Senate
Office of the Secretary

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

26 NOV 23 P11 :35

RECEIVED BY:

SENATE

S. No. 2624

Introduced by Senator Loren Legarda

AN ACT

DEFINING AND PENALIZING RED-TAGGING, PROVIDING PROTECTION AND REMEDIES FOR PERSONS AT RISK, STRENGTHENING ACCOUNTABILITY, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Environmental advocates, workers, community organizers, and other Filipinos engaged in lawful public-interest activities have been publicly accused of involvement in rebellion or terrorism. The Commission on Human Rights (CHR), in its National Inquiry on Red-Tagging, documented such allegations and the resulting risks to personal security, livelihoods, and civic participation.[1]

In Deduro v. Vinoya, the Supreme Court recognized that red-tagging may threaten life, liberty, or security and justify the issuance of a writ of amparo. The Court required further proceedings before determining the final relief. The ruling underscores the need for timely protection without treating every allegation as a proven criminal offense.[2]

Public accusations of involvement in terrorism must be distinguished from formal terrorist designations and financing proceedings, which may separately result in restrictions on access to funds under existing laws. Affected persons should be able to

[1] Commission on Human Rights, "National Inquiry on the Current Situation of Human Rights Defenders in the Philippines with a Focus on Incidents of Red-Tagging," executive summary, conclusions, and recommendations (2026), https://chr.gov.ph/wp-content/uploads/2026/05/2026-Public-Inquiry-on-Red-Tagging-Report.pdf.
[2] Deduro v. Vinoya, G.R. No. 254753 (Supreme Court of the Philippines, July 4, 2023), 24, 33–36; Marvic M. V. F. Leonen, concurring opinion, 1–3.

obtain assistance in pursuing applicable administrative and judicial remedies, without impairing the lawful authority of the courts or the Anti-Money Laundering Council.[3]

In view of the foregoing, the passage of this measure is earnestly sought.

LOREN LEGARDA

[3] Republic Act No. 10168, sec. 11 (2012); Supreme Court of the Philippines, "Rules on the Anti-Terrorism Act of 2020 and Related Laws," A.M. No. 22-02-19-SC (December 5, 2023), rule 2, https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/11/98599.

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the "Anti-Red-Tagging Act."

SEC. 2. Declaration of Policy. - The State shall uphold the rights to life, liberty, security, human dignity, freedom of expression and association, and peaceful civic participation. It recognizes the contribution of persons who defend human rights, protect the environment, organize workers and communities, pursue education, provide legal and social services, or otherwise engage in lawful public-interest activities.

The State shall pursue national security, the prevention of terrorism, and public safety with full respect for the Constitution, due process, the rights of accused persons, and the Philippines' international obligations. It shall prevent and address red-tagging, including harmful labeling by association, provide timely protection to persons facing credible threats, and secure effective investigation, accountability and remedies without impairing lawful criticism, reporting, political belief, or association. The State recognizes that such public labeling, especially when undertaken through

official authority, may threaten life, liberty, and security even before physical harm occurs.

SEC. 3. Definition of Terms. - For purposes of this Act:

(a) "Red-tagging" refers to the act of publicly labeling, vilifying, branding, naming, accusing, or caricaturing an identifiable person, organization, group, or community, through words, images, symbols, documents, or other communication, as being, including but not limited to, an enemy of the State, subversive, insurgent, rebel, communist, or terrorist, or as a member, front, supporter, sympathizer, or surrenderee of an armed group or of an organization designated or proscribed under Republic Act No. 11479, or as participating in or knowingly providing financing, weapons, or operational assistance for armed rebellion, terrorism, or other unlawful armed violence, without due process of law. An imputation is made without due process of law when it is not made in, or supported by, a pending criminal case, a final judgment, or a designation or proscription issued in accordance with law. Criticism of the views, positions, or activities of a person or organization, unaccompanied by such labeling, shall not constitute red-tagging.

(b) "Terrorist-tagging" refers to red-tagging that publicly attributes terrorism-related activity, membership, affiliation, or knowing support for a terrorist organization to an identifiable person or group. It shall not be a separate offense under this Act. Its treatment as an aggravating circumstance shall be governed by Section 9, subject to proof of the applicable elements. Peaceful advocacy, political beliefs, and lawful association, without unlawful attribution in context, shall not suffice.

(c) "Public dissemination" means communicating or intentionally making an imputation accessible to persons other than the affected person through public statements, publications, assemblies, displays, broadcasts, electronic platforms, or comparable means. A confidential report made in good faith to a competent authority in accordance with law is not public dissemination for purposes of this Act. Public dissemination may include community assemblies, school orientations, posted lists, local government resolutions, official government accounts, or material created or materially altered using artificial intelligence. A report initially

communicated confidentially shall not be exempt when subsequently disclosed publicly in circumstances satisfying an applicable offense under this Act.

(d) "Identifiable person or group" means a natural person, organization, association, or community that a reasonable recipient can ascertain from the communication and surrounding circumstances. Where a group is named, its identifiable members may be affected persons for purposes of protection and assistance. An identifiable group may include a sector, barangay, community within a defined territory, Indigenous Cultural Community, Indigenous People, or community occupying an ancestral domain.

(e) "State-linked private actor" means a private person whose participation in the particular conduct is shown to have involved authorization, direction, financing, coordination, or material support by a public officer or government agency. Such linkage, without proof of the elements of the offense and the private person's own culpability, shall not establish criminal responsibility. Knowing endorsement, ratification, or acquiescence by an officer exercising authority over the particular conduct may be relevant evidence of State linkage, but shall not by itself establish the criminal culpability of any individual.

(f) "Affected person" means a natural person whose life, liberty, or security is allegedly threatened by red-tagging, or whose lawful association, privacy, livelihood, or community-service activities are alleged, on a reasonable factual basis, to have been materially disrupted by such conduct. An organization or community, through an authorized representative, may report collective targeting and seek assessment and referral for available assistance to affected members or lawful activities, subject to applicable consent and confidentiality requirements. Such status does not establish that any criminal offense has been committed. A family member or other person exposed to an independently identifiable risk because of such targeting may also request protective assessment and referral. Relevant consequences may include reputational, physical, psychological, economic, or institutional harm.

(g) "Serious threat" means a real and objectively credible danger to life, liberty, or security, evaluated in light of the content and circumstances of the

communication, the speaker's asserted authority, prior incidents, known patterns of intimidation, and other relevant facts. Actual physical injury is not required.

SEC. 4. Scope and Construction. - This Act shall apply to conduct committed within the territorial jurisdiction of the Philippines and to persons otherwise subject to Philippine criminal jurisdiction under existing laws.

The protections under this Act shall be available without discrimination on account of political belief, occupation, advocacy, membership in an organization, or status as a formally recognized human rights defender. Nothing herein shall be interpreted as modifying the procedures for designation or proscription of persons or organizations under Republic Act No. 11479, otherwise known as the "Anti-Terrorism Act of 2020." A designation or proscription of an organization under applicable law shall not, by itself, prove that a particular individual is its member, affiliate, or supporter, nor independently authorize a public accusation against that individual contrary to law.

SEC. 5. Prohibited Red-Tagging. - The general offense of prohibited red-tagging is committed when the prosecution establishes all of the following:

(a) The accused knowingly originated, issued, directed, or materially caused the public dissemination of a factual imputation that an identifiable person, organization, or community participated in acts constituting armed rebellion, terrorism, or other unlawful armed violence under Philippine law; knowingly provided financing, weapons, or operational assistance for such acts; or knowingly belonged to, acted as a front for, or supported an armed group for the purpose of facilitating such acts. Labels, representations, or images may convey such imputation when, viewed in context, they assert unlawful participation or support, rather than mere political belief or lawful association;

(b) The imputation was communicated to a person other than its target and concerned a person, organization, or community identifiable from the communication or its surrounding circumstances;

(c) The factual imputation was false;

(d) The accused knew that the imputation was false or acted with reckless disregard of whether it was true or false.

Reckless disregard requires proof that the accused entertained serious doubts about the truth of the imputation or consciously avoided verification despite such doubts. Negligence, political disagreement, or the mere absence of official documentary support shall not suffice. No presumption of falsity, malice, abuse of authority, or criminal guilt shall arise from publication or official capacity alone. Every element of the general offense shall be proved beyond reasonable doubt. Actual bodily injury is not required for the basic offense. The general offense does not extend to mere insult or criticism unaccompanied by the unlawful imputation described above.

A public officer or employee who, in the exercise of official functions or through the use of official authority or government resources, willfully makes, directs, or authorizes public red-tagging as defined in Section 3(a) shall be guilty of unlawful official red-tagging. Proof that the imputation was factually false shall not be required for this distinct offense. The prosecution shall establish all other elements of the offense beyond reasonable doubt.

SEC. 6. Modes of Commission. - The offenses under Section 5 may be committed through speeches, public briefings, official or unofficial presentations, posters, leaflets, banners, broadcast programs, public fora, websites, social media, messaging platforms, or similar means of public dissemination. These modes include community forums, school orientations, publicly displayed government lists, public presentations, local council resolutions, and communications or representations produced or materially altered using artificial intelligence, where the applicable statutory elements are established.

Where transmission occurs online, criminal responsibility shall be based on proof that the accused knowingly originated, directed, or materially caused the offending dissemination and satisfied the applicable elements under Section 5. The mere provision of a communication platform, passive receipt, incidental mention, or good-faith republication for reporting or criticism shall not, without those elements, constitute the offense. Anonymity alone shall not constitute an offense.

The commission of prohibited red-tagging through information and communications technology shall be subject to Section 6 of Republic Act No. 10175, when the qualifying circumstances are properly alleged and established.

SEC. 7. Targeting of Organizations and Communities. - Prohibited red-tagging may be committed through the imputations described under Section 3(a) to an identifiable organization, association or community, notwithstanding that every affected member is not individually named, provided that the prosecution establishes the applicable elements under Section 5 in relation to the identifiable organization, association, or community. The prosecution need not establish that each individual member was expressly named or identified.

An authorized representative may submit a report on behalf of such affected persons and request a collective risk assessment and referrals for assistance intended to support the safe continuation of lawful community or organizational activities. These requests shall respect the rights, consent where applicable, safety, and confidentiality of affected persons and shall not presume that every member has sustained identical harm. No person shall be criminally liable solely on the basis of membership in or association with a targeted organization or community. Nothing in this Section shall dispense with the free and prior informed consent requirements of Republic Act No. 8371 where those requirements are otherwise applicable.

SEC. 8. Persons Liable; Participation of State-Linked Actors. - Any public officer or employee or private individual who personally commits, orders, directs, or knowingly and intentionally participates in an offense defined under Section 5 shall be liable under this Act, subject to applicable principles of individual criminal responsibility. Mere agreement, preparation, or attempted publication shall not constitute a separate offense under this Act unless otherwise punishable under existing law.

In the case of a state-linked private actor, government authorization, direction, financing, coordination, or material support may be established through admissible evidence relevant to participation, motive, or aggravating circumstances. Such linkage shall not, by itself, create a presumption of guilt. Officers or representatives of juridical entities shall be liable only for their own acts or culpable participation, and no person

shall be convicted merely because of organizational membership, office, or ideological association. Use of an official government account or publicly funded communication channel may constitute evidence of official authority or public resources. A superior officer shall not incur criminal liability solely by reason of rank or a subordinate's act; such liability requires proof of the superior's own culpable participation or commission of an offense expressly defined by law.

SEC. 9. Penalties and Aggravating Circumstances. - A person convicted of the general red-tagging offense requiring proof of falsity under Section 5 shall suffer the penalty of prisión correccional in its minimum and medium periods, or a fine of not less than Fifty Thousand Pesos (₱50,000.00) but not more than Two Hundred Thousand Pesos (₱200,000.00), or both, in the discretion of the court.

A public officer or employee convicted of unlawful official red-tagging under Section 5 shall suffer prisión correccional in its maximum period and temporary special disqualification from public office for six (6) years, and may additionally be fined not less than Fifty Thousand Pesos (₱50,000.00) but not more than Two Hundred Thousand Pesos (₱200,000.00). A fine alone shall not be imposed for this distinct offense.

For the general offense under Section 5, the penalty shall be prisión correccional in its maximum period upon proof that the offender: (a) deliberately abused official authority or government resources; (b) knowingly used a terrorism-related accusation to expose the affected person to unlawful intimidation or coercion; (c) repeatedly committed the prohibited conduct against the same affected person; (d) intentionally targeted a person whose particular vulnerability was known to the offender, including a child or a person facing a documented protection risk; (e) deliberately impersonated another person or fabricated purported evidence through artificial intelligence or comparable means to facilitate the offense; or (f) acted in a coordinated scheme of intimidation or accompanied the imputation with threats creating an objectively credible serious danger. No aggravating circumstance shall be presumed solely from the use of technology, the officer's position, or the subsequent occurrence of harm.

Where physical injuries, unlawful detention, enforced disappearance, homicide, murder, or another independently punishable act follows red-tagging, liability for that

offense shall be governed by the relevant law, and any causal connection shall be proved in accordance with law. The rules on double jeopardy, distinct criminal acts, and protection against multiple punishment shall be respected. Jurisdiction and the lawful collection, preservation, and presentation of evidence shall remain governed by applicable laws and court rules.

SEC. 10. Coerced or Fabricated Declarations of Surrender. - Any person who, through force, intimidation, threats, deceit, or the unlawful conditioning of access to government assistance or benefits, intentionally compels or induces another person to execute, endorse, or be recorded as having made a declaration of surrender or membership in an armed group, or knowingly fabricates such a declaration in the name of another person without the latter's voluntary consent, shall suffer prisión correccional in its minimum and medium periods. Where a public officer commits the offense through abuse of official authority, the penalty shall be prisión correccional in its maximum period and temporary special disqualification from public office for six (6) years. Separately punishable threats, detention, surveillance, falsification, or other acts shall be prosecuted under applicable laws, subject to the rules against multiple punishment for the same offense.

An affected person may request review, correction, or annotation of a false, coerced, or inaccurate surrender declaration or associated government record before a competent government institution or court. Review and correction shall respect evidentiary preservation, confidentiality, procedural rights, and applicable law. No official record shall be destroyed or expunged contrary to law.

SEC. 11. Protected Expression and Lawful Conduct. - Nothing in this Act shall penalize lawful political beliefs; peaceful advocacy; membership in an organization; legitimate public criticism or debate; good-faith journalism or public-interest reporting; truthful, relevant and good-faith statements in authorized judicial, legislative, or administrative proceedings; or confidential reports of suspected violations made in good faith to competent authorities in accordance with law. Lawfully required publication of an official designation or court order shall remain governed by the law authorizing that publication, without independently authorizing additional allegations against persons not covered by the lawful determination.

Lawful intelligence gathering, investigations, and national-security operations performed pursuant to law shall not, without proof of the applicable elements under Section 5, constitute an offense under this Act. The existence of intelligence information or an official proceeding shall not, by itself, authorize the public dissemination of allegations against identifiable persons contrary to law. Any privilege or protection applicable to statements within authorized judicial, legislative, or administrative proceedings shall not automatically extend to separate public republication outside those proceedings. Nothing herein grants immunity for independently unlawful threats, intimidation, abuse of authority, or other offenses. The prosecution bears the burden of proving criminal liability.

SEC. 12. Access to Preventive Protection. - Any affected person who presents information indicating a credible risk to life, liberty, or security arising from alleged red-tagging shall be entitled to request assessment, referral, and available assistance under this Act without first obtaining a criminal conviction, filing a criminal complaint, or suffering bodily harm. Requests shall be assessed on their circumstances and available information.

A request for protection shall not be construed as proof that a criminal offense has been committed or that any identified respondent is guilty. An affected person or authorized organizational representative may also seek assessment and referral for available assistance under Section 15 in connection with documented interference with lawful association, livelihoods, privacy, or community services arising from alleged red-tagging, notwithstanding the absence of an imminent physical threat.

In assessing a request under this Section, the CHR or other competent receiving institution shall consider whether the affected person, organization, or community has been publicly labeled an "enemy of the State," "terrorist," "insurgent," or by a similar characterization, taking into account the context of the statement, the speaker's authority, any accompanying threats or harassment, and other relevant circumstances. Such labeling shall not, by itself, constitute a criminal offense under Section 5 or automatically establish entitlement to a particular protective measure.

SEC. 13. Existing Complaint and Referral Mechanisms. - The CHR shall receive and assess reports of alleged red-tagging through its existing central, regional,

quick-response, and authorized digital complaint and request channels. It shall designate appropriate focal points and referral protocols for cases presenting urgent protection needs, without establishing a duplicative complaint platform. Matters requiring criminal investigation or prosecution shall be referred to the Department of Justice (DOJ), National Bureau of Investigation (NBI), Philippine National Police (PNP), Office of the Ombudsman, or other competent institution, as jurisdiction warrants. The receiving office shall acknowledge the report within the applicable period under its Citizen's Charter or service standards, record the date of receipt, assign or provide a tracking reference, document any referral, and identify the office responsible for the next action, subject to confidentiality and data-protection requirements. Reports indicating imminent danger shall be escalated without delay. The receiving office shall commence appropriate risk assessment and referral as promptly as practicable and, in any event, within twenty-four (24) hours from receipt, without guaranteeing completion of the protective intervention within that period.

Reports may be submitted personally, in writing, electronically, or through other accessible channels already maintained by the CHR and concerned agencies. Reports by authorized representatives shall be handled with due regard to the affected person's consent, expressed wishes, confidentiality, and safety. No filing fee shall be charged for protective assessment or referral under this Act. To the extent permitted by law and consistent with the safety of the affected person, the receiving institution shall inform the reporting person of referral status and the appropriate channel for follow-up, without disclosing confidential investigative information.

An affected person may seek assistance directly from the CHR without first filing a complaint with a law-enforcement or security agency. Where the complaint implicates personnel of a particular agency, the affected person shall not be required to submit the complaint to the implicated unit. Subject to applicable law, consent, and confidentiality safeguards, the CHR may facilitate referrals to independent legal assistance providers and civil society organizations willing and competent to provide support.

SEC. 14. Risk Assessment and Immediate Referral. - The CHR or another competent receiving institution shall use its existing risk-assessment and quick-

response mechanisms to assess the immediacy of reported threats, considering available evidence, prior incidents, possible surveillance, the reach of dissemination, and the affected person's particular vulnerabilities. Cases presenting imminent danger shall be referred without delay to a competent protective or investigative authority. The receiving institution shall also identify requests requiring nonemergency legal, psychosocial, livelihood-related, or other assistance available under Section 15, and refer them through existing mechanisms where appropriate. Receiving institutions shall provide priority, individualized assessment for children, Indigenous Peoples, women facing particular risks, older persons, persons with disabilities, and other persons whose circumstances warrant additional protective measures.

Risk assessment shall be conducted in a manner respectful of consent, personal safety, privacy, and procedural fairness. Any protective measure involving restraint of liberty, entry into premises, compulsory disclosure, preservation orders directed at third parties, or other coercive judicial action shall require authority under existing law or a court order. Nothing herein shall confer upon the CHR adjudicative powers not otherwise provided by law.

Where the alleged red-tagging involves personnel of a law enforcement, military, or other government agency, the affected person may request that the CHR facilitate risk assessment and protective assistance without first reporting the matter to the agency or unit allegedly involved. Nothing in this Section shall prevent an affected person from directly seeking judicial remedies available under existing laws and rules.

SEC. 15. Legal, Psychosocial and Other Assistance. - Consistent with their respective statutory mandates, eligibility requirements, and available appropriations, the CHR, DOJ, Department of Social Welfare and Development, Department of Health, Public Attorney's Office, concerned local government units, and other competent agencies shall facilitate access to appropriate legal services, psychosocial support, medical referrals, temporary safety assistance, and witness protection as warranted. Where a person is not eligible for a particular service, the receiving institution shall, when practicable, provide information on or referral to an alternative competent provider. Where appropriate and within their respective mandates, referrals may also involve the Council for the Welfare of Children, the National Commission on Indigenous

Peoples, the Philippine Commission on Women, and other competent institutions, with respect for consent, accessibility, and confidentiality.

Assistance may address documented psychological, economic, social, reputational, or institutional consequences of alleged red-tagging, including disruption of lawful community activities, organizing, livelihoods, and hardship reported in connection with restrictions on access to accounts, funds, or financial services. The receiving institution shall refer affected persons to competent legal services concerning any related designation or freeze order. Assistance shall not depend upon proof of the criminal offense, and referral shall not imply that any financial restriction was unlawful.

SEC. 16. Civil Remedies; Judicial Protection. - A person who establishes an unlawful act and resulting injury in accordance with applicable law may pursue appropriate reparation, including actual, moral, or exemplary damages where warranted under Articles 32 and 2219 of the Civil Code and other applicable laws, whether or not a criminal prosecution under this Act has been instituted, as the law permits. The filing of a complaint alone shall not establish civil liability or entitlement to damages. Appropriate relief may include correction of inaccurate public information or public retraction by the responsible institution, as ordered by a competent court or voluntarily undertaken in accordance with law and with due regard for due process and freedom of expression. Red-tagging may be considered in petitions for the writs of amparo or habeas data where the applicable requirements under the Rules of Court are independently satisfied.

Requests for correction, cessation of unlawful publication, preservation or access to records, and similar relief shall be pursued only through processes and orders authorized by law, with due regard for freedom of expression, privacy, evidentiary integrity, and the rights of persons affected by such orders. An affected person or an authorized representative may request assistance from the Commission on Human Rights (CHR) or another competent receiving institution concerning a terrorism-related designation or restriction on access to accounts or funds. The receiving institution shall facilitate referral to an appropriate legal assistance provider for the pursuit of available remedies under applicable law. Such referral shall neither establish that the freeze

was unlawful nor suspend or alter an existing order. Nothing in this Act shall diminish the authority of the Anti-Money Laundering Council, the jurisdiction of the courts, or the constitutional rule-making authority of the Supreme Court.

A person who reasonably believes that a government record or list inaccurately or unlawfully identifies them as a member, affiliate, or supporter of an unlawful armed group may request review or correction from the responsible agency. The agency shall provide an appropriate review and response under applicable law; denial or inaction shall be subject to available administrative or judicial remedies. This provision shall not require indiscriminate disclosure of classified information or unlawful destruction of evidentiary records.

SEC. 17. Administrative Accountability. - When a report discloses possible misconduct by a public officer or employee, the receiving institution shall refer the matter to the proper civil service, disciplinary, military, police, or Ombudsman mechanism, as appropriate. Administrative proceedings and penalties shall be governed by applicable laws and rules and by the requirements of due process. Deliberate misuse of official authority or resources for conduct prohibited under Section 5 shall be referred for investigation as possible grave misconduct or another applicable administrative violation, without predetermining the outcome of the disciplinary proceeding.

The availability of criminal, civil or protective remedies under this Act shall not prevent lawful administrative proceedings concerning distinct duties and violations. A superior officer who receives actual notice of unlawful official red-tagging by personnel under the officer's authority and, despite a specific legal duty and reasonable capacity to act, deliberately fails to take appropriate corrective or protective measures may be subject to administrative accountability under applicable laws and rules. An authorized officer who becomes aware of an inaccurate or unauthorized public labeling by the officer's agency shall take appropriate lawful steps for its review and correction.

SEC. 18. Criminal Enforcement Coordination and Independent Protection. - The DOJ shall coordinate criminal investigation and prosecutorial referrals under this Act through existing offices and mechanisms, consistent with the statutory authority of the DOJ, NBI, PNP, Office of the Ombudsman, and other

competent agencies. Such coordination shall not make the DOJ the overall supervisory authority for protection, assistance, or human rights monitoring. The CHR shall serve as an independent lead institution for protection assessment, human rights monitoring, and referrals under this Act, without impairing the criminal enforcement responsibilities of the DOJ and other competent authorities.

The CHR shall independently discharge its constitutional functions of investigation of human rights violations involving civil and political rights, complaint intake, monitoring, documentation, protective assistance, and referral. It shall not be subject to DOJ direction in carrying out those functions. Nothing in this Act shall confer prosecutorial or judicial powers upon the CHR in the absence of a separate law granting such powers.

SEC. 19. Independent and Impartial Investigation. - Where a complaint implicates an officer, employee, or unit of the agency ordinarily responsible for investigating the incident, the CHR or other government office receiving the complaint shall refer the matter to the Department of Justice (DOJ), National Bureau of Investigation (NBI), Office of the Ombudsman, or another legally competent investigative authority that is not under the operational control of the implicated unit, in accordance with their respective jurisdictions. The complaint shall not be referred to the implicated unit for investigation. In facilitating the referral, the receiving office shall consider the complainant's safety concerns, protect identifying information from unnecessary disclosure, and inform the complainant of the authority to which the matter was referred, subject to applicable confidentiality requirements and investigative procedures. Concerned agencies shall cooperate with lawful CHR requests for information or assistance, subject to applicable laws on confidentiality, protection of witnesses, privacy, and agency jurisdiction.

The DOJ may designate a competent investigating office or coordinate an interagency referral to avoid conflicts of interest, without diminishing the Ombudsman's constitutional independence or other statutory mandates. The interagency mechanism under Administrative Order No. 35 (2012) may be utilized for cases falling within its existing mandate; it shall not automatically acquire jurisdiction over every red-tagging complaint by reason of this Act. The competent receiving

agency shall record whether a referral is accepted, transferred, or declined for lack of jurisdiction; identify the responsible office where known; and inform the reporting person of its status subject to confidentiality and investigative requirements. Where no action is taken within applicable service standards, the responsible office shall make available a supervisory or review channel to address the referral's status, without dictating an investigative outcome, impairing prosecutorial discretion, or diminishing the jurisdiction of the Ombudsman.

SEC. 20. Electronic Evidence, Privacy and Confidentiality. - Investigation and handling of electronic information under this Act shall comply with Republic Act No. 10173, Republic Act No. 10175, applicable rules on electronic evidence, the Rule on Cybercrime Warrants, and other relevant laws.

The identification of persons behind anonymous accounts and the preservation, disclosure, seizure, or examination of electronic records shall be undertaken only through procedures authorized by law. The identities and sensitive personal information of complainants, witnesses, and assisted persons shall not be publicly disclosed except as authorized by law or with legally sufficient consent. Receiving institutions may record publicly accessible posts, publication links, screenshots, and other voluntarily supplied material with available information on their source, date, and manner of collection, subject to applicable evidentiary requirements. Requests to preserve, obtain, disclose, or examine nonpublic computer data shall be referred to law enforcement or judicial authorities legally empowered to act under Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012," particularly Sections 13, 14, and 15 thereof, and the applicable rules on cybercrime warrants, where applicable. This Act shall not authorize indiscriminate surveillance or compel disclosure without lawful process.

The CHR, in coordination with the Department of Information and Communications Technology and other competent bodies, may develop voluntary reporting and referral arrangements with online platforms concerning material presenting credible threats to life, liberty, or security. Such arrangements may include requests for review and lawful preservation of evidence, but shall not empower an

executive agency to compel removal of lawful content without appropriate legal authority and procedural safeguards.

SEC. 21. Protection Against Retaliation. - No person, whether a public officer, employee, or private individual, shall unlawfully threaten, intimidate, coerce, disclose protected identifying information concerning, or otherwise retaliate against another person by reason of the latter's filing of a complaint, seeking protection, providing information, or participating in proceedings under this Act. Such acts shall be referred for appropriate administrative, civil, or criminal proceedings under existing applicable laws, and shall constitute an offense under this Act only if independently satisfying the elements of an offense herein.

Receiving institutions shall take reasonable steps to prevent unnecessary disclosure of identifying information and further risk to complainants, witnesses, and persons assisted under this Act. This provision shall not diminish otherwise available witness-protection or protective remedies.

SEC. 22. Education and Preventive Measures. - The DOJ, CHR, Department of the Interior and Local Government, Department of National Defense, Department of Labor and Employment, and other concerned agencies shall, within their existing mandates, promote training and public education on the prohibition of red-tagging, lawful investigations, civic freedoms, protection and referral procedures, and the rights of persons involved in complaints. Educational programs shall address risks affecting community organizations, educational institutions, journalists, Indigenous Peoples, farmers, workers, human rights defenders, and other persons engaged in lawful activities.

These measures shall complement existing directives, including Executive Order No. 97 (2025) and the Omnibus Guidelines on the Exercise of Freedom of Association and Civil Liberties, without duplication of reporting or disciplinary mechanisms.

SEC. 23. Monitoring and Annual Reports. - The DOJ shall consolidate and submit to Congress an annual report on criminal enforcement under this Act, including investigations, referrals, prosecutions, dispositions, and difficulties encountered in the exercise of the concerned agencies' respective mandates.

The CHR shall independently report to Congress on complaints, protective assessments, assistance and referrals, referral follow-through and available aggregate processing-time information, patterns of red-tagging, and implementation concerns, consistent with its constitutional mandate. Any exchange of information between institutions shall respect CHR independence and applicable confidentiality and data-protection requirements. Public reports shall use aggregated or anonymized information and shall not expose affected persons, complainants, or witnesses to additional risk. Reports shall, where lawfully available, provide disaggregated aggregate data on complaints, referral actions, institutional responses, and outcomes without facilitating re-identification of affected persons.

Within three (3) years from the effectivity of this Act, the appropriate committees of Congress shall undertake a review of its implementation, taking into account the independent reports of the DOJ and CHR and consultations with relevant government institutions, civil society organizations, and affected sectors. Such review shall not suspend the operation of this Act.

SEC. 24. Relationship with Existing Laws and Remedies. - This Act shall be implemented consistently with the Revised Penal Code, Civil Code, Republic Act No. 10168 or the Terrorism Financing Prevention and Suppression Act of 2012, Republic Act No. 11479 or the Anti-Terrorism Act of 2020, Republic Act No. 10173 or the Data Privacy Act of 2012, Republic Act No. 10175 or the Cybercrime Prevention Act of 2012, existing labor laws and freedom-of-association protections, and applicable Supreme Court rules on the writs of amparo and habeas data, terrorist designations, and freeze orders.

Nothing in this Act shall, by itself, nullify, suspend, or modify a designation or freeze order issued under existing law, diminish the powers of the Anti-Money Laundering Council, or restrict lawful applications for delisting, judicial review, or other remedies. Where a single public imputation is chargeable under this Act and the provisions on libel under the Revised Penal Code or cyberlibel under Republic Act No. 10175, no cumulative criminal punishment shall be imposed for the same publication and imputation; this shall be applied consistently with constitutional double-jeopardy safeguards and applicable procedural rules. Separate and independently punishable

acts may be prosecuted under the relevant laws. No criminal penalty under this Act shall apply retroactively.

SEC. 25. Prescription of Offenses. - The offenses punishable under Sections 5 and 10 of this Act shall prescribe in twelve (12) years. The commencement, interruption, and computation of the prescriptive period shall be governed by Act No. 3326, as amended, and applicable jurisprudence.

SEC. 26. Appropriations. - The initial implementation of this Act shall be charged against the current appropriations of concerned agencies, subject to applicable budgeting and accounting laws. Thereafter, the amounts necessary for implementation, including complaint intake, protective referrals, training, legal and psychosocial assistance, and monitoring, shall be included in the annual General Appropriations Act. The CHR shall independently identify the resources required to discharge its functions under this Act for consideration in its annual appropriations, consistent with its constitutional independence and applicable budget laws.

SEC. 27. Implementing Rules and Regulations. - Within one hundred twenty (120) days from the effectivity of this Act, the DOJ, in coordination with the NBI, PNP, and other competent agencies, shall issue the rules necessary for criminal enforcement, investigation, prosecutorial referral, and interagency coordination under this Act. The DOJ shall consult the CHR on matters affecting human rights protection and referral procedures. The implementing authorities shall undertake appropriate consultations with civil society organizations, Indigenous Peoples' organizations, and other affected sectors, with safeguards for the confidentiality and safety of complainants.

Within the same period, the CHR shall establish or update, pursuant to its independent mandate, guidelines for receipt and assessment of red-tagging complaints, urgent risk assessment, protective assistance, referrals, confidentiality, and monitoring, consistent with applicable service standards and resources. The DOJ and CHR may adopt joint referral protocols on acknowledgment, tracking references, institutional acceptance or transfer, status notification, documentation of publicly available electronic evidence, and lawful preservation requests. Such protocols shall

identify how an affected person may seek review of administrative inaction without affecting investigation or prosecutorial discretion. No implementing issuance shall enlarge criminal liability, create additional offenses, or diminish rights guaranteed under the Constitution and applicable laws. The rules may prescribe complaint intake, verification, documentation, referral timelines, record review procedures, interagency cooperation, and monitoring, but shall not modify the essential elements of criminal offenses, their statutory penalties, or the rights guaranteed by law.

SEC. 28. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 29. Repealing Clause. - All laws, decrees, executive orders, rules, regulations, and other issuances or portions thereof inconsistent with this Act are hereby repealed or modified accordingly, to the extent of such inconsistency.

SEC. 30. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,