



Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
 City Government of Naga

ORDINANCE NO. 2024-134  
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**AN ORDINANCE DEFINING AND PENALIZING RED-TAGGING IN NAGA CITY:-**

Authors: City Councilor Jessie R. Albeus   
 City Youth Councilor Kerwin Ardinazo

Explanatory Note

Sec. 4 Art. III of the 1987 Philippine Constitution states that "no law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

In 1996, the United Nations Human Rights Committee (UNHRC) has stressed the significance of free media in the political process: "The free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion."

Red-tagging has been defined under the Philippine jurisprudence, through the opinion of the Supreme Court, as "the act of labelling, branding, naming and accusing individuals and/or organizations of being left-leaning, subversives, communists or terrorists (used as) a strategy... by State agents, particularly law enforcement agencies and the military, against those perceived to be 'threats' or 'enemies of the State.'" It has targeted progressive groups, independent organizations, activists, and civilians who express disapproval and voice out dissent with government orders and policies, consequently endangering the lives of the alleged as victims of red-tagging.

As delineated in House Bill 1152, red-tagging should be criminalized for two reasons: it is committed through the use of public funds and it has an injurious and irreversible impacts on the victims.

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The red-tagging on these individuals and groups has an injurious and irreversible impacts as the stigma of being red-tagged is already attached to them. They have become subject to in-person and online harassment, surveillance, death threats, and even enforced disappearances and extrajudicial killings. The victims of red-tagging and their families carry the constant fear brought upon by this monstrous act of the government, endangering their lives, liberty, and security.

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Upholding the rights of every Nagueño not to be discriminated, intimidated, abused, or humiliated, the Naga City Government, as representatives of the people, should not tolerate any initiatives, acts, activities, and the like thereof that would gravely accuse and mislabel political dissenters, national democratic mass organizations (NDMOs), activists, students, and media practitioners as terrorists, recruiters, enablers, and the like.

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Red Tagging under this ordinance is committed by a Public Officer or employee with the use of their public position or public funds.

There is no crime if there is no Law covering such offense.

Let us put an end to the stigma caused by red-tagging, thus a need for this legislation.

BE IT ORDAINED by the Sangguniang Panlungsod of Naga in session duly assembled:

**SECTION 1. TITLE.** This Ordinance shall be known as "**An Ordinance Defining and Penalizing Red-tagging in Naga City**", or any felonious acts, without any official documentary without basis simply "**The Anti-Red-tagging Ordinance of Naga City.**"

**SECTION 2. DEFINITION OF TERMS.**

a. 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, terrorists, recruiters, enablers, or fronts thereof, implying or insinuating involvement or engagement in armed rebellion, acts of terrorism, or any felonious acts, without any official documentary basis.

Provided that such act is committed with the use of, directly or indirectly, of public position, public influence, and/or public funds.

Provided further that if a public official or employee or person/s in authority commits red-tagging, a disputable presumption that it was committed with the use of public position, public influence, and/or public funds attaches.

b. Public official or employee is any person who is elected or appointed to an office or is an employee of any public agency.

c. Person in authority is any person directly vested with jurisdiction or power or authority to govern and execute the law, whether as an individual or as a member of some court or governmental corporation, board, or commission. It includes, but not limited to, barangay captain or chairman, city mayor and members of the legislative council, teachers, professors, and lawyers in actual performance of their duties.

**SECTION 3. FORMS OF RED-TAGGING.** Red-tagging is committed through any of the following:

1. Public statements, announcements, or declarations, verbal or written, by public officials or employees and persons in authority in public gatherings, meetings, and the like, which may cause or influence the public to label, vilify, accuse, or name individuals, groups, or organizations as terrorists, recruiters, enablers, and the like.

2. Social media posts in the pages and accounts of public officials or employees, persons in authority, or government agencies, bearing the logo and/or name of said person or agency labeling, vilifying, branding, naming, accusing, or caricaturing

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individuals, groups, or organizations of being state enemies, subversives, armed rebels, communists, terrorists, recruiters, enablers, or fronts

3. Signage, streamers, placards, public fora, and other similar venues or media containing photos and/or names of individuals, groups, or organizations, insinuating or implying involvement or engagement in armed rebellion, acts of terrorism, or any felonious acts.

**SECTION 4. PENALTY.** Any public official, employee, persons in authority and/or their agents, who red-tags any individual, groups, or organizations in accordance with Sec. 2 and 3 of this Ordinance shall be imposed the following:

1<sup>st</sup> Violation: Fine of P5,000.00 or imprisonment of 1-30 days or both

2<sup>nd</sup> Violation: Fine of P5,000.00 or imprisonment of 2-3 months or both;

3<sup>rd</sup> Violation: Fine of P5,000.00 or imprisonment of 4-6 months or both;

The penalties for the violation of this Ordinance and their probable consequences shall be without prejudice to the filing of administrative and civil cases against the offender/s.

**SECTION 5. FILING OF COMPLAINT.** Any violation of this ordinance shall be filed at the Naga City Human Rights Action Center stationed at the City Legal Office that **shall assist in the preparation and filing of the complaint.**

**SECTION 6. SEPARABILITY CLAUSE.** Should any provision of this Ordinance be subsequently declared unconstitutional, other provisions in so far as they may be separable from the invalid ones shall remain in full force and effect.

**SECTION 7. EFFECTIVITY.** This ordinance shall take effect immediately upon its publication in the Naga City Government pages and website or in a newspaper of general circulation.

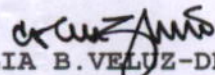
ENACTED: November 12, 2024

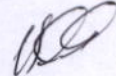
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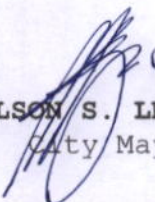
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**WE HEREBY CERTIFY** to the correctness of the foregoing ordinances.

  
**CECILIA B. VELUZ-DE ASIS**  
City Vice Mayor  
& Presiding Officer

  
**GIL A. DELA TORRE**  
Secretary to the  
Sangguniang Panlungsod

APPROVED:

  
**NELSON S. LEGACION**  
City Mayor 11/27/24