

A Critical Left Analysis of Red-Tagging and Revolutionary Politics

Philippines: Defining Red-Tagging, the Importance of What Is and Isn't

Saturday 30 November 2024, by [SANTOS Soliman, Jr](#) (Date first published: 28 November 2024).

In a masterful analysis that challenges both state overreach and revolutionary romanticism, Soliman Santos offers a nuanced examination of red-tagging that speaks directly to feminists and leftists struggling to build genuine democratic spaces in the Philippines. By carefully dissecting recent Supreme Court decisions, Santos reveals how simplistic narratives from both state and revolutionary forces obscure crucial questions about political organizing, transparency, and democratic rights.

Santos's analysis provides several crucial insights for feminist and left movements:

- 1. The legal definition of red-tagging now requires specific elements of threat and malicious intent - not just political association. This creates important space for legitimate political discourse while protecting against state intimidation.**
- 2. The CPP's "revolutionary dual tactics" of using legal organizations as fronts raises serious ethical questions about informed consent and democratic practice that the left must grapple with honestly.**
- 3. Young activists, particularly women and students, have a right to make informed choices about their political engagement without either state intimidation or revolutionary manipulation.**

What makes Santos's analysis particularly valuable is his refusal to accept either the state's "truth-tagging" claims or the CPP's "revolutionary morality" as sufficient frameworks. Instead, he insists on evaluating both through constitutional principles of:

- Right to information**
- Academic freedom**
- Press freedom**
- Democratic participation**
- Protection of youth**

For feminist and youth movements, this analysis highlights several key challenges:

- 1. The need to defend democratic spaces against state intimidation while maintaining ethical transparency about organizational relationships and purposes**
- 2. The importance of building political formations that respect young women's agency and right to informed political choices**
- 3. The possibility of articulating left feminist politics that neither accepts state repression nor subordinates feminist objectives to revolutionary hierarchies**

Moving Forward

Santos suggests that both state forces and revolutionary movements need a “paradigm shift” to move beyond the current deadly cycle. For independent left feminists, this analysis provides tools to:

- Challenge state red-tagging without romanticizing revolutionary deception
- Build transparent, democratic organizations
- Defend space for radical politics while insisting on ethical organizing practices
- Center informed consent and democratic agency in political formation

His careful parsing of legal precedent combined with ethical analysis offers crucial guidance for movements working to build genuine democratic alternatives beyond the binary of state repression or revolutionary substitutionism.

Reading time: 35 minutes

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The two recent Supreme Court (SC) Decisions in ***Deduro vs. Vinoya***[1] and in two consolidated ***Badoy-Partosa*** cases[2] have broken good jurisprudential ground in defining Red-tagging as an actionable wrong (in *Deduro*) as well as in refining the relevant discourse on freedom of expression and its cognate rights of free speech and press (in *Badoy-Partosa*). There is however a need for further clarity and teasing out of ***Deduro's* definition of Red-tagging**.

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Per *Deduro* and *Badoy-Partosa*

Citing favorably several United Nations (UN) reports and statements,[3] the *Deduro* Decision in p. 21 defines and characterizes Red-tagging as:

— “... a form of harassment and intimidation... a practice in the Philippines where groups at the left of the political spectrum are characterized as front organizations of anti-democratic groups. The report called the practice ‘vilification,’ ‘labelling,’ or ‘guilt by association.’”

— “... labelling certain groups as ‘reds’ oftentimes came with frequent surveillance and direct harassment.”

— “Human rights defenders in the Philippines... labelled as ‘terrorists’ **and ultimately killed** in attempts to silence them and delegitimize their human rights work.”

The *Deduro* Decision then draws this conclusion in p. 22 based on such UN reports and related accounts: “Being associated with communists or terrorists makes the red-tagged person a target of

vigilantes, paramilitary groups, or even State agents.” And then eventually in p. 24 “declares that red-tagging, vilification, labelling, and guilt by association constitute threats to a person’s right to life, liberty or security...”

Later, the *Deduro* Decision in pp. 34-35 made reference to the case in March 2021 of a tarpaulin and posters that “contained statements implying the supposed association of Judge [Monique] Quisumbing-Ignacio and petitioner with the Communist Party of the Philippines... We consider a tarpaulin connecting a judge to the CPP as a threat. With equal fervor, we hold that a similar tarpaulin harping on alleged ties between civilians and the CPP is also a threat.” And then the Decision importantly pronounced in p. 35: “Inherent in the practice of red-baiting is the use of threats and intimidation to discourage ‘subversive’ activities.”

Analyzing now all of the above-quoted passages from the *Deduro* Decision, one can outline these **elements or aspects of red-tagging**:

1. **Kind of act done publicly** — “vilification, labelling, and guilt by association,” “connecting,” “harping on alleged ties”
2. **In relation to being, or associated with** - “reds,” “communists,” “terrorists,” “subversives,” or most precisely the CPP-NPA (New People’s Army)-NDFP (National Democratic Front of the Philippines) or its “front organizations”
3. **Subjects** - “groups [and individuals] to the left of the political spectrum,” “human rights defenders,” political activists and commentators
4. **Accompanied by** - “threats to a person’s right to life, liberty or security,” including but not limited to “intimidation, harassment and surveillance”
5. **Purpose/Motive (the Malice)** - to “silence,” “discourage” or “delegitimize” their open and legal left political activities or human rights work
6. **Perpetrators** - “State agents” or their civilian proxies in support of the counter-insurgency against the CPP-NPA-NDFP

This **for now** is the authoritative definition or characterization of red-tagging in the Philippines, particularly in the current historical period especially under the Duterte and Marcos Jr. presidential administrations and in the context of the government’s efforts to end the local communist armed conflict. Significantly, it has come from the SC rather than from Congress despite there being pending for some time here several earlier bills or proposed statutes to define and penalize red-tagging[4] - which *Deduro* however made no reference to. It is almost certain that new bills will be filed based on the *Deduro* definition or characterization of red-tagging. If ever, an enacted law on red-tagging, though based on *Deduro*, may build on and supersede its definition. As it is, some local government units have reportedly proposed or passed ordinances defining and penalizing red-tagging.[5] It would thus do well for all concerned to **take pause** about carefully defining red-tagging.

But *Deduro* might not be the last word in terms of a definition of red-tagging. There is at least **one passage that we feel must be considered in *Badoy-Partosa***, although this case was not framed as one of red-tagging Judge Marlo A. Magdoza-Malagar but rather as an indirect contempt of court. This relates to Badoy-Partosa’s defense as a broadcast journalist’s “fair commentaries on matters of public interest.” We refer to this passage in p. 45 of *Badoy-Partosa*: (footnotes omitted but underscorings supplied)

Second, respondent's comments were not a "fair and true reporting of a proceeding or any of its incidents." On the contrary, respondent imputed serious allegations against Judge Magdoza-Malagar and the Judiciary without showing any factual basis. Her posts and even the pleadings she filed before this Court do not indicate that she possesses evidence to support her scandalous statements. She launched the tirade against the Judiciary without thinking of the consequences that her unverified statements may bring.

Third, her statements subject do not constitute "fair commentaries on matters of public interest" as they are not "grounded in truth and facts[.]"

It would appear to us from this passage that "showing factual basis" and being "grounded in truth and facts" may make a difference regarding purported acts of red-tagging.

Proposed Synthesis Definition and Crucial Elements

After an analysis of *Deduro's* above-said discussion of red-tagging into six elements or aspects, and also taking into consideration the above-quoted passage from *Badoy-Partosa*, **we now attempt a synthesis definition of red-tagging as:**

the malicious and/or unfounded publicly-made connection, linking or association of aboveground open and legal organizations and individuals as cohorts or partisans of the Communist Party of the Philippines (CPP), New People's Army (NPA) and/or the National Democratic Front of the Philippines (NDFP), including but not limited to calling or labelling them as "reds," "communists," "(communist) terrorists," "subversives," or the like, to silence, discourage or delegitimize their legitimate exercise of various constitutional freedoms, especially of political dissent, critical discourse and human rights advocacy, in ways or under circumstances that constitute threats to a person's right to life, liberty or security, such as by intimidation, harassment and surveillance, on the part of State agents or civilian proxies of the State's counter-insurgency efforts against the CPP-NPA-NDFP.

The point of this definition is to **be clear on what is and what is not red-tagging**, especially if this will be criminalized, given pending bills, ordinances, and renewed calls for that purpose.

Not all "labelling" or naming of persons or organizations as connected with, or as "front organizations" of, the CPP-NPA-NDFP necessarily constitutes Red-tagging. **Three elements or aspects are particularly crucial in gauging whether** a publicly-made connection, linking or association of aboveground open and legal organizations and individuals as cohorts or partisans of the CPP-NPA-NDFP, including the naming of its "front organizations" and personalities, **is red-tagging or not:**

1. Most crucial, **accompaniment by "threats** to a person's right to life, liberty or security," including but not limited to "intimidation, harassment and surveillance"
2. **Malicious purpose or motive** to "silence," "discourage" or "delegitimize" the legitimate exercise of various constitutional freedoms, especially of political dissent, critical discourse and human rights advocacy
3. **Unfounded**, "without showing any factual basis," "not grounded in truth and facts"

Without these elements, especially the first and second, it is not Red-tagging.

In *Deduro*, the perhaps crucial characterization of red-tapping is this afore-quoted p. 35 passage: “Inherent in the practice of red-baiting is the use of threats and intimidation to discourage ‘subversive’ activities.” One sees here the above-indicated first and second elements of accompanying threats and of malicious purpose, respectively. To repeat for clarity, **red-tagging is not just** the publicly-made connection, linking or association of aboveground open and legal organizations and individuals as cohorts or partisans of the CPP-NPA-NDFP, including the naming of its “front organizations” and personalities.

Deduro did not reverse or modify, at least expressly, the SC’s previous 2015 pronouncement in ***Zarate vs. Aquino***[6] that “**mere membership in such organizations do not equate to actual threats** which will warrant the issuance of a writ of *amparo*.” In *Zarate*, “such organizations” referred to those with which the several petitioners were admittedly affiliated, namely *Bayan Muna* Party-List, *Anakpawis* Party-List, Gabriela Women’s Party, *Kilusang Magbubukid ng Pilipinas* (KMP), Karapatan Alliance Philippines Inc. (KARAPATAN), Children’s Rehabilitation Center (CRC), Rural Missionaries of the Philippines (RMP), and United Church of Christ in the Philippines (UCCP). In fact, *Deduro* in p. 34 **reaffirmed Zarate**: “... **Neither mere membership in a nongovernment organization nor inclusion in an order of battle of the military equates to actual threats.** What constitutes threats should include the totality of every individual petitioner’s circumstance.”

Joining and even leading these aboveground open and legal organizations were voluntary acts of the petitioners. It is not mere membership therein that equates to actual threats. Nor even merely the naming of persons or organizations as connected with, or as “front organizations” of, the CPP-NPA-NDFP. Rather, the actual threats come when State agents or civilian counter-insurgency proxies call out the membership of named individuals in these organizations as “front organizations” of the CPP-NPA-NDFP, **in ways or under circumstances that constitute threats to a person’s right to life, liberty or security. This, not mere naming or “labelling,” is what makes for red-tagging.**

Shifting Winds and Cautionary Notes

These fine points and distinctions on what is and is not red-tagging are important to understand because of the shifting winds of push-back against red-tagging and the accompanying “high feelings of the moment”[7] post-*Deduro* to hold perceived red-taggers accountable and otherwise calling them out, while largely warranted, also warrants some cautionary notes. On one hand, the Center for Media Freedom and Responsibility (CFMR) article “Adding red-baiting to the perils of truth-telling,”[8] which was cited in *Deduro*, has said this of red-tagging: “... It is a form of harassment against critics of the government that has also targeted journalists who have either been critical in their reporting or commentary on public issues, or have simply tried to get to the truth in observance of a fundamental ethical and professional responsibility.... red-baiting has had a deleterious effect on the exercise of press freedom vital to truth-telling and democratic discourse...” On the other hand, the change in the *ihip ng hangin* (blowing of the wind) of push-back against red-tagging may also result in a chilling effect challenge on free expression and its cognate rights (and duties) when it comes to legitimately addressing and discussing operational and organizational aspects of the CPP-led rebellion or national-democratic revolution, certainly an “important public interest.”

For example, less than two months after the release of *Deduro*, the CPP organ *Ang Bayan* issued its own news report “Human rights group calls out two radio broadcasters for Red-tagging and malicious accusations” as follows:

Karapatan-Central Luzon called out Radyo Natin Nationwide broadcasters Angelo Palmones and Cheska San Diego-Bobadilla, for Red-tagging and spewing malicious accusations during their radio program on July 1... against Karapatan after it assisted the families of [8] slain Red fighters killed in Pantabangan, Nueva Ecija on June 26....The two said Karapatan-Central Luzon is “annoying” because after the encounter in Nueva Ecija, it focused more on the possible human rights violations of those killed.... According to Karapatan-Central Luzon, the two broadcasters also stated that the group should advise its comrades in the mountains and inform them that the government has programs so there is no more reason to go to the mountains. Palmones and Sandiego-Bobadilla maliciously linked Karapatan to the armed revolutionary movement.[9]

If we were to apply the afore-said three crucial elements or aspects of red-tagging , the complained reported statements of the well-known DZRH radio-TV broadcasters Palmones and San Diego-Bobadilla should not be considered red-tagging but protected speech and media commentary, including the expression of opinions with the absence of malice, with reasonable grounds and without the use of threats. On the contrary, the *Ang Bayan* vehicle for the Karapatan call-out, sad to say, practically confirms the alleged link. But worse is the likely chilling effect on the two broadcasters of being called out for red-tagging in the pages of *Ang Bayan*.

Constitutional Rights and Duties, “a Regime of Truth”

This whole matter of red-tagging must be approached with a broader constitutional as well as interdisciplinary lens, ideally “in the sober afterglow.”[10] Constitutional parameters more than free expression and its expanded cognate rights[11] (and duties) are involved here both for the subjects and human rights victims of red-tagging *in its proper sense* (i.e. with the above-discussed three crucial elements) and for those who name persons or organizations as connected with, or as “front organizations” of, the CPP-NPA-NDFP, *in the course of legitimate exercises of similar, if not the same, constitutional rights and duties*. For example, by newspaper columnists and investigative journalists exercising the freedom of the press,[12] and by academics, scholars and researchers exercising their academic freedom,[13] which is in turn related to the right to quality education.[14] Information on the local communist armed conflict - including on “revolutionary dual tactics” of recruitment and of “front organizations” - may be sought and may be provided as a matter, respectively, of the right to information in matters of public concern[15] and of the duty to give such public information as guidance. The latter duty pertains not only to media and the academe but also, if not more so, to the government.

All these legitimate exercises of constitutional duties and free expression cognate rights are **undergirded by the 1987 Constitution’s novel preambular aspiration for “a regime of truth...”**[16] The latter was pointed to by former Chief Justice[17] Maria Lourdes P.A. Sereno at a *Rappler* Media and Literacy Forum on February 17, 2023 as having “laid down the basis for truth-telling as both right and duty.” She also further spoke of freedom of expression, speech and the press as the foundations of truth-telling, and said “there is no education if it is not founded on truth.”[18] This press freedom-truth regime co-relation is also captured in a jurisprudential phrase quoted in p. 17 of *Badoy-Partosa*: “There is a right to publish the truth.”[19]

Addressing the CPP-led rebellion or revolution likewise involves constitutional aspects of “the protection of the people and the State,”[20] “the maintenance of peace and order...,”[21] and the “suppress[ion of]... rebellion,”[22] — duties of the **Armed Forces of the Philippines** (AFP), and for that matter the **Philippine National Police** (PNP), to perform. In this regard, we need to take a good second look at the much disparaged “truth-tagging” counter-argument of the **National Task Force to End Local Communist Armed Conflict** (NTF-ELCAC) vis-à-vis red-tagging issues against

it, as in “This is not red-tagging. This is truth-tagging. We wanted the people to know the truth about the CPP-NPA and its accomplices and allied organizations...”[23] **Is it too much to ask of the security sector to stick faithfully to their avowed truth-telling when it comes to the matter of CPP “front organizations”? With no directed threats nor impairment of constitutional rights. Or is that being too naïve to ask for in dealing with the mortal arch-enemy?**

The thing is, there is also the naming of “front organizations” (and sometimes personalities) of the CPP done or reproduced in media opinion columns, academic works, judicial decisions,[24] congressional investigation reports,[25] and possibly coming amnesty guidelines.[26] And in past and coming free and open election campaign discourse,[27] especially where certain party-list groups are concerned.[28] But all these with no directed threats nor impairment of constitutional rights. **Might these otherwise legitimate endeavors be treated as red-tagging that could be subject to sanctions? Could there be a chilling effect on such endeavors resulting in prior (self-)restraint or subsequent punishment?** What “important public interests” are at stake?

A Notable Judicial Decision

Speaking of relevant judicial decisions, which all “... all form part of the legal system of the Philippines,”[29] of particular note is RTC Manila Branch 19 Judge Marlo A. Magdoza-Malagar’s 135-page Resolution dated 21 September 2022 by in Civil Case No. R-MNL-18-00925-CV (*Department of Justice vs. CPP and NPA*), [hereinafter the “**Judge Magdoza-Malagar Resolution**”] which dismissed the DOJ Petition to declare the CPP-NPA as terrorist groups under Section 17 of the R.A. No. 9372 (the Human Security Act of 2007). In the course of its findings of fact, particularly under the sections “Revolutionary Dual Tactics... in the Recruitment Process (pp. 37-48) and “The Dangers of Red-Tagging” (pp. 129-33), and based mainly on the testimonies of three former CPP-NPA cadres in the Visayas and Mindanao, the Resolution described this modus operandi. The fact of the matter is that the CPP does create or infiltrate with a view to control aboveground open and legal organizations, thus being front organizations, to undertake legal struggle as part of its revolutionary dual tactics, including for recruitment purposes, to advance its strategy of protracted people’s war, in particular to support the armed struggle as its main form of struggle. This is “**the truth, the whole truth, and nothing but the truth.**”[30] Based on witness testimony and documentary evidence, the Judge Magdoza-Malagar Resolution in pp. 38-39 constructed a remarkable matrix of three columns, namely “**Sector**,” “**UGMO**” (underground movement or mass organization), and “**NDMO**” (national democratic mass organizations, the legal fronts). The matrix listed a total of 13 sectors (ex. Youth and Student), 13 corresponding UGMOs (ex. *Kabataang Makabayan* [KM]), and 24 corresponding NDMOs (ex. League of Filipino Students [LFS]). Speaking of “the whole truth,” for example, a certain aboveground open and legal organizations may assert that it “is a legal organization of human rights [or environmental] defenders” – and that may be true thus the truth, but it is not necessarily the whole truth. Stated otherwise, let us not kid ourselves and others on this anymore.

At the same time, the Judge Magdoza-Malagar Resolution in pp. 129-30 warns of “the danger of red-tagging” lying in the “automatic lump[ing of] activists, mostly members of the above ground organizations as members of the CPP-NPA.” **When there is any naming (truthfully “calling a spade a spade”) of CPP “front organizations” or NDMOs like say LFS, it should be clear that not all of its members are also members of the corresponding UGMO like KM, much less are they also members of the CPP**, which is “the force at the core leading our cause forward.”[31] There are several organizational levels involved here, making it complicated, including the involvement of individual persons aside from organizations. To be sure, being clear on all this is easier said than done, but it must be done. **Better restraint and carefulness must be exercised**

by all sides concerned because lives, liberty and reputations are at stake.

Moral Qualms, War and Peace

For CPP partisans, the above-said revolutionary dual tactics of legal struggle are justified by **revolutionary morality**, i.e. whatever serves the revolution, such as for recruitment, for the armed struggle and for security cover. In the first place, one classic Maoist credo of the Great Proletarian Cultural Revolution in 1966 was “Revolution is no crime, to rebel is justified.”[32] **But there are other moralities and standards, including those found in the Philippine Constitution.** There is the basic principle or **right to know what** [is the true and full nature of the organization that] **one is getting into** (or being made to get into). **The right to know the truth** because it “*is the only ground* upon which their [humankind’s] wishes can be safely carried out.”[33] Thus, we have the constitutional “right of the people to **information on matters of public concern**”[34] under a “**regime of truth.**”[35] Corollarily, we might say the right for these matters of public concern not to be hidden (or covered up) contrary to the public accountability principle of transparency, and more so the right not to be deceived.

As far as the youth and students (YS) in particular are concerned, there is relevantly “the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and development of moral character [which] shall receive the support of the Government”[36] and that “the State shall promote and protect their physical, moral, spiritual, intellectual, and social well-being.”[37] And then there is **the basic human relations principle of “doctrine of abuse of right”** codified in Article 19 of the Civil Code cited in p. 17 of *Badoy-Partosa*: “Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.”[38] (underscoring supplied)

And so, perhaps, let both sides, the government and the CPP-led national-democratic revolutionary movement, “**Speak your truth quietly and clearly**”[39] on Philippine society and revolution.[40] “**Avoid loud and aggressive persons; they are vexatious to the spirit.**”[41] In other words, avoid “vitriolic statements and outright threats” per *Badoy-Partosa*, as well as too much rabid propaganda on both sides. And then let our youth and students (the YS) freely seek the truth (that “will set you free”[42]) including from what is presented by both/ all sides, and then make their own informed decisions on their life courses of responsible action, ideally for necessary social and personal transformation for the better.

Were it only as “simple” or as “easy” as that, a battle of ideas and programs. This brings to mind SAJ Leonen’s (surprisingly) brief Concurring Opinion in *Deduro* where he quotes from the late SC Justice Abraham F. Sarmiento in *Taruc vs. Hon. ERICTA*[43]including these lines: “... but let the matter be, in any event, tested in the democratic marketplace of ideas, and may the better debater win.... But let me reiterate, it is a matter of opinions, and opinions, frequently, differ. What is a legitimate protest movement to one may well be a Communist front to another.” But it is actually not as “simple” or as “easy” as a debate of ideas and programs. As Mao Zedong himself had once put it, “A revolution is not a dinner party, or writing an essay, or painting a picture, or doing embroidery; it cannot be so refined, so leisurely and gentle, so temperate, kind, courteous, restrained, and magnanimous. A revolution is an insurrection, an act of violence by which one class overthrows another.”[44]

The red-tagging and related issues we have been discussing “so leisurely,” if you will, arise in **the context and reality of a bloody internal armed conflict** (the CPP characterizes it instead as a “civil war between co-belligerents”). There has been continuous blood-letting of varying intensities on both sides AND on the side (yes, a third side, if you will) of civilians caught in between them, in

their crossfire since 1969, i.e. a protracted more than 55 years already. That blood-letting of course creates its own toxic dynamic and downward spiral, including on the social and community fabric. This looks unfortunately to further continue until it may have to be resolved in the battlefield because **an honest-to-goodness peace settlement would not be viable or even possible without a war and peace paradigm shift on both sides**[45] – something that sadly still remains to be seen. In the meantime, better respect for human rights and international humanitarian law helps at least mitigate the continuing armed hostilities, if not also help lay better necessary trust-building ground for a viable peace process. — #

Soliman M. Santos, Jr.

Naga City, 28 November 2024

Notes

[1] G.R. No. 254753, July 6, 2023, uploaded May 7, 2024, penned by Associate Justice Rodil V. Zalameda; Concurring Opinion by Senior Associate Justice Marvic M.V.F. Leonen.

[2] A.M. No. 22-09-16-SC and G.R. No. 263384, August 15, 2023, uploaded February 28, 2024, penned by SAJ Leonen.

[3] These three UN reports and statements were cited: [1] UN Human Rights Council: *Preliminary Note on the Visit of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, to the Philippines (12-21 February 2007)*, 22 March 2007, A/HRC/4/20/Add.3; [2] Annex II, UN Office of the High Commissioner for Human Rights (OHCHR), *Report of the United Nations High Commissioner for Human Rights, 2020*, p. 11, A/HRC/44/22; and [3] *Philippines: Drop murder charge against indigenous rights defender*, UN experts urge, United Nations Human Rights, Office of the High Commissioner, 28 January 2021.

[4] For example, in the 19th Congress, there were House Bill (HB) No. 1152 “for the Criminalization of Red-tagging” filed by Kabataan Party-List Rep. Raoul Dannel A. Manuel, and HB 4941 for “Defining and Penalizing the Crime of Red-tagging” filed by Parañaque City 2nd District Rep. Gus S. Tambunting.

[5] For example, Baguio City and Naga City (Camarines Sur).

[6] G.R. No. 220028, November 10, 2015, *Per Curiam* (By the Court); Dissenting Opinion by AJ Leonen.

[7] Phrase adopted from these lines of Justice Frank Murphy’s Dissenting Opinion in *Yamashita vs. Styer*, 327 U.S. 1 (1946): “The high feelings of the moment doubtless will be satisfied. But in the sober afterglow will come the realization of the boundless and dangerous implications of the procedure sanctioned today.”

[8] CMFR Staff, “Adding red-baiting to the perils of truth-telling,” posted and updated in cmfr-phil.org on September 20, 2019.

[9] “Human rights group calls out two radio broadcasters for Red-tagging and malicious accusations,” *Ang Bayan*, July 3, 2024, accessible thru the CPP-NPA-NDFP website www.philippinerevolution.nu.

[10] Phrase adopted from these lines of Justice Frank Murphy’s Dissenting Opinion in *Yamashita vs.*

Styer, 327 U.S. 1 (1946): “The high feelings of the moment doubtless will be satisfied. But in the sober afterglow will come the realization of the boundless and dangerous implications of the procedure sanctioned today.”

[11] These cognate rights of freedom of expression usually refer to the freedoms of speech and of the press, of assembly and petition, all under the 1987 Constitution’s Art. III, Sec. 4; freedom of association under Sec. 8; and freedom of information under Sec. 7. In constitutional law literature, it may be said that these cognate rights have been expanded to include academic freedom under Art. XIV, Sec. 5(2); the right to participation in decision-making under Art. XIII, Sec. 16; free artistic and intellectual expression under Art. XIV, Sec. 14; and even freedom religion under Art. III, Sec. 5.

[12] 1987 Constitution, Art. III, Sec. 4.

[13] *Ibid.*, Art. XIV, Sec. 5(2).

[14] *Ibid.*, Art. XIV, Sec. 1.

[15] *Ibid.*, Art. III, Sec. 7.

[16] *Ibid.*, Preamble, the full phrase being “a regime of truth, justice, freedom, love, equality, and peace.”

[17] Historically a Chief Justice even if legally deemed not so by the SC majority in *Republic of the Philippines, represented by Solicitor General Jose C. Calida vs. Maria Lourdes P.A. Sereno*, G.R. No. 237428, Decision dated May 11, 2018 and Resolution dated June 19, 2018. See also (former Chief Justice) Artemio V. Panganiban, “Let history be the judge,” *Philippine Daily Inquirer*, May 16, 2021; and Ancheta K. Tan, “Time for the Supreme Court to revisit Sereno case” (letter to the editor), *Philippine Daily Inquirer*, July 2, 2024.

[18] Francis Allan Angelo, “Truth-telling a must for accountability - former Chief Justice Sereno,” *Rappler.com*, March 1, 2023.

[19] Citing *People vs. Godoy*, 312 Phil. 977, 1017 (1995)

[20] 1987 Constitution, Art. II, Sec. 3.

[21] *Ibid.*, Art. II, Sec. 5.

[22] *Ibid.*, Art. VII, Sec. 18.

[23] Reported quote from Lt. Gen. Benedict Arevalo, commander, Visayas Command (Viscom), AFP in Nestie Semilla, “Military warns NGOs against aiding Reds,” *Philippine Daily Inquirer*, October 2, 2023, pp. A4 & A7.

[24] 1987 Constitution, Art. VIII, Sec. 1

[25] *Ibid.*, Art. VI, Sec. 21.

[26] *Ibid.*, Art. VII, Sec. 19, second sentence.

[27] *Ibid.*, Art. IX-C, Sec. 2(4) for “ensuring free, orderly, honest, peaceful, and credible elections.”

[28] *Ibid.*, Art. IX-C, Sec. 6 for “a free and open party system;” and Art. VI, Sec. 5(1) & (2) on the party-list system and representatives in the House of Representatives.

[29] Civil Code, Art. 8.

[30] From the standard court-administered oath of witnesses upon taking the witness stand right before they testify.

[31] Mao Zedong, "Strive to Build a Great Socialist Country" (September 15, 1954), *Selected Works*, Vol. V, First Edition 1977, p. 149.

[32] Mao has been quoted that "In the last analysis, all the truths of Marxism can be summed up in one sentence: To rebel is justified."

[33] As quoted in p. 19 of *Badoy-Partosa* from *The Diocese of Bacolod vs. Commission on Elections*, 751 Phil. 301, 361-362 (2015). The original Justice Holmes pronouncement was in his Dissenting Opinion in *Abrams vs. United States*, 250 U.S. 616, at 630 (1919). See also Eric T. Kasper and Troy A. Kozma, "Absolute Freedom of Opinion and Sentiment on All Subjects: John Stuart Mill's Enduring (and Ever-Growing) Influence on the Supreme Court's First Amendment Free Speech Jurisprudence," *University of Massachusetts Law Review*, Vol. 15 Issue 1, 2020, Article 1, pp. 21-22.

[34] 1987 Philippine Constitution, Art. III, Sec. 7.

[35] *Ibid.*, Preamble.

[36] *Ibid.*, Art. II, Sec. 12.

[37] *Ibid.*, Art. II, Sec. 13.

[38] Several pending civil damages for red-tagging suits against Dr. Lorraine Marie T. Badoy-Partosa and Jeffrey Celiz mainly invoke this Art. 19. See also See J. Cezar S. Sangco, *Philippine Law on Torts and Damages* (Quezon City: JMC Press, Inc.,

The two recent Supreme Court (SC) Decisions in ***Deduro vs. Vinoya***^[1] and in two consolidated ***Badoy-Partosa*** cases^[2] have broken good jurisprudential ground in defining Red-tagging as an actionable wrong (in *Deduro*) as well as in refining the relevant discourse on freedom of expression and its cognate rights of free speech and press (in *Badoy-Partosa*). There is however a need for further clarity and teasing out of ***Deduro's* definition of Red-tagging**.

Rev. Ed. 1978), particularly pp. 363-366 of Chapter IX "Special Torts (Human Relations)."

[39] *Desiderata* by Max Ehrmann, 1927.

[40] From the title of the nat-dem bible: *Philippine Society and Revolution* (PSR) by Amado Guerrero (Jose Maria Sison), first published in 1969.

[41] *Desiderata*.

[42] BIBLE, New Testament, *John* 8:32.

[43] 250 Phil. 65, 75-76 (1989, not 1988) involving the constitutionality of the Anti-Subversion Act.

[44] Mao Zedong, "Report on an Investigation of the Peasant Movement in Hunan" (March 1927), *Selected Works*, Vol. I, First Edition 1965, P. 28.

[45] See Soliman M. Santos, Jr., *How do you solve a problem like the GPH-NDFP peace process? Paradigm Shifts for 2016 and Beyond* (Siem Reap, Cambodia: The Centre for Peace and Conflict

Studies, 2016); and *How do you solve a problem like the GRP-NDFP peace process? Part 2* (Quezon City: Sulong Peace, Inc., 2022).

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