

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 689

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALARMING AND RAMPANT RED-TAGGING AND UNDUE INVESTIGATION OF LAWYERS, JUDGES AND TEACHERS BY LAW ENFORCEMENT AGENCIES WITH THE END IN VIEW OF ENACTING MEASURES TO SECURE THE SAFETY AND WELFARE OF PROFESSIONALS FIGHTING INJUSTICE AND SERVING OUR COUNTRY

1 WHEREAS, the Bill of Rights under the Constitution guarantees freedom of
2 political beliefs, that “[n]o man shall be detained solely by reason of his political
3 beliefs and aspirations”;

4 WHEREAS, the Bill of Rights also provides that “[n]o law shall be passed
5 abridging the freedom of speech, of expression, or of the press, or the right of the
6 people peaceably, to assemble and petition the government for redress of grievance”;

7 WHEREAS, Article IX, Section 1 of the same mandates that public officials
8 and employees “must, at all times, be accountable to the people, serve them with
9 utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and
10 justice, and lead modest lives;

11 WHEREAS, Section 6(h) of Republic Act No. 9851 or the “Philippine Act on
12 Crimes Against International Humanitarian Law, Genocide and Other Crimes
13 Against Humanity” punishes “persecution” against any identifiable group or
14 collectivity on political, racial, national, ethnic, cultural, religious, gender, sexual
15 orientation or other grounds that are universally recognized as impermissible under
16 international law;

1 WHEREAS, Sec. 3 of the same defines persecution as international and severe
2 deprivation of fundamental rights contrary to international law by reason of identity
3 of the group or collectivity;

4 WHEREAS, last 10 March 2021, the Department of Interior and Local
5 Government (DILG) issued a memorandum circular ordering all its regional
6 directors to list names of government employees who are proven to be members of
7 progressive groups, Alliance of Concerned Teachers (ACT) and the Confederation for
8 Unity, Recognition, and Advancement of Government Employees (COURAGE);

9 WHEREAS, in the said memorandum circular, the DILG tagged the two
10 groups as communist-terrorist groups;

11 WHEREAS, further, in the memo signed by DILG Assistant Secretary
12 Alexander Macario, it is stated that “[i]t is advised for your office to initiate an
13 investigation on the matter and validate employees who are definite members of
14 COURAGE and if found to be true and authenticated, please submit their names for
15 the perusal and information of the undersigned”¹;

16 WHEREAS, last March 12, Calbayog City Police Station Intelligence Chief
17 Police Lt. Fernando Calabria Jr. wrote to the Calbayog City Regional Trial Court
18 (RTC) Clerk of Court asking for names of lawyers who represents Communist
19 Terrorist Group personalities in the court and their affiliation, client’s name, case
20 filed, case status and a “mode of neutralization”²;

21 WHEREAS, this letter was later confirmed by Supreme Court spokesperson
22 Brian Keith Hosaka but Hosaka said that the Calbayog RTC did not act on such
23 request³;

24 WHEREAS, Police Lt. Calabria made the request more than a week following
25 an attack against Atty. Angelo Karlo Guillen, National Union of Peoples Lawyers-
26 Panay Secretary General, where he nearly died after he was stabbed in the head with
27 a screwdriver by unidentified assailants in Iloilo City⁴;

¹ Talabong, Romeo. 14 March 2021. “After ‘Bloody Sunday,’ DILG orders profiling of progressive groups”.

Retrieved from <https://www.rappler.com/nation/dilg-orders-profiling-progressive-groups-after-bloody-sunday>

² Aurelio, Julie. 13 March 2021. “PNP listing lawyers for ‘red terrorists’”. Philippine Daily Inquirer. Retrieved from <https://newsinfo.inquirer.net/1406369/pnp-listing-lawyers-for-red-terrorists>.

³ Ibid

⁴ Supra foot note #2

1 WHEREAS, Guillen represented Tumandok indigenous communities that
2 opposed a dam project in Panay. Last year, leaders and community members of
3 Tumandok were killed in separate raids and police said they were members of the
4 New People's Army who fought back⁵;

5 WHEREAS, in a separate report, University of the Philippines College of Law
6 Dean Edgardo Carlo Vistan II also wrote to the Supreme Court about the matter and
7 stated in his letter that other judges have received similar letters making the same
8 request⁶;

9 WHEREAS, days later or on March 16, a tarpaulin along EDSA was put up
10 “thanking” Mandaluyong RTC Judge Monique Quisumbing-Ignacio for her “quick
11 action” in freeing *“mga kasama”* with a logos of the Communist Party of the
12 Philippines (CPP), New Peoples’ Army and National Democratic Front at the
13 bottom⁷;

14 WHEREAS, this was after Judge Ignacio cleared journalist Lady Ann “Icy”
15 Salem and trade unionist Rodrigo Esparago of charges of illegal possession of
16 firearms and explosives, and voided search warrants of Quezon City Judge Cecilyn
17 Burgos Villavert notorious for issuing search arrests that led to arrest of dozens of
18 activists⁸;

19 WHEREAS, CPP’s chief information officer Marco Valbuena tweeted that CPP
20 disowns the said tarpaulin⁹;

21 WHEREAS, the said tarp appeared to red-tag Judge Quisumbing-Ignacio by
22 making it appeared that her decision was based on her connection to communist
23 groups and not on legal grounds;

24 WHEREAS, on March 19, PNP-CARAGA arrested Assistant Principal
25 Rosanilla ‘Lai” Consad of San Vicente National High School in Butuan City on
26 charges of attempted homicide shortly after she was red-tagged by PNP-CARAGA in
27 their Facebook post alleging that she is urban party committee member of the

⁵ Supra foot note #1

⁶ Navallo, Mike. 17 March 2021. “SC urged to act on red-baiting of lawyers; judge gets red-tagged”. Retrieved from <https://news.abs-cbn.com/news/03/17/21/sc-urged-to-act-on-red-baiting-of-lawyers-judge-gets-red-tagged>

⁷ Buan, Lian. 16 March 2021. “After freeing activists, Mandaluyong judge gets red-tagged in an EDSA tarp”. Retrieved from <https://www.rappler.com/nation/after-freeding-activists-mandaluyong-judge-red-tagged-edsa-tarpaulin-march-2021>

⁸ Ibid

⁹ Supro foot note # 6

1 Communist Party of the Philippines - NPA- National Democratic Front Northeastern
2 Committee¹⁰;

3 WHEREAS, Consad is current secretary general of the Alliance of Concerned
4 Teachers in Caraga, an affiliate of the ACT Teachers party-list group that represents
5 and advocates for teacher welfare and other education workers in Congress;

6 WHEREAS, the Commission on Human Rights (CHR) also expressed its
7 concern over the red-tagging of the Mandaluyong judge. Continuous harm,
8 vilification, intimidation, and red tagging of lawyers and judges, if left unaddressed,
9 may result in sending a chilling message to those who remain faithful in the
10 performance of their legal duties.”, CHR Spokesperson Jacqueline de Guia said¹¹;

11 WHEREAS, there is a clear pattern emerging that the PNP’s efforts against
12 communist insurgency is directed towards professionals who are related to activist
13 and progressive groups even without any proof of any crime committed by said
14 professionals, much less of any wrongdoings;

15 WHEREAS, the professionals being targeted, from lawyers, to judges, to
16 teachers are lawfully exercising their professions, many of them serving our country
17 in government posts;

18 WHEREAS, these professionals are merely fulfilling their oaths to serve our
19 country, fight injustice, and help the oppressed. To target them for their heroism
20 would be to violate the very principles upon which our democratic society is founded;

21 WHEREAS, for PNP to violate the privacy of their records based only on
22 empty assertions that they are members of so-called “Communist Terrorist Groups”
23 is a clear violation of their right to due process and is ground for administrative and
24 criminal liabilities on the part of the PNP;

25 WHEREAS, concerned authorities must investigate the matter and exact
26 accountability so teachers, judges and lawyers can do their jobs without threats,
27 harassment, intimidation or retribution, especially by our own law enforcement
28 agencies;

¹⁰ Bolledo, Jairo. 19 March 2021. “Police arrest, red-tag assistant principal in Butuan City.” Retrieved from <https://www.rappler.com/nation/police-arrest-red-tag-assistant-principal-school-butuan-city>

¹¹ Gavilan, Jodesz. 17 March 2021. “CHR: Red-tagging of Mandaluyong judge sends ‘chilling’” Retrieved from <https://www.rappler.com/nation/chr-statement-red-tagging-mandaluyong-court-judge-chilling-message-lawyers>

1 WHEREAS, Paragraph 17 of the 1990 United Nations' Basic Principles on the
2 Role of Lawyers mandates that "where the security of lawyers is threatened as a
3 result of discharging their functions, they shall be adequately safeguarded by
4 authorities.";

5 WHEREAS, the serious and continuing threats against lawyers and judges, as
6 the sentinels of the rule of law, and teachers, as guardians of learning sanctuaries,
7 who are being victimized in their very offices and schools expose how the State, who
8 is supposed to protect them, disregards the importance of rule of law and democracy;

9 **NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY**
10 **RESOLVED**, to direct the appropriate Senate Committee to conduct an inquiry, in
11 aid of legislation, into the alarming rampant red-tagging and undue investigation of
12 lawyers, judges and teachers by law enforcement agencies with the end in view of
13 enacting measures to secure the safety and welfare of professionals fighting injustice
14 and serving our country.

Adopted,


LEILA M. DE LIMA