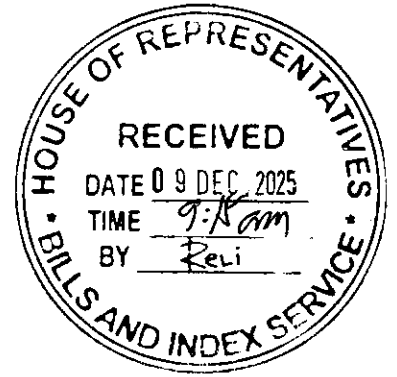


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 6680



Introduced by Honorable Representative
SARAH JANE I. ELAGO (Gabriela Women's Party)

**AN ACT PENALIZING RED-TAGGING AND PRESCRIBING PENALTIES
THEREFOR**

EXPLANATORY NOTE

The 1987 Constitution of the Philippines, in its Bill of Rights, unequivocally guarantees the freedom of speech, of expression, of the press, and the right of the people peaceably to assemble and petition the government for redress of grievances. It further affirms that no person shall be detained solely by reason of his political beliefs and aspirations. These fundamental rights form the bedrock of any society that purports to be democratic.

However, these constitutional protections are systematically being violated through the vicious and systematic state policy of "red-tagging"—the malicious act of labeling, vilifying, and accusing individuals and organizations of being communists, terrorists, or enemies of the state. This practice is not a harmless exercise of free expression; it is a de facto death threat, a prelude to a host of other grave human rights violations, including surveillance, harassment, arbitrary detention, torture, enforced disappearance, and extrajudicial killing.

The grave danger posed by this practice has now been unequivocally recognized by the highest court of the land. In the landmark case of *Deduro v. Vinoya*, Supreme Court Associate Justice Rodil Zalameda declared that "red-tagging, vilification, labelling, and guilt by association constitute threats to a person's right to life, liberty, or security." This judicial affirmation validates the lived experiences of activists and the long-held position of human rights advocates that red-tagging is a direct and credible threat that warrants decisive legislative action.

This insidious state policy has been perfected and institutionalized over decades as a primary weapon in the state's counter-insurgency campaigns. In recent years, it has been wielded with unparalleled brazenness by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), a monstrous machinery of state terror created by Executive Order No. 70. This Task Force orchestrates a relentless campaign of vilification, weaponizing billions in public funds—the people's own money—to sow fear and division. It conducts witch hunts in

government fora, plasters defamatory posters along public roads, and floods social media with disinformation to discredit and endanger the lives of those who dare to dissent.


The impact on the victims and their families is injurious and irreversible. Once a person or organization is red-tagged, a target is placed on their back. They are forced to live in constant fear for their lives, liberty, and security, their names and reputations permanently stained by baseless accusations. This creates a powerful chilling effect that extends throughout society, deliberately conditioning the public to accept, and even justify, extrajudicial punishment against those who are singled out. The ultimate goal is to silence all forms of dissent and crush the organized resistance of the Filipino people against anti-people and anti-national policies.

The list of victims is long and continues to grow. Long-time activists Randall Echanis and Randy Malayao, community organizers Jory Porquia and Zara Alvarez, human rights lawyer Atty. Ben Ramos, and Lumad school teacher Chad Booc are but a few of the countless patriots who were brutally murdered after being relentlessly red-tagged by state forces. Their deaths are a testament to the lethal nature of this state policy.

To allow red-tagging to continue with impunity is to sanction violence perpetrated by the state. It is to surrender our fundamental freedoms and allow the state to operate as an instrument of repression rather than a protector of rights. Criminalizing this heinous act is an urgent and necessary step to defend our democracy, uphold the rule of law, and protect the lives of the Filipino people. This bill seeks to provide a legal definition for red-tagging and prescribe severe penalties for its perpetrators, thereby dismantling the architecture of impunity that has enabled these crimes for far too long.

For the foregoing reasons, the passage of this bill is sought.

REP. SARAH JANE I. ELAGO
Gabriela Women's Party

A large, stylized handwritten signature in black ink, consisting of several loops and flourishes, positioned over the printed name and party affiliation.

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THEREFOR**

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

SECTION 1. Title. This Act shall be known as the "*Anti-Red-tagging Act of 2025*".

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 wrongdoing 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 for a, 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-tag any individual in accordance with Sections 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 their agents, the public official, employee, and their 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 their agents, the public official, employee, and their 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 their agents, the public official, employee, and their 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.