

Philippines: Badoy is wrong; courts did not say 'red-tagging' is nonexistent

Thursday 20 May 2021, by [Vera Files](#) (Date first published: 15 April 2021).

Reacting to the condemnation by four senators of National Intelligence Coordinating Agency (NICA) Director General Alex Monteagudo's "red-tagging" of the Senate employees' union, Communications Undersecretary Lorraine Marie Badoy falsely claimed that Philippine courts already ruled that there is "no such thing as red-tagging."

Statement

Badoy, also the spokesperson of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), stood by the claim of Monteagudo. Citing the Court of Appeals (CA) decision on *Karapatan et al. vs. Duterte et al.*, she said the court already ruled that "there is no substantial evidence" to establish the human rights groups' red-tagging accusations:

"Petitioners here alleged that they were viciously red-tagged as front organizations of the CPP-NPA-NDF which puts their life, liberty, and security at risk."

Badoy went on saying:

"How is it possible that our own legislators ignore what the Court of Appeals and the Supreme Court have already made clear: that there is no such thing as 'Redtagging' because there is no danger to life, liberty and security when someone is identified as 'member of the CPP NPA NDF'?"

Fact

Although the [CA decision](#), penned by Associate Justice Mario Lopez, indeed said there is lack of "substantial evidence to establish the petitioners' allegations" against the government's violation and threat to their rights to life, liberty, security, and privacy, among others, nowhere in the ruling does it assert there is no red-tagging.

Promulgated on June 28, 2019, the CA ruling dismissed the petition for writ of amparo and habeas data filed by human rights groups *Karapatan*, *Gabriela*, and *Rural Missionaries of the Philippines* due to the absence of judicial affidavits, failure to "demand prior investigation" on alleged violation or threat, and failure to show that their right to privacy was violated by the respondents.

Following the killing of community health worker and activist *Zara Alvarez* on Aug. 17, 2020, *Karapatan* [urged](#) the Supreme Court (SC) in September to speed up the resolution of the petition. The case has been pending for [review since July 2020](#).

Red-tagging or red-baiting refers to 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'."

National Union of Peoples' Lawyers (NUPL) Secretary General Edre Olalia, in an [April 7 Facebook \(FB\) post](#), said Badoy was taking the decision out of context. He said:

"She got it all wrong and mixed up. SC never said that. CA ruling was *pro hac vice* and is in fact pending review by the SC ... If she was a lawyer, she would have been disciplined for wrong attribution and erroneous citation for cherry picking out of context."

Pro hac vice means that the ruling was used only "[for this occasion](#)."

Meanwhile, writ of amparo is a remedy available to "any person whose right to life, liberty and security is violated or threatened by an unlawful act or omission of a public official or employee or private individual or entity," according to a SC resolution in October 2007.

Writ of habeas data is a judicial protection from an "unlawful act" of a public official in the course of "gathering, collecting, or storing" information about the aggrieved person or party.

The Sandigan ng mga Empleyadong Nagkakaisa sa Adhikain ng Demokratikong Organisasyon (SENADO) [said on April 9](#) that it was exploring legal courses of action against Monteagudo and Badoy for their "malicious" labelling and linking the union members to communist groups.

The red-baiting of SENADO came two weeks after Sen. Franklin Drilon filed a bill seeking to criminalize red-tagging, with imprisonment of 10 years and absolute disqualification from holding public office.

Badoy has been [persistently labelling government critics](#), [institutions](#), and [media organizations](#) as communists.

This is the fourth time that VERA Files Fact Check has flagged Badoy for her erroneous claims related to the CPP-NPA-NDF:

- [VERA FILES FACT CHECK: Badoy denies existence of Lumad, falsely claims 'Reds' coined the term](#)
- [VERA FILES FACT CHECK: Badoy red-tags nun; incorrectly labels NDF a terror group, again](#)
- [VERA FILES FACT CHECK: Badoy errs in claiming NDF tagged as terror group by PH, other countries](#)

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