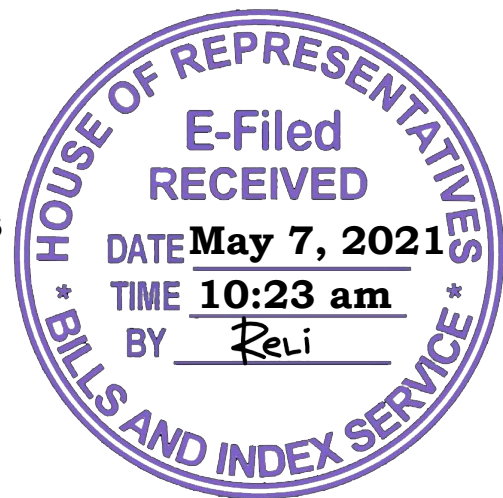


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 9309



Introduced by
Deputy Speaker Michael L. Romero

EXPLANATORY NOTE

Under Section 1, Article III of the 1987 Philippine specifically provides for the rights of Filipino Citizens against deprivation of life, liberty, and property without due process of law.

A clear threat to the aforementioned rights provided under the 1987 Constitution is the practice of “Red-Tagging” or “Red-Baiting”. In a journal¹ published by the International Peace Observers Network, the term “Red-Baiting” which is interchangeable with “Red-Tagging” was defined by Dr. Simbulan as “the act of labelling, branding, naming and accusing individuals and/or organizations of being left-leaning, subversives, communists or terrorists is a strategy used by State agents, particularly law enforcement agencies and the military, against those perceived to be threats or enemies of the State.” Furthermore and in the same article, Mr. Stoltenberg-Lerche and Mr. Hamman also defined as it “the practice of state actors to publicly and detractively classify government-critical individuals and organizations as state enemies, communist terrorists or members of communist front organizations with the purpose of overthrowing the democratically legitimized state authority.”

¹ International Peace Observers Network, Observer: A Journal on Threatened Human Rights Defenders in the Philippines available at https://ipon-philippines.org/wp-content/uploads/ObserverJournal/Observer_Vol.3_Nr.2_RedBaiting.pdf (last accessed on 04 May 2021).

Unfortunately during these most trying of times in our country as we battle the COVID-19 pandemic, some officials from the government has chosen to devote much needed resources of the government to red-tag certain individuals. Members of this august chamber were not spared from such acts, on 27 October 2020 the Honorable Speaker of the House, Speaker Lord Allan Velasco, issued a statement² cautioning Lt. General Antonio Parlade Jr. from the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) that he “should be more circumspect and cautious in issuing statements against House members whose lives he may place at great risk and danger sans strong evidence”. Undeterred by this and most recently, Lt. General Antonio Parlade Jr. and Communications Undersecretary Lorraine Badoy of the NTF-ELCAC has again committed the same act of red-tagging or red-baiting by initiating a background check on the organizers of the “community pantry” at Maginhawa Street put up by one Ms. Ana Patricia Non.

To put it bluntly, this acts of red-tagging or red-baiting by anyone, whether by a private individual or a state personnel without presenting hard evidence has no place in our society and should stop. This wicked act exposes innocent people to serious dangers against their rights such as, but not limited to, surveillance and interception and recording of their communications, restriction on their right to travel, examination of their bank records, seizure and sequestration of their assets, and perhaps most importantly detention without judicial warrant of arrest for a period of fourteen (14) days which is extendable for another ten (10) days.

Therefore, this House Bill seeks to criminalize such act and permanently put a stop to it. The immediate passage of this bill is earnestly sought.



MICHAEL L. ROMERO

² Speaker Lord Allan Velasco, STATEMENT OF HOUSE SPEAKER LORD ALLAN VELASCO ON RED-TAGGING BY LT. GEN. ANTONIO PARLADE JR. *available at* <https://www.congress.gov.ph/press/details.php?pressid=11917&key=parlade> (last accessed on 04 May 2021).

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HOUSE BILL NO. 9309

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AN ACT
CRIMINALIZING RED-TAGGING, PROVIDING PENALTIES
AND SANCTIONS, AND FOR OTHER PURPOSES

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

SECTION 1. SHORT TITLE. - This Act shall be referred to as the **“Anti-Red Tagging Act of 2021”**.

SECTION 2. DECLARATION OF POLICY. – Sec. 1, Article III of the 1987 Philippine Constitution specifically provides for the right of Philippine citizens against deprivation of life, liberty and property without due process of law. Since time immemorial, the State has recognized such right and declared strict adherence thereto as its state policy.

SECTION 3. DEFINITION OF TERMS. – For purposes of this Act, the following terms shall be defined as stated below:

- a. **Red Tagging** or **Red Baiting** refers to the practice of publicly and detractively labelling, branding, naming, and accusing individuals and/or organizations in order to classify them as government-critical

individuals and/or organizations who are state enemies, left-leaning, subversives, communist terrorists, and/or members of communist front organizations, with the purpose of overthrowing the democratically legitimized state authority.

- b. **State Personnel** refers to any individual who is employed and/or represents the government such as but not limited to: public employees, public officials, police personnel, and military personnel.

SECTION 4. CRIMINAL OFFENSE OF RED TAGGING OR RED BAITING. – Any person, whether a private individual or a state personnel, who publicly and falsely tags, maligns, labels, titles, alleges, stalks, hounds, or categorizes any individual, clusters, or groups as enemies of the state, collaborators, communists or terrorists as a part of a counter-insurgency or anti-terrorism program or policy, shall be held liable under this Act, after due notice and hearing.

SECTION 5. PENALTIES. – Any person found guilty of the criminal offense as provided for under Section 2 of this Act shall suffer the penalty of imprisonment of a minimum of Ten (**10**) years; and perpetual disqualification to hold public office.

SECTION 6. TRANSITORY PROVISION. – Existing industries, businesses and offices affected by the implementation of this Act shall be given six (6) months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 7. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty (**60**) days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 8. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 9. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 10. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen **(15)** days from its publication in the Official Gazette or in at least two **(2)** national newspapers of general circulation whichever comes earlier.

Approved,