

Ferdinand Marcos and Imelda Marcos / Vilma Bautista New York Art Case / Human Rights Victims' Settlement

Case ID:

ARW-206

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:

Location of Recovery Effort; Asset location / Alleged asset location

Asset Recovery Start:

2011

Asset Recovery End:

2013

UNCAC Offenses Implicated:

Art.15

Art.16

Art.17

Art.18

Art.19

Art.20

Art.23

Legal Basis for Asset Recovery:

Private settlement agreement

Basis for Intl Cooperation:

NA

Contributing Factors in Asset Recovery:

Settlement agreement with the current owners of the artwork

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Agreement for Returned Assets - Description:

Private Settlement agreement

Case Summary:

On October 29, 2013, the US District Court in Hawaii approved a settlement agreement in the sum of \$10 million between the Marcos-era human rights victims and the current owner of art that is currently the subject of a criminal action in New York. (Source: In re: Estate of

Ferdinand Marcos Human Rights Litigation, Case No. 03-cv-11111 (D. Hawaii), Order of Settlement filed October 29, 2013).

According to a statement by the lawyers representing the Marcos era human rights victims, "Filipinos tortured, summarily executed or who disappeared during the Marcos regime may soon receive a second distribution. Robert Swift, lead counsel for the 10,000 Filipino victims human rights abuses, announced a \$10 million settlement over artwork owned by Imelda Marcos. The settlement derives from litigation in New York City by the victims to recover on their judgments against the Marcoses.

Immediately after the Marcoses fled to Hawaii in February 1986, more than 200 pieces of artwork purchased by Imelda Marcos disappeared from the Marcoses townhouse in New York. In 2010, the New York District Attorney indicted a former assistant to Imelda Marcos, Vilma Bautista, for the illegal sale of one of the paintings, an impressionist masterpiece by Claude Monet. The District Attorney also recovered \$15 million from the sale as well as three other valuable artworks. Class counsel, who obtained a contempt judgment against Imelda Marcos and Senator Ferdinand R. Marcos for \$353.6 million, immediately filed suit in New York to recover the paintings and the proceeds. The \$10 million settlement was paid by the current owner of the Monet painting, a good faith purchaser of that artwork. The victims continue to sue all others involved in the sale of the painting.

Robert Swift commented: "With this settlement, the Class is just starting to recover on its judgment. The Marcoses have hidden many of their assets and prevented the victims from making any significant recovery on their original 1995 judgment of \$2 billion. It is poetic justice that the victims are benefitting from a valuable painting that Imelda Marcos purchased and revered. The Marcoses have thumbed their noses at the United States court and Filipino victims of human rights violations ever since the original judgment was entered. They were caught trying to dissipate the Marcos Estate's assets to re-capitalize their political dynasty in the Philippines. This New York litigation may be the vehicle to discover the totality of the Marcos artwork trove and to recover still more money for the victims."

Philippine co-counsel Rod C. Domingo, Jr. said "the recovery of \$10 million will be welcome news to the victims, most of whom are now aged and poor. The first distribution of \$1,000 to each victim in 2011 was greeted joyously. We anticipate a second distribution in early 2014 when perhaps even more money will have been recovered." The approval of the settlement is pending before Judge Manuel Real of the Federal Court in Hawaii. Any distribution must be approved by the Court." (Source: Class Suit Lawyers Statement on Monet Painting Recovery, Press Statement, Re: Marcos Human Rights Litigation, July 18, 2013.)

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 November 2013, Ms. Bautista was convicted in New York state court of Criminal Tax Fraud in the First Degree, Conspiracy in the Fourth Degree, and Offering a False Instrument for Filing in the First Degree. In October 2015, the New York State Appellate Court vacated the conspiracy conviction based on err in jury instructions but stated that the Manhattan District Attorney may retry the charge; the Court upheld the tax fraud conviction. (Source: New York County District Attorney's Office Press Release, "DA VANCE: FORMER SECRETARY TO IMELDA MARCOS CONVICTED ON ALL COUNTS AT TRIAL INVOLVING DISAPPEARANCE OF MONET AND OTHER ARTWORKS," November 18, 2013; James C. McKinley, Jr., "Former Marcos Aide Sentenced in Art Sale," New York Times, January 13, 2014, at <http://www.nytimes.com/2014/01/14/nyregion/aide-to-imelda-marcos-is-sent...> New York State Court Appellate Division, People v. Bautista, 2015 NY Slip Op 07589)

Jurisdiction of Origin: Investigative Agency:

NA

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

NA

Jurisdiction of Origin: Courts Involved:

NA

Jurisdiction of Asset Recovery: Investigative Agency:

NA





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

Robert Swift (Private Attorney)

Jurisdiction of Asset Recovery: Courts Involved:

US District Court for Hawaii

Documents:

Attachment	Size
 Marcos_HRs_Victims_Statement_Art_Settlement_July_2013.pdf	122.37 KB
 Marcos_Hawaii_Art_Settle_Final_Order_Judgment_Oct_29_2013.pdf	256.37 KB
 Marcos_Memo_Mtn__Settlement_Hrs_Victims_NY_Art_Jul_10_2013.pdf	877.12 KB
 Marcos_Bautista_Conviction_NY_District_Attorney_PR_Nov_18_2013.pdf	9.71 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 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

TRIAL INVOLVING DISAPPEARANCE OF MONET AND OTHER ARTWORKS," November 18, 2013, at <http://manhattanda.org/press-release/da-vance-former-secretary-imelda-ma...>

In re: Estate of Ferdinand Marcos Human Rights Litigation, Case No. 03-cv-11111 (D. Hawaii), Order of Settlement filed October 29, 2013, and Memorandum in Support of Motion to Approve Settlement filed July 10, 2013;

Class Suit Lawyers Statement on Monet Painting Recovery, Press Statement, Re: Marcos Human Rights Litigation, July 18, 2013, at <http://claimants1081.org/2013/07/20/class-suit-lawyers-statement-on-mone...>