

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1841



Introduced by Representative LEILA M. DE LIMA

AN ACT
DEFINING AND PENALIZING THE CRIME OF RED-TAGGING

EXPLANATORY NOTE

Red-tagging is the act of labeling individuals, groups, or organizations as state enemies, subversives, communists, or terrorists, without basis.

In the Philippines, red-tagging has long been used as an instrument to silence and quash dissent among critics, activists, journalists, human rights advocates, civil society organizations (CSOs), community and labor union leaders, lawyers, and political opponents. Since victims of red-tagging are often subjected to harassment, surveillance, death threats, enforced disappearances, and extrajudicial killings, the Supreme Court, in *Deduro v. Vinoya* (G.R. No. 254753, 4 July 2023), declared that “red-tagging, vilification, labeling, and guilt by association threaten a person’s right to life, liberty, or security.”¹ Moreover, as the usual targets of red-tagging are activists, journalists, labor leaders, and human rights defenders, red-tagging results in the stifling of fundamental freedoms and civil liberties, which are enshrined in the Bill of Rights.

Due to the reprehensible and chilling effects of red-tagging on an individual’s life, livelihood, rights, and freedoms, this bill seeks to define and criminalize red-tagging, proposing appropriate penalties for it.

Several bills seeking to criminalize red-tagging have been filed in past Congresses. In the 19th Congress, Kabataan Party-list Representative Raoul Manuel filed a House bill defining red-tagging, its forms, and its offenses, proposing *prision correccional* and perpetual absolute disqualification to hold public office as initial

¹ Supreme Court. (8 May 2024). SC: Red-Tagging Threatens Right to Life, Liberty, and Security. Retrieved from <https://sc.judiciary.gov.ph/sc-red-tagging-threatens-right-to-life-liberty-and-security/>.

penalties, adopting the penalties cited in Article 248 of the Revised Penal Code (RPC) if the red-tagging results in murder and in R.A. 10353 if it results in involuntary disappearance, and adopting penalties a degree higher than those cited in Articles 262 to 265 of the RPC if the red-tagging results in physical injuries. A similar bill was filed in the 18th Congress by Representatives of the party-lists Bayan Muna, Kabataan, Gabriela, and ACT Teachers, and Representatives Edcel Lagman, Jose Christopher Belmonte, and Pablo Ortega. This bill adopts the aforementioned House bill's definition of the forms of red-tagging and its cited offenses, except *prision correccional*.

In the Senate under the 18th Congress, former Senate President Frank Drilon filed a bill criminalizing red-tagging and proposing imprisonment for ten (10) years and perpetual absolute disqualification to hold public office as penalties. Similar bills were filed in the House of Representatives by former Deputy Speaker Michael Romero in the 18th Congress and by Representative Gus Tambunting in the 19th Congress. From the aforementioned bills, this bill adopts the penalty of imprisonment for ten (10) years.

This bill explicitly defines red-tagging as a criminal act and provides a more expansive definition of red-tagging. In particular, this bill declares that the use of government resources, in addition to public position and/or public funds, also makes the act of red-tagging criminal. Furthermore, this bill also expands the definition of public official or employee for purposes of this measure by adopting the definition of the United Nations Convention Against Corruption.²

Red-tagging undermines the work and role of human rights defenders and political dissenters, which eventually erodes democracy and the rule of law. This bill seeks to correct this situation by proposing to define and criminalize such nefarious act.

The passage of this bill is earnestly sought.


LEILA M. DE LIMA

² United Nations. 31 October 2003. United Nations Convention Against Corruption. Retrieved from https://www.unodc.org/documents/brussels/UN_Convention_Against_Corruption.pdf.

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DEFINING AND CRIMINALIZING RED-TAGGING

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

1 SECTION. 1. *Short title.* – This Act shall be known as the “Act Defining and
2 Criminalizing Red-Tagging,” or simply, the “Anti-Red-Tagging Act of 2025.”

3
4 SEC. 2. *Definition.* – Red-tagging is hereby punished as a criminal act. Red-
5 tagging is the act of publicly labeling, vilifying, branding, naming, accusing, or
6 caricaturing individuals, groups, or organizations of being state enemies, subversives,
7 armed rebels, communists, or terrorists, or fronts thereof, thereby implying or
8 insinuating involvement or engagement in armed rebellion, acts of terrorism, violent
9 uprising, or any other similar wrongdoing or criminal act. *Provided, that,* such act is
10 committed with the use, directly or indirectly, of public position, government resources,
11 and/or of public funds. *Provided, further, that,* if a public official or employee commits
12 red-tagging, a disputable presumption that it was committed with the use of public
13 position, government resources, and/or of public funds attaches.

14
15 For purpose of this Act, “public official or employee” shall mean: (i) any person
16 holding a legislative, executive, administrative or judicial office or employment,
17 whether appointed or elected, whether permanent or temporary, whether paid or
18 unpaid, irrespective of that person’s seniority; and (ii) any other person who performs
19 a public function, including for a public agency or public enterprise, or provides a public
20 service.

21
22 SEC. 3. *Forms of Red-Tagging.* – Red-tagging is committed through
23 statements, social media posts, announcements, declarations, signages, streamers,
24 placards, public fora, and other similar venues or media where individuals, entities,

1 groups, and/or organizations are publicly labeled, vilified, branded, named, accused,
2 or caricatured as described in Section 2 of this Act.

3
4 **SEC. 4. Offenses.**

- 5
6 a. Any public official or employee, or his/her agent, who commits red-
7 tagging, shall suffer the penalty of imprisonment for ten (10) years.
- 8
9 b. If the individual red-tagged was injured by reason or by any cause arising
10 from the red-tagging by the public official, employee, and/or his/her
11 agents, the public official, employee, and his/her agents, shall be
12 punished by a degree higher than those in accordance with Art. 262 to
13 Art. 265 (Physical Injuries) of the Revised Penal Code and a fine not
14 exceeding Six Thousand Pesos (P 6,000.00) plus damages.
- 15
16 c. If the individual red-tagged was killed by reason or by any cause arising
17 from the red-tagging by the accountable public official, employee, and/or
18 his/her agents, the public official, employee, and his/her agents, shall be
19 punished in accordance with Art. 248 (Murder) of the Revised Penal
20 Code.
- 21
22 d. If the individual red-tagged was involuntarily disappeared by reason or
23 by any cause arising from the red-tagging by the accountable public
24 official, employee, and/or his/her agents, the public official, employee,
25 and his/her agents, shall be punished under R.A. 10353, or An Act
26 Defining And Penalizing Enforced Or Involuntary Disappearance.
- 27
28 e. Any public officer, employee, and/or their agents who are found guilty of
29 any of the aforementioned offenses shall also be imposed a penalty of
30 perpetual absolute disqualification to hold public office or employment.
- 31
32 f. The penalties for violation of this Act and their consequences shall be
33 without prejudice to the filing of administrative and civil cases against the
34 offender/s.

35
36 **SEC. 5. Separability Clause.** - If any provision of this Act is declared invalid or
37 unconstitutional, the provisions not affected thereby shall continue to be in full force
38 and effect.

39
40 **SEC. 6. Repealing Clause.** - All laws, executive orders, presidential decrees,
41 presidential proclamations, letters of instruction, rules and regulations, or parts thereof
42 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
43 accordingly.

1 **SEC. 7. *Effectivity.*** - This Act shall take effect fifteen (15) days following its
2 publication in the Official Gazette or in two (2) newspapers of general circulation in the
3 Philippines.

Approved,