

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**EIGHTEENTH CONGRESS**  
Third Regular Session

**HOUSE BILL No. 9437**



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Introduced by  
**BAYAN MUNA Rep. CARLOS ISAGANI T. ZARATE, Rep. EDCCEL C. LAGMAN,**  
**Rep. JOSE CHRISTOPHER Y. BELMONTE, Rep. PABLO C. ORTEGA,**  
**BAYAN MUNA Reps. EUFEMIA C. CULLAMAT and FERDINAND R. GAITE,**  
**GABRIELA Women's Party Rep. ARLENE D. BROSAS,**  
**ACT TEACHERS Party-List Rep. FRANCE L. CASTRO,**  
**and KABATAAN Party-List Rep. SARAH JANE I. ELAGO**

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**AN ACT  
PROVIDING FOR  
THE CRIMINALIZATION OF RED-TAGGING**

**Explanatory Note**

Red-tagging has become a very dangerous action or conduct by public officials and their agents. It brings about a chilling effect and poses a great danger to the people's Constitutional right to freedom of expression and the right to political belief without fear of prosecution.

When an individual, group, or organization is red-tagged by the State and their agents, the victims become subject to harassments, surveillance, death threats, enforced disappearance, and extrajudicial killings. It has been identified by interest groups as acts that are a prelude to extrajudicial disappearances and killings. It is generally directed at the opposition but most of the victims who suffer the worst are activists and political dissenters.

Red-tagging should be criminalized for two simple reasons: it is committed through the use of public funds, and it has an injurious and irreversible impact on the victims.

Red-tagging is funded by public funds. Under this administration, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has become the chief implementor of the policy of red-tagging since its creation by Executive Order No. 70. This Task Force has been conducting red-tagging activities against political dissenters in fora among agencies and offices of the government, schools, and other institutions; in publications, posters and other materials disseminated and posted along the main thoroughfares in different centers in the country; in social media campaigns of fake news discrediting and vilifying individuals and interest groups that they view as "enemies of the state"; and in public statements done through media broadcasts and publications. All these activities were and are being funded by public funds.

Red-tagging has an injurious and irreversible impact on the victims since once an individual or group or organization is red-tagged, the stigma attaches. These victims are now subject to harassments, surveillance, death threats, and worse enforced disappearances and killings. The victims live in constant fear for their lives, liberty, and security. Adding insult to injury, even their families suffer the same. They are deliberately singled out as the public is conditioned that they must have done something wrong to justify an extrajudicial punishment.

There have been numerous victims of red-tagging, some of whom are publicly known to be political activists and had been staunch dissenters of anti-people government policies like Randy Echanis, Randy Malayao, Jory Porquia, Zara Alvarez, and Atty. Ben Ramos who have all been killed after being red-tagged.

Ultimately, the message is clearly to stifle dissent.

To put an end to this vicious act of red-tagging, the immediate enactment of this bill is earnestly sought.

Approved,



**REP. CARLOS ISAGANI T. ZARATE**  
*Bayan Muna Partylist*



**REP. EDCEL C. LAGMAN**  
*1<sup>st</sup> District, Albay*



**REP. JOSE CHRISTOPHER Y. BELMONTE**  
*6<sup>th</sup> District, Quezon City*



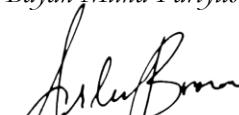
**REP. PABLO C. ORTEGA**  
*1<sup>st</sup> District, La Union*



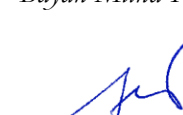
**REP. EUFEMIA C. CULLAMAT**  
*Bayan Muna Partylist*



**REP. FERDINAND R. GAITE**  
*Bayan Muna Partylist*



**REP. ARLENE D. BROSAS**  
*GABRIELA Women's Party*



**REP. FRANCE L. CASTRO**  
*ACT Teachers Partylist*



**REP. SARAH JANE I. ELAGO**  
*Kabataan Partylist*

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**AN ACT**  
**PROVIDING FOR**  
**THE CRIMINALIZATION OF RED-TAGGING**

*Be it enacted by the Senate and the House of Representatives in Congress assembled:*

**SECTION 1. Title.** This Act shall be known as the “*Act Providing for the Criminalization of Red-Tagging*”, or simply, *the “Anti-Red-Tagging Act of 2021”*.”

**SECTION 2. Definition.** Red-tagging is the act of publicly labeling, vilifying, branding, naming, accusing or caricaturing individuals, groups, or organizations of being state enemies, subversives, armed rebels, communists or terrorists, or fronts thereof, thereby implying or insinuating involvement or engagement in armed rebellion, acts of terrorism or any wrong doing or criminal acts; *Provided*, That such act is committed with the use, directly or indirectly, of public position and/or of public funds; *Provided further*, That if a public official or employee commits red-tagging, a disputable presumption that it was committed with the use of public position and/or of public funds attaches.

**SECTION 3. Forms of Red-Tagging.** Red-tagging is committed through statements, social media posts, announcements, declarations, signages, streamers, placards, public fora and other similar venues or media where individuals, entities, groups and/or organizations are publicly labeled, vilified, branded, named, accused or caricatured as described in Section 2 of this Act.

**SECTION 4. Offenses.**

a. Any public official, employee, and/or their agents who red-tags any individual in accordance to Section 2 and 3 of this Act shall be punished by *prisión correccional* for violation of this Act.

b. If the individual red-tagged was injured by reason or by any cause arising from the red-tagging by the accountable public official, employee, and/or his/her agents, the public official, employee, and his/her agents, shall be punished by a degree higher than those in accordance with Art. 262 to Art. 265 (Physical Injuries) of the Revised Penal Code and a fine not exceeding 6,000 plus damages.

c. If the individual red-tagged was killed by reason or by any cause arising from the red-tagging by the accountable public official, employee, and/or his/her agents, the public official, employee, and his/her agents, shall be punished in accordance with Art. 248 (Murder) of the Revised Penal Code.

d. If the individual red-tagged was involuntarily disappeared by reason or by any cause arising from the red-tagging by the accountable public official, employee, and/or his/her agents, the public official, employee, and his/her agents, shall be punished under R.A. 10353 or An Act Defining And Penalizing Enforced Or Involuntary Disappearance.

e. Any public officer, employee, and/or their agents who are found guilty of any of the aforementioned offenses shall also be imposed a penalty of perpetual absolute disqualification to hold public office.

f. The penalties for violation of this act and their probable consequences shall be without prejudice to the filing of administrative and civil cases against the offender/s.

**SECTION 5. *Amendatory and Repealing Clause.*** All laws, decrees, executive orders, resolutions, revenue regulations, ordinances or circulars inconsistent with the provisions of this Act are hereby repealed or modified accordingly or declared null and void and inoperative.

**SECTION 6. *Separability Clause.*** – Should any provision of this Act be subsequently declared unconstitutional, other provisions insofar as they may be separable from the invalid ones shall remain in full force and effect.

**SECTION 7. *Effectivity.*** This Act shall take effect immediately upon its publication in the Official Gazette or in a newspaper of general circulation.

Approved,