

First Payments Are Made to Victims of Marcos Rule



Cecilia Lagman, 90, was among those who received \$1,000 checks as compensation for abuses under Ferdinand E. Marcos. Credit...Jes Aznar

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MANILA □ The last time Nilo Olegario heard his son's voice was in a telephone call 25 years ago, shortly before the strongman Ferdinand E. Marcos fled the Philippines in the face of a "people power" uprising.

"Dad, we've got to hide because they are arresting us," Mr. Olegario said, quoting his son, then a member of the opposition. "I just told him, 'Be careful; take care of yourself.'" But like many others during Marcos's 20 years in power, he said, his son "just disappeared."

On Monday, Mr. Olegario was among the first 12 victims of Marcos's rule and family members to receive compensation checks in what legal experts said was a pioneering class-action suit against the family of Marcos, who died in 1989. Payments of about \$1,000 will go to 7,526 claimants.

The payments grow out of judgments in 1994 and 1995 worth nearly \$2 billion in United States District Court in Hawaii, where Marcos died in exile, that found his estate liable for torture, summary executions and disappearances. The victims have not received payments until now because of disputes over the Marcos property.

The money comes principally from a \$10 million settlement last summer with the family of a Marcos associate, said the lead lawyer, Robert A. Swift, who has pursued the case for nearly 25 years. He said the remainder of the checks would be distributed over five weeks at 16 locations around the Philippines.

Although the checks are small and the restitution comes without apology or acknowledgment from the Marcos family, victims and legal experts said the payment was significant because of the message it sent to the Philippines and other nations in which abusive leaders had been forced from office.

“The Filipinos who began this case were pioneers in establishing principles of civil responsibility for massive violations of the laws of humanity,” said Diane F. Orentlicher, an expert on international law who is deputy for war crimes issues at the State Department. (She is not connected to the case.)

“They acted on a starkly simple belief □ that malignant governance, enforced by a daily assault against human dignity, could not possibly be legal,” she said in an e-mail.

Mr. Swift has fought resistance not only from the Marcos family but also from the Philippine, United States and Swiss governments, which have argued that all recovered assets belong to the Philippine government.

Bills are pending in the Philippine Congress to allow at least some assets to be allocated to victims of human rights abuses.

“Twenty-five years is an extremely long time for any litigation to take place,” Mr. Swift said. “It’s not a great amount, it’s not an adequate amount, but it’s a start.” He said other court cases were pending in New York and Singapore involving an additional total that he put at \$68 million.

“The money is important,” said Rene Saguisag, a human rights lawyer imprisoned by Marcos who assisted the legal team. “But more important is to send a message to would-be dictators and would-be human rights violators that they cannot hide anywhere.”

In January, the court in Hawaii held Imelda Marcos, Marcos’s widow, and the couple’s son, Ferdinand Marcos Jr., in contempt for refusing to furnish information and for continuing to use frozen assets of the estate. It ordered them to pay a fine of \$353.6 million for the victims’ benefit.

“There may have been abuses, but they were never a part of the policy of my father’s administration,” Ferdinand Marcos Jr. said in an interview on Monday. “Although there

were individual abuses, I cannot see how his administration per se can be liable for that.”

At an emotional ceremony awarding the first 12 payments in Manila, Mr. Swift said the recovery of the Marcos assets was “exceedingly difficult.”

“It’s unnecessary and unsavory of the Philippine government to oppose its most abused and oppressed citizens,” he said, addressing President Benigno S. Aquino III. “Twenty-five years is long enough, Mr. President. It’s time to reach a final settlement.”

The recipients included an American Maryknoll priest, the Rev. Edward Gerlock, who was imprisoned and deported in 1972, during martial law, for helping farmers defend their land against the encroachments of American fruit companies.

Another recipient, Hilda Narciso, was jailed and raped repeatedly and wrote an account of her sufferings that became a focal point for opposition to the abuses.

Fe B. Mangahas, a former opposition member, accepted her check “on behalf of my co-teachers, students who lost their lives and also women who were raped, parents whose children just simply disappeared.”

Just before the check recipients posed for pictures, Mr. Olegario said: “I don’t think I’ll ever experience a more beautiful and happy day. I say to my son, wherever he is, ‘Jun, this is a happy day for all of us.’ ” ***