

Philippines: In latest suit, NUPL seeks dismissal of NTF-ELCAC bosses over red-tagging

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MANILA, Philippines — The National Union of Peoples' Lawyers has asked the Office of the Ombudsman to dismiss three officials of the National Task Force to End Local Communist Armed Conflict over their unabated red-tagging, in the latest suit against the government's anti-communist task force.

The NUPL on Wednesday filed an administrative complaint against National Security Adviser Hermogenes Esperon — vice chair of the NTF-ELCAC — and the task force's spokespersons Lt. Gen. Antonio Parlade and Presidential Communications Undersecretary Lorraine Badoy.

The group of rights lawyers is the latest to seek accountability of the NTF-ELCAC officials after rights alliance Karapatan and Rep. Sarah Elago (Kabataan party-list) filed their complaints at the Office of the Ombudsman.

NUPL accused the three officials of violating the Code of Conduct and Ethical Standards for Public Officials and Employees and committing Grave Misconduct, Conduct Prejudicial to the Service and Grave Abuse of Authority.

Esperon, Parlade and Badoy are accused of violating the NUPL lawyers' rights to life, liberty and security and to the exercise of their profession.

The NUPL was founded in 2007 and has been providing legal services to the poor and marginalized sectors of society, including peasants, workers, indigenous peoples, activists, and the urban poor. They also represent political prisoners whom they say are facing spurious cases.

"In the instant case, the pattern is crystal clear: the complainants and its lawyers are being discriminated, persecuted and harassed for their membership with the NUPL and on account of the cases, clients and advocacies that they take on," they said.

The lawyers' group asked the Ombudsman, "after proper proceedings, [to] mete out the penalty of dismissal from service with forfeiture of benefits."

Attacks against the legal profession

In its complaint, the NUPL said they had been branded as an "enemy" by the Philippine Army as early as 2013 over the group's opposition to the promotion of a general accused in the case of the "Morong 43" health workers accused of being members of the New People's Army.

NUPL said that the red-tagging continued through the years and its members have been put under heavy surveillance and harassment and members were also killed in still unresolved cases.

NUPL-Negros Secretary General Benjamin Ramos was red-tagged in a poster put up by police in April 2018. Six months later, he was killed in Kabankalan, Negros Occidental.

NUPL said Ramos had just joined an inquiry into the deaths of farmers at a land occupation activity in Sagay when the murder happened.

An independent tally from the NUPL also showed that at least 54 members of the legal profession have been murdered with only five cases reaching courts since 2016.

"The attacks against and harassment of NUPL and its members by suspected state agents are intensifying, all amidst the escalating attack against members of the legal profession in general," they said.

In 2019, the NUPL [ran to the Supreme Court to seek protection from perceived threats by state agents](#).

The Court of Appeals however [junked their plea](#) for a temporary protection order (TPO) as it said that there was "no basis" to do so. The court pointed out that the NUPL—whose membership is nationwide— failed to provide a full list of individuals who may benefit from the grant of the relief.

The case is under appeal at the SC.

NTF-ELCAC's red-tagging

Amid intensifying attacks, the NUPL said Parlade has "persistently and public maligned—using public funds and his public position" NUPL and its members by labeling them as communists and terrorists without credible evidence..

Quoting a report on state-run Philippine News Agency, NUPL noted that Parlade has accused the group of using its pro bono legal work to "entice" volunteers to "defend communist underground mass organizations."

"Parlade has viciously, relentlessly, baselessly and maliciously, without any credible, competent and admissible evidence in fact and in law that will stand in an impartial tribunal, have uttered, instigated, induced, goaded, tolerated, condoned and sanctioned, using his public office and public funds," the NUPL said.

PCOO official Badoy meanwhile has accused NUPL chairperson Neri Colmenares and other members of the Makabayan bloc at the House of being "high-ranking party members of the CPP NPA" and fronts of "violent extremists." Colmenares and others have denied the accusations.

Esperon is accused of "using public funds and his public position" to support Parlade and Badoy's red-tagging. The national security adviser also adopted and sanctioned the allegations of the two other respondents, where he, as vice-chair of the NTF-ELCAC, has direct control and close supervision over, NUPL said.

NUPL said the threats and harassment against its members violate the United Nations' Basic Principles on the Role of Lawyers, which guarantees that those in the legal profession must be able to perform their function without intimidation, hindrance, harassment or improper interference.

"Under the present climate of impunity in the Philippines, worsened by respondents' persistent red-tagging of the NUPL, the attacks on its members have not been effectively and impartially investigated in accordance with the aforementioned standards," the complaint read.

NUPL stressed they are filing the complaint “to finally address a continuing wrong, to vindicate their basic rights and to remind public officials that illegal, improper, unjust and oppressive acts and utterances, especially those vicious and virulent, are not without consequences.”

They said: “We also just want to do our work as lawyers.”

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