

Based on the voluminous records and various decided cases by no more than the Supreme Court, among others, the Marcos Family was proven to possess ill-gotten wealth within the bounds of the law. The ill-gotten wealth of the Marcoses amounted to billions of dollars' worth of assets, real properties, and personal properties, such as paintings, jewelries, and securities, not only within the Philippine territory but all over the world. These riches were only those that were found by the Government through the Presidential Commission on Good Government (PCGG). As to those still hidden and remains to be rumors, only the future holds what awaits them.

Voluminous pleadings, numerous boxes of pieces of evidence points to the ill-gotten wealth of the Marcoses, from numerous bank accounts and transfers, deeds and titles in the name of known cronies held in trust for them, compromise agreements of known cronies, investments in the form of securities in their name, name of their nominees or cronies to testimonial evidence of their known associates and cronies stating their involvement and that of the Marcoses in gathering, scheming and hiding these so-called ill-gotten wealth.

I. PRESUMPTION OF ILL-GOTTEN WEALTH:

At the forefront of the wealth of the Marcoses is the so-called presumption of ill-gotten wealth under Republic Act No. 1379 or *An Act Declaring Forfeiture In Favor Of The State Any Property Found To Have Been Unlawfully Acquired By Any Public Officer Or Employee And Providing For The Proceedings Therefor*. The law and the presumption was applied to the wealth of the Marcoses in the case of *Marcos Jr. vs Republic*, G.R. 189434. The Supreme Court ruled that:

R.A. 1379 provides that whenever any public officer or employee has acquired during his incumbency an amount of property manifestly out of proportion to his salary as such public officer and to his other lawful income, said property shall be presumed prima facie to have been unlawfully acquired.[35] The elements that must concur for this prima facie presumption to apply are the following: (1) the offender is a public officer or employee; (2) he must have acquired a considerable amount of money or property during his incumbency; and (3) said amount is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and income from legitimately acquired property.

Thus, in determining whether the presumption of ill-gotten wealth should be applied, the relevant period is incumbency, or the period in which the public officer served in that position. The amount of the public officer's salary and lawful income is compared against any property or amount acquired for that same period. In the Swiss Deposits Decision, the Court ruled that petitioner Republic was able to establish the prima facie presumption that the assets and properties acquired by the Marcoses "were manifestly and patently disproportionate to their aggregate salaries as public officials."

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The Solicitor General made a very thorough presentation of its case for forfeiture:

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4. Respondent Ferdinand E. Marcos (now deceased and represented by his Estate/Heirs) was a public officer for several decades continuously and without interruption as Congressman, Senator, Senate President and President of the Republic of the Philippines from December 31, 1965 up to his ouster by direct action of the people of EDSA on February 22-25, 1986.

5. Respondent Imelda Romualdez Marcos (Imelda, for short) the former First Lady who ruled with FM (Ferdinand Marcos) during the 14-year martial law regime, occupied the position of Minister of Human Settlements from June 1976 up to the peaceful revolution in February 22-25, 1986. She likewise served once as a member of the Interim Batasang Pambansa during the early years of martial law from 1978 to 1984 and as Metro Manila Governor in concurrent capacity as Minister of Human Settlements.

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11. At the outset, however, it must be pointed out that based on the Official Report of the Minister of Budget, the total salaries of former President Marcos as President from 1966 to 1976 was P60,000 a year and from 1977 to 1985, P100,000 a year; while that of the former First Lady, Imelda R. Marcos, as Minister of Human Settlements from June 1976 to February 22-25, 1986 was P75,000 a year.[38]

The Sandiganbayan found that neither the late Ferdinand Marcos nor petitioner Imelda Marcos filed any Statement of Assets and Liabilities, as required by law, from which their net worth could be determined. Coupled with the fact that the Answer consisted of general denials and a standard plea of “lack of knowledge or information sufficient to form a belief as to the truth of the allegations” – what the Court characterized as “foxy replies” and mere pretense – fairness dictates that what must be considered as lawful income should only be the accumulated salaries of the spouses and what are shown in the public documents they submitted, such as their Income Tax Return (ITR) and their Balance Sheets. The amounts representing the combined salaries of the spouses were admitted by petitioner Imelda Marcos in paragraph 10 of her Answer, and reflected in the Certification dated May 27, 1986 issued by then Minister of Budget and Management Alberto Romulo:

Ferdinand E. Marcos, as President

<i>1966-1976</i>	<i>at P60,000/year</i>	<i>P660,000</i>
<i>1977-1984</i>	<i>at P100,000/year</i>	<i>800,000</i>
<i>1985</i>	<i>at P110,000/year</i>	<i>110,000</i>
		<i>P1,570,000</i>

*Imelda R. Marcos, as Minister
June 1976-1985*

at P75,000/year

P718,000

In addition to their accumulated salaries from 1966 to 1985 are the Marcos couple's combined salaries from January to February 1986 in the amount of P30,833.33. Hence, their total accumulated salaries amounted to P2,319,583.33. Converted to U.S. dollars on the basis of the corresponding peso-dollar exchange rates prevailing during the applicable period when said salaries were received, the total amount had an equivalent value of \$304,372.43.[39]

The data contained in the ITRs and Balance Sheets filed by the Marcoses are summarized in Schedules A to D submitted as evidence by the Republic. Schedule A showed that from 1965 to 1984, the Marcoses reported Php 16,408,442.00 or USD 2,414,484.91 in total income, comprised of:

<i>Income Source</i>	<i>Amount</i>	<i>Percentage</i>
<i>Official Salaries</i>	<i>-P2,627,581.00</i>	<i>-16.01%</i>
<i>Legal Practice</i>	<i>11,109,836.00</i>	<i>-67.71%</i>
<i>Farm Income</i>	<i>149,700.00</i>	<i>-.91%</i>
<i>Others</i>	<i>2,521,325.00</i>	<i>-15.37%</i>
<i>Total</i>	<i>P16,408,442.00</i>	<i>-100.00%</i>

The amount reported by the Marcos couple as their combined salaries more or less coincided with the Official Report submitted by the Minister of Budget. Yet what appeared anomalous was the Php 11,109,836 representing "Legal Practice," which accounted for 67% or more than three-fourths of their reported income. Out of this anomalous amount, Php 10,649,836, or 96% thereof, represented "receivables from prior years" during the period 1967 to 1984. The Court cited the Solicitor General's findings:

In the guise of reporting income using the cash method under Section 38 of the National Internal Revenue Code, FM made it appear that he had an extremely profitable legal practice before he became a President (FM being barred by law from practicing his law profession during his entire presidency) and that, incredibly, he was still receiving payments almost 20 years after. The only problem is that in his Balance Sheet attached to his 1965 ITR immediately preceding his ascendancy to the presidency he did not show any Receivables from client at all, much less the P10.65-M that he decided to later recognize as income. There are no documents showing any withholding tax certificates. Likewise, there is nothing on record that will show any known Marcos client as he has no known law office. As previously stated, his net worth was a mere P120,000.00 in December, 1965. The joint income tax returns of FM and Imelda cannot, therefore, conceal the skeletons of their kleptocracy.[40]

In addition, the former President also reported a total of Php 2,521,325 which he referred to as “Miscellaneous Items” and “Various Corporations” under “Other Income” for 1972-1976. Spouses Marcos did not declare any income from any deposits that may be subject to a 5% withholding tax, nor did they file any capital gains tax returns from 1960 to 1965. The Bureau of Internal Revenue attested that there are no records pertaining to the tax transactions of the spouses in Baguio City, Manila, Quezon City, and Tacloban.

The Balance Sheet attached to the couple’s ITR for 1965 indicates an ending net worth of Php 120,000, which covered the year immediately preceding their ascendancy to the presidency. As previously mentioned, the combined salaries of the spouses for the period 1966 to 1986, or in the two decades that they stayed in power, totaled only USD 304,372.43. In stark contrast, as shown by Schedule D, computations establish the total net worth of the spouses for the years 1965 until 1984 in the total amount of USD 957,487.75, assuming that the income from legal practice is real and valid.[41] The combined salaries make up only 31.79% of the spouses’ total net worth from 1965 to 1984. This means petitioners are unable to account for or explain more than two-thirds of the total net worth of the Marcos spouses from 1965 to 1984.

Thus, for the final time, we soundly reiterate that the Republic was able to establish the prima facie presumption that the assets and properties acquired by the Marcoses were manifestly and patently disproportionate to their aggregate salaries as public officials. The Republic presented further evidence that they had bigger deposits beyond their lawful incomes, foremost of which were the Swiss accounts deposited in the names of five foundations spirited away by the couple to different countries. Petitioners herein thus failed to overturn this presumption when they merely presented vague denials and pleaded “lack of sufficient knowledge” in their Answer.

II. THE ARELMA INC. FUNDS

In Marcos Jr. vs Republic (G.R. 189434 and 189505) dated April 25, 2012, which pertains to Arelma Inc., a corporation maintaining an account and portfolio in Merrill Lynch, New York, and which was purportedly organized for the purpose of hiding ill-gotten wealth. In the said case, Arelma’s Funds was summarily adjudged to be a part of the ill-gotten wealth of the Marcoses, the Supreme Court ruled in this wise:

Guided by the principles above indicated, we hold that under the circumstances obtaining in the case at bar, summary judgment is proper. The Sandiganbayan did not commit a reversible error in granting the corresponding 2004 Motion for Summary Judgment filed by respondent. The latter is well within its right to avail itself of summary judgment and obtain immediate relief, considering the insufficient denials and pleas of ignorance made by petitioners on matters that are supposedly within their knowledge.

These denials and pleas constitute admissions of material allegations under paragraph 59 of the Petition for Forfeiture – a fact they have employed repeatedly in Civil Case No. 0141. As discussed, the purpose of summary judgment is precisely to avoid long drawn litigations and useless delays. We also affirm the Sandiganbayan’s findings that the moving party, the Republic, is now entitled to judgment as a matter of law.

WHEREFORE, the instant Petition is DENIED. The Decision dated 2 April 2009 of the Sandiganbayan is AFFIRMED. All assets, properties, and funds belonging to Arelma, S.A., with an estimated aggregate amount of USD 3,369,975 as of 1983, plus all interests and all other income that accrued thereon, until the time or specific day that all money or monies are released and/or transferred to the possession of the Republic of the Philippines, are hereby forfeited in favor of Respondent Republic of the Philippines.

III. SWISS BANK ACCOUNTS

In *Republic vs Sandiganbayan and Ferdinand Marcos, et. al*, (G.R. 152154) dated 15 July 2003, which pertains to the Swiss Deposit Accounts of then Former President Marcos and his spouse Imelda Romualdez-Marcos under their pseudonyms “William Saunders” and “Jane Ryan” which amounted to almost US\$658 million, in the year 2002. The said bank accounts were connected to and under the name of five (5) different foundations or corporations, purposely to hide these funds from the view of the ever-scrupulous eyes of the law. The Supreme Court held that the funds belonging to the foundations rightly belongs to the people and is declared as ill-gotten wealth of the Marcoses, viz:

In the various annexes to the petition for forfeiture, petitioner Republic attached sworn statements of witnesses who had personal knowledge of the Marcoses’ participation in the illegal acquisition of funds deposited in the Swiss accounts under the names of five groups or foundations. These sworn statements substantiated the ill-gotten nature of the Swiss bank deposits. In their answer and other subsequent pleadings, however, the Marcoses merely made general denials of the allegations against them without stating facts admissible in evidence at the hearing, thereby failing to raise any genuine issues of fact.

Under these circumstances, a trial would have served no purpose at all and would have been totally unnecessary, thus justifying a summary judgment on the petition for forfeiture. There were no opposing affidavits to contradict the sworn declarations of the witnesses of petitioner Republic, leading to the inescapable conclusion that the matters raised in the Marcoses’ answer were false.

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The release of the Swiss funds held in escrow in the PNB is dependent solely on the decision of this jurisdiction that said funds belong to the petitioner

Republic. What is important is our own assessment of the sufficiency of the evidence to rule in favor of either petitioner Republic or respondent Marcoses. In this instance, despite the absence of the authenticated translations of the Swiss decisions, the evidence on hand tilts convincingly in favor of petitioner Republic.

WHEREFORE, the petition is hereby GRANTED. The assailed Resolution of the Sandiganbayan dated January 31, 2002 is SET ASIDE. The Swiss deposits which were transferred to and are now deposited in escrow at the Philippine National Bank in the estimated aggregate amount of US\$658,175,373.60 as of January 31, 2002, plus interest, are hereby forfeited in favor of petitioner Republic of the Philippines.

IV. MALACANANG COLLECTION:

In the case entitled, *Estate of Ferdinand Marcos vs Republic*, (G.R. 213027 and 213253), dated 18 January 2007, the case confronted the issue with regard to the Malacanang Collection of Jewelries. As the collective name given to the subject property, these were the numerous collections of jewelries found by the Government in the Malacanang Palace after the Marcoses fled the country. It was among the three collections of jewelries forfeited by the government namely, the Hawaii Collection and the Roumeliotes Collection. The Hawaii Collection was seized by the US Customs Service in Hawaii and was declared by the US Hawaii District Court to rightfully belong to the people of the Republic of the Philippines. The Roumeliotes, also referred to as "MIA" jewelry, were seized from Demetriou Roumeliotes, which was said to be a close associate of Mrs. Marcos, at the Manila International Airport (MIA). The latter collection was made a subject of pending negotiations for settlement.

At the inception, it was unknown as to who was the owner of the Malacanang Collection and it was taken into custody by the authorities for safekeeping and preservation. Decades after, Imelda Romualdez-Marcos wrote a letter to the PCGG demanding "the immediate return of all her pieces of jewelry (i) taken by PCGG from Malacañang Palace and (ii) those turned over to PCGG by the U.S. Government." The Republic argued that the letter proved the claim of the Marcoses that they owned the Malacañang Collection, including the Hawaii Collection. It further argued that in the 1991 Petition in Civil Case 0141, they were deemed to have admitted the allegations regarding the pieces of jewelry. Consequently, the Sandiganbayan, as affirmed by the Supreme Court, declared that the Malacanang Collection was ill-gotten and by right belongs to the People of the Republic of the Philippines, the court stated that:

We find no reversible error in the ruling of the Sandiganbayan.

The Sandiganbayan correctly acquired jurisdiction over the case. The properties are included in the 1991 Petition as found in subparagraph (6) of paragraph (9), which reads:

9. However, the other properties which had been identified so far by both the PCGG and the Solicitor General (excluding those involved in the aforesaid civil cases) are approximated at US\$5-B and which include-

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(6) Paintings and silverware sold at public auction in the United States worth \$17-M as shown by Annex "F" hereof, aside from **the jewelries, paintings and other valuable decorative arts found in Malacañang and in the United States estimated to be about \$23.9-M as listed and described in Annexes "F-1", "F-2", "F-2-a" and "F-3" hereto attached as integral parts hereof;** (Emphasis supplied)

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Meanwhile, the Sandiganbayan correctly held that the forfeiture was justified and that the Malacañang Collection was subject to forfeiture. The legitimate income of the Marcoses had been pegged at USD 304,372.43. We reiterate what we have already stated initially in *Republic v. Sandiganbayan*, and subsequently in *Marcos v. Republic*: that "whenever any public officer or employee has acquired during his incumbency an amount of property which is manifestly out of proportion to his salary as such public officer or employee and to his other lawful income and the income from legitimately acquired property, said property shall be presumed prima facie to have been unlawfully acquired." Petitioners failed to satisfactorily show that the properties were lawfully acquired; hence, the prima facie presumption that they were unlawfully acquired prevails.

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All in all, in the absence of any compelling legal reason, there is no basis to overturn, or carve an exception to, existing jurisprudence on the matters raised in the present case.

WHEREFORE, premises considered, the assailed Partial Summary Judgment dated 13 January 2014 and Resolution dated 11 June 2014 rendered by the Sandiganbayan in Civil Case No. 0141 are AFFIRMED.

V. SHARES IN BULLETIN PUBLISHING CORPORATION:

In the case of *Republic vs Estate of Hanz Menzi* (G.R. 152578, 154487, 154518) dated 23 November 2005, which affirmed the Sandiganbayan decision which declared the Bulletin Publishing Corporation (Bulletin) shares under the name of defendants, Eduardo Cojuangco Jr., and those shares transferred to Hanz Menzi Holdings and Management, Inc. (HMHMI) under the name of Eduardo Cojuangco Jr., Jose Y. Campos and Cesar C. Zalamea which were later on sold to Bulletin under the instruction of Former President Marcos. The Sandiganbayan ruled in this wise:

WHEREFORE, judgment is hereby rendered:

1. Declaring that the following Bulletin shares are the ill-gotten wealth of the defendant Marcos spouses:

A. The 46,626 Bulletin shares in the name of defendant Eduardo M. Cojuangco, Jr., subject of the Resolution of the Supreme Court dated April 15, 1988 in G.R. No. 79126.

Pursuant to alternative "A" mentioned therein, plaintiff Republic of the Philippines through the PCGG is hereby declared the legal owner of these shares, and is further directed to execute, in accordance with the Agreement which is entered into with Bulletin Publishing Corporation on June 9, 1988, the necessary documents in order to effect transfer of ownership over these shares to the Bulletin Publishing Corporation.

B. The 198,052.5 Bulletin shares in the names of:

	No. of Shares
Jose Y. Campos	90,866.5
Eduardo M. Cojuangco, Jr.	90,877
Cesar C. Zalamea	16,309
Total	198,052.5

which they transferred to HM Holdings and Management, Inc. on August 17, 1983, and which the latter sold to Bulletin Publishing Corporation on February 21, 1986. The proceeds from this sale are frozen pursuant to PCGG's Writ of Sequestration dated February 12, 1987, and this writ is the subject of the Decision of the Supreme Court dated January 31, 2002 in G.R. No. 135789.

Accordingly, the proceeds from the sale of these 198,052.5 Bulletin shares, under Philtrust Bank Time Deposit Certificate No. 136301 dated March 3, 1986 in the amount of P19,390,156.68 plus interest earned, in the amount of P104,967,112.62 as of February 28, 2002, per Philtrust Bank's Motion for Leave to Intervene and to consign the Proceeds of Time Deposits of HMHMI, filed on February 28, 2002 with the Supreme Court in G.R. No. 135789, are hereby declared forfeited in favor of the plaintiff Republic of the Philippines.

2. *Ordering the defendant Estate of Hans M. Menzi through its Executor, Manuel G. Montecillo, to surrender for cancellation the original eight Bulletin certificates of stock in its possession, which were presented in court as Exhibits, which are part of the 212,424.5 Bulletin shares subject of the Resolution of the Supreme Court dated April 15, 1988 in G.R. No. 79126.*

3. *Declaring that the following Bulletin shares are not the ill-gotten wealth of the defendant Marcos spouses:*

a. *The 154,472 Bulletin shares sold by the late Hans M. Menzi to U.S. Automotive Co., Inc., the sale thereof being valid and legal;*

b. *The 2,617 Bulletin shares in the name of defendant Emilio T. Yap which he owns in his own right; and*

c. *The 1 Bulletin share in the name of the Estate of Hans M. Menzi which it owns in its own right.*

4. *Dismissing, for lack of sufficient evidence, plaintiff's claim for damages, and defendants' respective counterclaims.*

SO ORDERED.

Based on the pleadings and the pieces of evidence submitted by the Republic, the Supreme Court held that:

These pieces of uncontradicted evidence suffice to establish that the 198 and 214 blocks are indeed ill-gotten wealth as defined under the Rules and Regulations of the PCGG,

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Cojuangco's disavowal of any proprietary interest in the Bulletin shares is conclusive upon him. His prayer that he be declared the owner of the said shares, together with all the cash and stock dividends which have accrued thereto since October 15, 1987, and that the PCGG be ordered to return the cash deposit of ₱8,174,470.32 to Bulletin, therefore, has no legal basis and should perforce be denied.

In this connection, it should be said that Cojuangco apparently desisted from presenting evidence and chose instead to stake his claim with the Estate of Menzi and HMHMI. As found by the Sandiganbayan, however, the Estate of Menzi and HMHMI failed to prove their allegation that Campos, Cojuangco and Zalamea were Menzi's nominees. Neither did the Estate of Menzi and HMHMI institute an action to recover the shares from Menzi's nominees.

Significantly, even as they claimed ownership of the Bulletin shares in their Answer to the Republic's Second Amended Complaint, the Estate of Menzi and HMHMI did not file any cross-claim against the purported Menzi nominees.

Quite revealing, too, is the fact that Campos, in his Answers to Direct Interrogatories taken before the Consul General at the Philippine Consulate General in Vancouver, British Columbia, Canada on November 25, 1994, repeatedly declared that he owned a portion of the 198 block "per instruction of President Marcos" and that he "became the shareholder, per instruction of President Marcos."

Likewise, in his Deed of Assignment dated October 15, 1987, Zalamea manifested that he "does not claim true and beneficial ownership" of the Bulletin shares registered in his name and that he voluntarily waived and assigned the same in favor of the PCGG.

These declarations should have alerted the Estate of Menzi and HMHMI to file cross-claims against Campos and Zalamea. The fact that they did not enfeebles their claim of ownership.

It is also important to note that the Estate of Menzi did not include the 198 and 214 blocks in the inventory of the estate's assets dated May 15, 1985. If, as it claims, the Bulletin shares of Campos, Cojuangco and Zalamea were held by them as nominees of Menzi, then these shares should have been included in the inventory. The justification advanced for the said non-inclusion, which is that the stock certificates covering them were not in the possession of Atty. Montecillo, is nothing but a hollow pretext given the fact that even after the certificates came to Atty. Montecillo's possession in 1987, an updated inventory declaring the said shares as part of Menzi's estate was not filed pursuant to the Order of the probate court dated November 17, 1992.

Further, the claim that Menzi would need dummies because of the impending promulgation of a decree which would limit to 20% the ownership of media enterprises by one person or family is incredulous since no such decree was ever issued.

Parenthetically, the fact that the stock certificates covering the shares registered under the names of Campos, Cojuangco and Zalamea were found in Menzi's possession does not necessarily prove that the latter owned the shares. A stock certificate is merely a tangible evidence of ownership of shares of stock.³⁹ Its presence or absence does not affect the right of the registered owner to dispose of the shares covered by the stock certificate. Hence, as registered owners, Campos and Zalamea validly ceded their shares in favor of the Government. This assignment is now a fait accompli for the benefit of the entire nation.

The contention that the sale of the 214 block to the Bulletin was null and void as the PCGG failed to obtain approval from the Sandiganbayan is likewise unmeritorious. While it is true that the PCGG is not empowered to sell sequestered assets without prior Sandiganbayan approval,⁴⁰ this case presents a clear exception because this Court itself, in the Teehankee Resolution, directed the PCGG to accept the cash deposit offered by Bulletin in payment for the Cojuangco and Zalamea sequestered shares subject to the alternatives mentioned therein and the outcome of the remand to the Sandiganbayan on the question of ownership of these sequestered shares.

In light of the foregoing, we are not inclined to disturb the Sandiganbayan's evaluation of the weight and sufficiency of the evidence presented by the Republic and its finding that the evidence adduced by the Estate of Menzi and HMHMI do not prove their allegation that Campos, Cojuangco and Zalamea are Menzi's nominees, taking into account the express admission of Campos that he owned the shares upon Marcos' instruction, the declaration of Zalamea that he does not claim true and beneficial ownership of the shares, and the absolute dearth of evidence regarding Cojuangco's assertion that he is Menzi's nominee.

VI. IMELDA MARCOS CONVICTION:

In a 70-paged decision of the Sandiganbayan on November 9, 2018 entitled *People of the Philippines vs Imelda Romualdez-Marcos* docketed as Criminal Case Nos. 17287 to 17291, 19225 and 22867 to 22870, the court convicted Ms. Imelda Romualdez-Marcos guilty beyond reasonable doubt for violation of RA No. 3019 or the Anti-Graft and Corrupt Practices Act particularly Section 3(h), viz:

(h) Directly or indirectly having financing or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.

This is in relation to Section 8, Article IX of the 1973 Constitution, viz:

Section 8. The Prime Minister and the Members of the cabinet shall be subject to the provisions of sections ten and eleven of Article Eight hereof and may not appear as counsel before any court or administrative body, or participate in the management of any business, or practice any profession.

Ms. Marcos organized, coordinated and directed the affairs of Maler, Triniada, Rayby, Palmy, Azio-Verzo-Vibur, Avertina, and Rosalys-Aguamina Foundations, either personally or thru her designated agents, from the creation up to the end or dissolution thereof, including the transfer and disposition of their respective assets and accounts. MS. Marcos participated in the management thereof, appointing the persons to represent these foundations, transmitting instructions, and ratifying decisions and circumstances of these persons, all geared towards a particular objective. All these acts were done by Ms.

Marcos during her term as governor of Metro Manila in 1975, Member of the BAtasang Pambansa and Minister of Human Settlement.

Ms. Marcos argued in her defense that what is prohibited under the constitutional provision is to “participate in the management of any business.” Allegedly, according to her, the subject foundations are not in the nature of a business. This was contradicted by voluminous documents evidencing her great involvement with the administration of the said foundations through numerous documentary and testimonial evidence, from opened bank accounts and transfers to documents, among others, which points at her giving orders and administering the affairs of the said foundations, and having pecuniary interest over them.

The court was not convinced and held that:

The first element, therefore, that the accused Ms. Marcos must be a public officer is satisfied, she being from 1976 to 1986, or until she and her husband Ferdinand Marcos who was then President of the Philippine Republic, were toppled from their respective seats in government.

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x x x Remarkably, the circumstances surrounding the facts of these cases are peculiar, whereby foreign accounts, individuals and entities are involved, one after another, in what is alleged to be a schematic plan or complex pattern of cover up. Though the task of unearthing evidence is inherently difficult in this situation, the prosecution endeavored to prove its case based on testimonies of witnesses who identified documents retrieved from both foreign and local sources, including those recovered from Malacanang Palace after the Marcos Family went in exile in 1986.

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At any rate, when the documents identified and marked were formally offered by the prosecution, the accused did not interpose any objection thereto, hence, the admissibility in evidence of all the documents presented was favorably ruled upon by this Court when it resolved to admit the prosecution’s Consolidated Formal Offer of Documentary Evidence filed on December 3, 2015, there being no opposition from the accused.

Culled from the evidence, testimonial and documentary, hereunder is the Court’s determination of the presence or absence of the element of “pecuniary interest” of Ms. Marcos, in any business, contract or transaction relating to each of the foundations and entities subject of the instant cases.

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A “business” is generally defined as the activity of making one’s living or making money by producing or buying and selling goods or services. x x x On the other hand, a “foundation” is generally established and maintained for charitable, educational, religious or other benevolent purpose. In civil law system such as the Swiss regime, a foundation is normally defined “as legal entity established by the endowment of assets for a specified purpose. In theory, this purpose must be one of public interest.”

The term “foundation” shall not be controlling in determining the nature of engagement of the subject Swiss entities put up by Ms. Marcos. Though named as a “foundation,” the evidence shows that these entities were put up primarily for the entrepreneurial activity of opening bank accounts and deposits, transferring funds, earning interests and even profit from investment, for the private benefit of the Marcos family as beneficiaries. The purpose of setting up these entities is definitely not charitable, educational, religious, or otherwise in service of public interest. In fact, in the related case of Republic vs Sandiganbayan involving monies and Swiss accounts of the Marcoses, the Supreme Court ruled that “management of businesses, like the administration of foundations to accumulate funds, was expressly prohibited under the 1973 Constitution x x x x.” Hence, Ms. Marcos predicate act of “having pecuniary interest” in these foundations, the affairs of which she is shown to have actively administered for he private gain and benefit falls within the context of the proscribed acts under Article IX, Section 8 of the 1973 Constitution.

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WHEREFORE, judgment is hereby rendered finding the accused Imelda R. Marcos:

- (a) GUILTY beyond reasonable doubt for violation of RA. No. 3019, Section 3(h) in relation to Article IX, Section 8 of the 1973 Constitution in Criminal Cases Nos. 17287, 17288, 17289, 22867, 22868, and 22869 whereby she is sentenced, in each of these cases, to suffer the indeterminate penalty of imprisonment from six (6) years and one (1) month as minimum to eleven (11) years as maximum, with perpetual disqualification to hold public office. As regards the civil aspect consisting of forfeiture of the assets and accounts of the foundations subject of these cases, the Court defers to the disposition thereof in the forfeiture proceedings separately instituted against the accused;*