

The long road to Marcos ill-gotten wealth recovery

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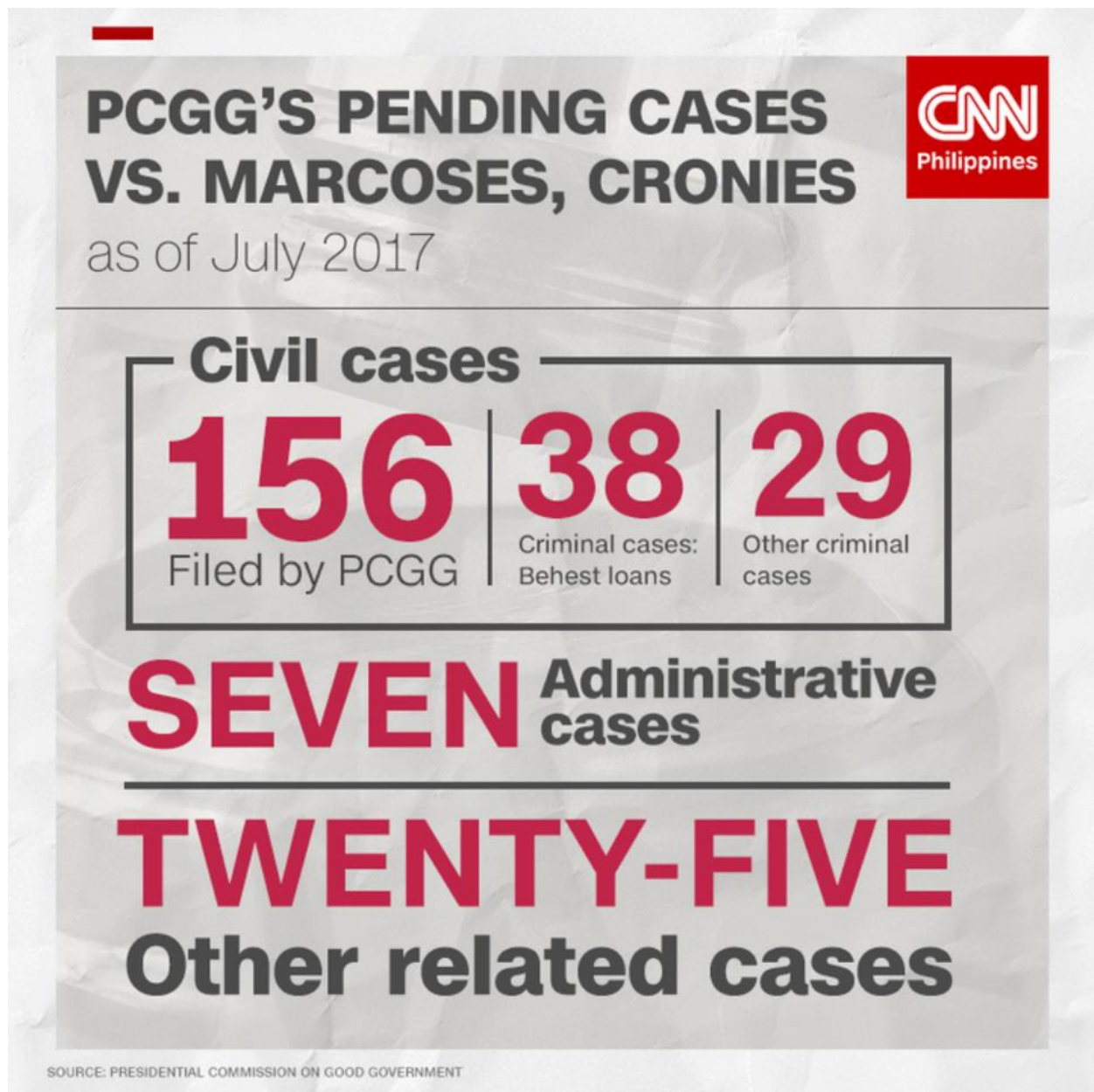


Former President Ferdinand Marcos (1917-1989) stands by as his wife, Imelda, sings to supporters from a balcony of the Malacañan Palace in Manila, after Marcos' self administered inauguration ceremony as victor in the presidential elections, February 25, 1986. This was the last public appearance by Marcos and his family. Later in the evening they fled the palace aboard four American helicopters and were taken to Clark Air Base enroute to exile in Hawaii.

Metro Manila (CNN Philippines, November 14) — Thirty years have passed since the first batch of cases against then former President Ferdinand Marcos, his family and cronies were filed, and the legal battle continues to this day.

Of the estimated \$10 billion or around P530 billion, the Marcoses and their cronies supposedly stole from government coffers, the Presidential Commission on Good Government (PCGG) has only recovered P171.359 billion from 1986 to 2017.

The government has 255 pending civil, criminal and administrative cases before the Supreme Court, Sandiganbayan, Court of Appeals and other lower courts as part of efforts to recover ill-gotten wealth.



On the other hand, the PCGG is facing 34 cases filed against it.

The estimated value of assets under litigation in the Sandiganbayan alone is P44.464 billion. This includes P35.973 billion in shares of stocks and P8.491 billion worth of real property.

The anti-graft court earlier explained that the delay in resolving the cases were partially due to the legal remedies sought by the government and defendants' counsels. Hearings were also

postponed when lawyers failed to appear or when witnesses went missing or became unavailable.

In the hearing of the graft cases on February 28, 2017, for example, Marcos lawyer Robert Sison was asked to pay a fine of P2,000 after failing to appear despite notice from the Sandiganbayan.

Former PCGG commissioner Ruben Carranza blamed the Marcoses for the delay. He said they used legal tactics to delay the trial.

"As simple as filing motions to reschedule. Changing lawyers. Imelda Marcos changed lawyers several times in the three years I was in PCGG for example. Kasama na dyan yung Sandiganbayan cases. Whether it's Salvador Panelo, naging abogado niya, or Estelito Mendoza, naging abogado niya rin. O etong si Robert Sison, etong abogado niyang naconvict siya. Ilang beses siyang nagpalit ng abogado, ilang beses syang nagpapafile ng mg motion to reschedule. Ilang beses siyang nagfile ng motion na wala naming katuturan pero inaakyat niya ssa Supreme Court, tapos magtatagal ng ilang taon bago bumalik," he said.

The former PCGG commissioner added the recovery has taken decades given the length of Marcos' rule, and the massive amount of assets and money supposedly taken and hidden.

"You must remember, the persons being prosecuted here and the persons whose assets are being recovered ruled for 20 years. It was a long dictatorship," said Carranza.

The reversed graft conviction

On November 9, Imelda was convicted in her remaining graft cases before the Sandiganbayan. Imelda was sentenced to serve at least 6 years in jail after she was found guilty in seven counts of graft in relation to the Swiss foundations created to benefit her family. No warrant has been issued yet because of her pending motion to avail post conviction remedies.

Carranza expects the former first lady to resort to "legal maneuvers" to evade imprisonment, just like what happened in her previous conviction.

In 1993, the Sandiganbayan convicted her and former Ligh Rail Transport Authority (LRTA) vice chairman Jose Dans Jr. For two counts of graft over an allegedly anomalous lease of an LRTA property to the Philippine General Hospital Foundation. Imelda was LRTA chairman at the time.

Imelda was sentenced to 18 to 24 years in prison. However, the conviction was reversed in 1998 after Marcos and Dans appealed the decision before the Supreme Court.

[READ: Imelda Marcos ordered arrested for seven counts of graft](#)

On Friday, the Sandiganbayan will hear Imelda's motion to avail post conviction remedy so she will be allowed to appeal her recent conviction. This, after she lost the remedies available when she failed to appear in the promulgation despite notice from the Sandiganbayan.

Section 6 of Rule 120 of the Revised Rules of Criminal Procedure states that if the accused failed to appear in the promulgation "without justifiable cause, he shall lose the remedies available in these rules against the judgment and the court shall order his arrest.". However, he or she may still still file a motion for leave of court to avail remedies within 15 days from promulgation of judgment.

"He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of said remedies within 15 days from notice," as stated in the Revised Rules of Criminal Procedure. ***