

## \$22B Award Against Marcos Reversed

MICHAEL TIGHE   November 18, 1998

HONOLULU (AP) \_ When treasure hunter Rogelio Roxas emerged from secret underground tunnels in the Philippines in 1971, he claimed he had discovered billions of dollars in gold and gems, looted and hidden by Japanese soldiers during World War II.

He had found a 3-foot-high diamond-stuffed gold statue of a Buddha and a crate full of gold. He said more than a thousand crates of gold bullion remained in the tunnels.

Roxas died without hauling in the fortune. And nearly three decades later, the riches remain out of reach.

Hawaii's Supreme Court on Tuesday overturned a \$22 billion judgment against the estate for the late Filipino dictator Ferdinand Marcos \_ who, Roxas claimed, jailed the treasure hunter and stole his loot. Already one of the biggest civil jury awards in history, it swelled to about \$43 billion with interest as Marcos' widow, Imelda, appealed.

The court said the judgment was based on evidence that was too speculative. The court said Roxas opened only one crate to see whether it contained gold when he made his discovery in a tunnel outside Baguio City, north of Manila.

“Frankly, I didn’t think we would lose on that point. The Marcos side did not produce any contrary evidence,” said attorney Daniel Cathcart, who represents the estate for Roxas, who died in 1993.

“It’s devastating. It’s not every day that you lose \$43 billion.”

Lex Smith, the lawyer for Mrs. Marcos, had argued that a 1996 lower court ruling in Roxas’ favor was based on “hearsay and double hearsay.”

Smith also argued that Mrs. Marcos was not legally in charge of her late husband’s estate because it has been tied up by the Philippine government since 1987.

Roxas had believed the looted treasure was buried by Japanese troops under Lt. Gen. Tomoyuki Yamashita during their occupation of the Philippines in World War II. He said he was jailed after Marcos learned of the discovery and released after five years of torture. He found the tunnels empty.

After Marcos was deposed and fled to Hawaii, Roxas sued him in Honolulu for stealing the treasure. On the eve of the trial in 1993, Roxas died mysteriously in the Philippines. His death was attributed to tuberculosis, but an autopsy was not performed.

During the trial, several witnesses testified that they saw stacks of gold bars in Malacanang Palace in Manila and the Marcoses' summer palace, and that the late president called it the ``Yamashita treasure."

Another piece of evidence was a 1971 photo of a U.S. Air Force officer and Roxas flanking a 3-foot golden Buddha statue.

That was enough for the jury, which awarded Roxas' estate \$22 billion.

In Tuesday's ruling, the high court ordered another hearing to determine the value of the golden Buddha statue and the single crate of gold that Roxas opened. They originally were valued at about \$1.4 million.

The court also upheld a \$6 million award to Roxas for being assaulted and falsely imprisoned.

That was little consolation for Cathcart, who has 10 days to ask the high court to reconsider its decision.

``This is all chump change compared with what they took away," he said.