/2012/11/21/nyregion/imelda-marcos-ex-aide-charge...>

Presidential Commission on Good Government Statement on Bautista Conviction, at <http://thenewcommission.files.wordpress.com/2013/11/pcgg-statement-on-th...> New York State Court Appellate Division 2015 NY Slip Op 07589 (October 20, 2015);

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;

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...> PCGG Statement on the Indictment of Vilma Bautista, undated, accessed at <http://pcgg.gov.ph/2012/12/04/pcgg-statement-on-the-indictment-of-vilma-...>

James C. McKinley, Jr., "Former Marcos Aide Sentenced in Art Sale," New York Time, January 13, 2014, at <http://www.nytimes.com/2014/01/14/nyregion/aide-to-imelda-marcos-is-sent...>