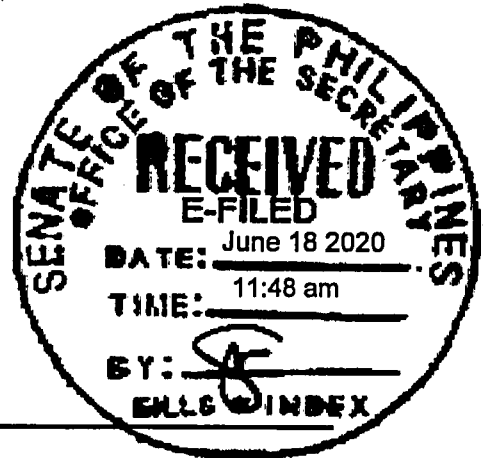


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 451

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED CASES OF RED-TAGGING BY REGIONAL OFFICES OF THE PHILIPPINE NATIONAL POLICE (PNP) THROUGH THEIR OFFICIAL SOCIAL MEDIA ACCOUNTS, WITH THE END VIEW OF EXACTING ACCOUNTABILITY FROM THE PERSONS RESPONSIBLE AND PUTTING AN END TO THE PRACTICE OF STATE-SPONSORED DISINFORMATION CAMPAIGNS INTENDED TO SUPPRESS LEGITIMATE FORMS OF DISSENT AND PROTEST AND UNDERMINE OUR DEMOCRATIC INSTITUTIONS AMID THE COVID-19 PANDEMIC

1 WHEREAS, Article III, Section 4 of the 1987 Constitution declares that “[n]o
2 law shall be passed abridging the freedom of speech, of expression, or of the press, or
3 the right of the people peaceably to assemble and petition the government for redress
4 of grievances”;

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

9 WHEREAS, on 26 February 2020, prior to the outbreak of the COVID-19 virus
10 in the country, the Senate, with a vote of 19-2, approved on third and final reading
11 Senate Bill No. 1083, otherwise known as “The Anti-Terrorism Act of 2020”;¹

12 WHEREAS, the proposed Anti-Terrorism Bill is the result of a protracted bid
13 by the country’s generals to repeal the Human Security Act of 2007 which, despite

¹ Rey, A. *Senate approves anti-terrorism bill on final reading*. (26 February 2020). Retrieved June 10, 2020, from <https://www.rappler.com/nation/252791-senate-final-reading-anti-terrorism-bill>.

1 having more safeguards to prevent possible abuses, was found by both the police and
2 military too cumbersome to implement, even going as far as to claim that it
3 “effectively aided terrorists” evade capture;²

4 WHEREAS, on 29 May 2020, the House Committees on Public Order and
5 Safety, and on National Defense and Security, with a joint vote of 34-2, adopted the
6 Senate version of the Anti-Terrorism Bill, which substituted several House versions
7 of the same measure;³

8 WHEREAS, in a letter to House Speaker Alan Peter Cayetano on 1 June 2020,
9 President Rodrigo Duterte, called for the immediate enactment of the Anti-Terrorism
10 Bill. In calling for its passage, Duterte cited the “urgent need” to amend the current
11 anti-terrorism law “to adequately and effectively contain the menace of terrorists acts
12 for the preservation of national security and the promotion of general welfare”;⁴

13 WHEREAS, on 9 June 2020, it was announced that the Anti-Terrorism Bill
14 had been signed by both the House Speaker and Senate President, and transmitted to
15 President Duterte for his signature;⁵

16 WHEREAS, on 4 June 2020, in an online press briefing, Presidential
17 Spokesperson Harry Roque assured the public that the President’s signature on the
18 Anti-Terrorism Bill was not a given, as this would still be subject to a thorough
19 review;⁶

20 WHEREAS, on 6 June 2020, the Department of Justice (DOJ) announced that
21 they would also be reviewing the said measure if its provisions were in accordance
22 with the 1987 Constitution;⁷

² Fonbuena, C. *Terror law: The pet bill of the generals*. (5 June 2020). Retrieved June 10, 2020, from <https://www.rappler.com/nation/262967-terror-law-pet-bill-of-generals>.

³ Gotinga, J. *House joint committee adopts Senate version of toughened anti-terrorism bill*. (29 May 2020). Retrieved June 10, 2020, from <https://www.rappler.com/nation/262357-house-joint-committee-adopts-senate-version-toughened-anti-terrorism-bill>.

⁴ Tomacruz, S. *Duterte certifies as urgent anti-terrorism bill feared to clamp down on basic rights*. (1 June 2020). Retrieved June 10, 2020, from <https://www.rappler.com/nation/262565-duterte-certifies-urgent-tougher-anti-terrorism-bill>.

⁵ Ramos, C. M. *Anti-terror bill transmitted to Palace for Duterte’s signature*. (9 June 2020). Retrieved June 10, 2020, from <https://newsinfo.inquirer.net/1288487/anti-terror-bill-transmitted-to-palace-for-dutertes-signature>.

⁶ Aguilar, K. *Anti-terror bill subject to review, no rush signing it into law – Palace*. (4 June 2020). Retrieved June 10, 2020, from <https://newsinfo.inquirer.net/1286221/anti-terror-bill-subject-to-review-no-rush-signing-it-into-law-palace>.

⁷ Marquez, C. *DOJ to start review of Anti-Terror Bill; check if provisions are constitutional*. (6 June 2020). Retrieved June 10, 2020, from <https://newsinfo.inquirer.net/1287395/doj-to-start-review-of-anti-terror-bill-check-if-provisions-are-constitutional>.

1 WHEREAS, on 4 June 2020, retired Senior Associate Justice Antonio Carpio
2 stated that the constitutionality of the Anti-Terrorism Bill can be “facially challenged”
3 before the Supreme Court once it is signed into law as therein contains a provision
4 affecting freedom of speech;⁸

5 WHEREAS, the apparent railroading of this measure was met with
6 widespread public indignation and protests from various civil society groups and
7 organizations amid suspicions that it would be used as a political tool to instill fear
8 and silence critical dissent against the Duterte administration;

9 WHEREAS, on 7 June 2020, despite assurances from top security officials
10 that the proposed Anti-Terrorism Act would not target critics and activists⁹, it was
11 reported that two Philippine National Police (PNP) regional offices posted images, on
12 their official social media accounts, accusing legal activist organizations of being
13 communist fronts while implying that the new law would snuff them out;¹⁰

14 WHEREAS, one Facebook account – which belongs to Butuan City-
15 headquartered Police Regional Office 13 – listed a number of activist organizations as
16 “communist terrorists”, including militant groups Anakbayan and League of Filipino
17 Students along with Bayan Muna and Kabataan Party-lists;¹¹

18 WHEREAS, another Twitter account with the handle PNPBaguioStn4 – which
19 is followed by the PNP’s official Twitter account – also published a post, singling out
20 Kabataan party-list. The same report also noted the same account which, in an
21 earlier post before Labor Day, accused the Alliance of Concerned Teachers, Gabriela
22 Women's Party, Bayan Muna, League of Filipino Students, Kabataan Party-list, and
23 Anakbayan of being terrorists;¹²

24 WHEREAS, Philippine jurisprudence defines ‘red-tagging’ or ‘red-baiting’ as
25 “the act of labelling, branding, naming and accusing individuals and/or organizations
26 of being left-leaning, subversives, communists or terrorists” and “is a strategy used

⁸ CNN Philippines Staff. *Carpio: Anti-terrorism bill may immediately be challenged on constitutionality in SC*. (4 June 2020). Retrieved June 10, 2020, from <https://www.cnnphilippines.com/news/2020/6/4/anti-terror-bill-constitutionality-sc.html>.

⁹ Reyes, D. *Security officials defend anti-terror measure*. (1 June 2020). Retrieved June 10, 2020, from <https://www.manilatimes.net/2020/06/01/news/top-stories/security-officials-defend-anti-terror-measure/728494/>.

¹⁰ Luna, F. *PNP ‘art’ tags activists as terrorists amid debate on anti-terrorism bill*. (8 June 2020). Retrieved June 10, 2020, from <https://www.philstar.com/headlines/2020/06/08/2019480/pnp-art-tags-activists-terrorists-amid-debate-anti-terrorism-bill>.

¹¹ *Ibid.*

¹² *Ibid.*

1 by State agents, particularly law enforcement agencies and the military, against those
2 perceived to be 'threats' or 'enemies of the State';¹³

3 WHEREAS, the Commission on Human Rights (CHR), has repeatedly
4 cautioned the government on the dangers of carelessly 'red-tagging' persons and
5 groups as these may "trigger a number of human rights violations, including
6 harassment, unlawful arrests, torture, and threats to life";¹⁴

7 WHEREAS, the CHR has also repeatedly stressed that "expressions of dissent
8 and the freedom to speak on legitimate concerns without fear of reprisal are
9 guaranteed rights by the 1987 Constitution as a feature of a democratic country";¹⁵

10 WHEREAS, on 8 June 2020, the CHR reminded the PNP to strictly enforce
11 social media regulations amid "baseless accusations" made against activists
12 reminding them that these may be met with administrative or even criminal
13 charges;¹⁶

14 WHEREAS, in the same statement, the CHR reminded law enforcement
15 officials that they are mandated to carry out their duties as public servants with high
16 ethical standards and professionalism;¹⁷

17 WHEREAS, state agents' blatant red-tagging of activists is an attack on the
18 very foundations of our democracy and constitutes a grave abuse of authority and
19 misappropriation of public funds in addition to the potential harm it may cause to its
20 targets;

21 WHEREAS, this practice of red-tagging undermines the fundamental
22 principles of the Constitution and other international treaties to uphold, promote,
23 and protect basic human rights, particularly the right to freedom of speech and
24 expression;

¹³ VERA Files. *VERA FILES FACT SHEET: Why 'red-tagging' is dangerous.* (11 October 2018). Retrieved June 10, 2020, from <https://verafiles.org/articles/vera-files-fact-sheet-why-red-tagging-dangerous>.

¹⁴ Lalu, G. P. *CHR reminds gov't: Dissent protected by law, stop red-tagging activists, Journos.* (22 May 2020). Retrieved June 10, 2020, from <https://newsinfo.inquirer.net/1279480/chr-reminds-govt-dissent-protected-by-law-stop-red-tagging-activists-journos>

¹⁵ *Ibid.*

¹⁶ Luna, F. *CHR urges PNP to enforce social media regulations amid 'baseless accusations' against activists.* (10 June 2020). Retrieved June 10, 2020 from <https://www.philstar.com/headlines/2020/06/10/2019989/chr-urges-pnp-enforce-social-media-regulations-amid-baseless-accusatons-against-activists>.

¹⁷ *Ibid.*

1 WHEREAS, critical dissent is a crucial component of a healthy and
2 functioning democracy and allows for the participation of ordinary citizens in the
3 political process;

4 WHEREAS, the current political climate makes these instances of red-tagging
5 even more dangerous given the anticipated signing of the Anti-Terrorism Bill into
6 law. Activists and legitimate political dissent may be wrongfully conflated with
7 terrorists and acts of terror with such irresponsible and malicious acts perpetrated by
8 state agents;

9 WHEREAS, an investigation is necessary to exact accountability from the law
10 enforcement officials who were directly involved in these instances of red-tagging
11 and red-baiting;

12 WHEREAS, an investigation is also necessary to determine whether these are
13 isolated cases or if these are components of institutionalized counterinsurgency
14 strategies geared towards winning the “hearts and minds” of people through massive
15 social media disinformation campaigns;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
17 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
18 reported cases of red-tagging by regional offices of the Philippine National Police
19 (PNP) through their official social media accounts, with the end view of exacting
20 accountability from the persons responsible and putting an end to the practice of
21 state-sponsored disinformation campaigns intended to suppress constitutionally
22 protected expressions and activism and undermine our democratic institutions amid
23 the COVID-19 pandemic.

Adopted,


LEILA M. DE LIMA