

## **Dreams versus Realities<sup>1</sup>**

Distinguished guests, the Honorable Chief Justice and other members of the Supreme Court and other courts, incumbent and retired, other esteemed officials of the government, excellencies of the diplomatic and consular corps, FLP sponsors, partners, friends, and members of the FLP Board of Trustees, ladies and gentlemen.

Let me begin with a little story. A corrupt politician died and was met at the Pearly Gate by St. Peter who told him, “Your honor, you can choose where to spend eternity, either up to heaven or down to hell. And to help you choose, you can visit both heaven and hell.”

### **Heaven Versus Hell**

With that short introduction, St. Peter ushered the politician to the magic elevator. He went down, down, deep down. When the elevator door opened, he found himself in a grand palace teeming with beautiful women feasting with wine, *lechons*, lobsters and caviar. The band played non-stop TikTok music and everyone danced happily; on his front was a fabulous golf club together with limousines and sports cars galore; on his right was a white beach with a grand yacht; and on his left

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<sup>1</sup> Speech of retired Chief Justice ARTEMIO V. PANGANIBAN delivered online on October 13, 2021 during the 10<sup>th</sup> Anniversary Celebration of the Foundation for Liberty and Prosperity

was an airport with private jets to take him anywhere he wished, all for free.

After a day of hellish grandeur, the elevator whizzed him up, up, to heaven. In the clouds, he tiptoed to see men and women garbed in immaculate white, with harps, guitars and violins playing slow, classical music. The angels floated in the clouds praying and singing praises for the Almighty. But no grand fiesta, no limos, no sports cars, no beauties, no private jets, no TikTok.

Afterwards, he went back to St. Peter and exclaimed, “Hey Pete, I think heaven is too sedate for me. So, I choose hell.” The elevator went down, down, down again. But when the door opened, it was hot and humid. He was greeted by ugly men and women gnashing their teeth and begging for alms. The land and sea were full of garbage and waste. And the Devil came, laughed mightily and hugged him.

The politician complained, “I don’t get it. Yesterday, I visited your kingdom and I saw merriment, luxuries and beauties galore but today, after choosing to stay permanently in hell, I see only waste, scarcity, regret, and ugliness.”

The Devil smiled, “Yesterday, we were campaigning and promising. Today, you voted for us and chose our reality.”

In the earlier original version of his joke, the Devil said, “Yesterday, you were a tourist. Today, you are a resident.”

### **Theory Versus Practice**

Ladies and gentlemen, I related that old joke because it captures in some devilish way the theme of my message for you today, which can be summed up as dreams versus realities, or promise versus fulfillment, or theory versus practice, or negative versus positive, or tweets versus substance, or slogans versus philosophies.

When I was a young student taking up political science for my pre-law course, my professor repeatedly challenged me to refute the Marxist slogan of “From each according to his ability and to each according to his need.” To a dirt poor student like me, it was difficult to negate this slogan for it seemed to fulfill my longings, emotions and needs. But I also knew that the people under the yoke of communist regimes at the time, especially the Soviet Union and Red China were abused, coerced, impoverished and hungry. (Of course, eventually, the Chinese became the second largest economy in the world, not because of communist slogans but because of their adoption of the liberal democratic practice

of rewarding personal initiative and entrepreneurship while maintaining the communist system in their political governance.)

And so, I did not embrace the slogans because I knew the Marxist promise of liberating the poor was not, and could not be, fulfilled in the real world. Communism was appealing in theory but it was appalling in practice. And thank God, I did not become a communist, though I - as a founder and former President of the National Union of Students – was well-acquainted with some of the young reds and pinks of my time like Jose Maria Sison and Satur Ocampo.

### **Negative Versus Positive**

As an attorney and later as a jurist, I initiated my own legal philosophy of safeguarding liberty and nurturing prosperity under the rule of law. This philosophy was reflected in my pleadings when I was a practicing lawyer and in my decisions and opinions when I was a member of the Supreme Court. However, I was bothered that the Bill of Rights is written mainly in negative language. For instance, let me quote our most basic right, “No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the law.” Even the Ten Commandments contained in the Old Testament were mostly worded negatively, like “Thou shall not kill” and “Thou shall not steal.”

I felt, and still feel, that negatives are not enough and that positives are more important. A search elsewhere in the Constitution yielded some assuaging positive tenets, like “The goals of the national economy are a more equitable distribution of opportunities, income, and wealth, sustained increase in the amount of goods and services produced by the nation for the benefit of the people and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged.”

And a parallel search of the Bible, specifically of the New Testament, produced the two positive commands of our Lord Jesus Christ when He addressed His disciples, in this wise, “Love God with all your heart, with all your soul, with all your mind, and love your neighbor as I love you.”

### **Slogans Versus Substance**

During elections, the campaign mantras are also mostly negative. Thus, to defeat Diosdado Macapagal, Ferdinand Marcos jeered, “*Alis diyana!*” In turn, Cory Aquino successfully shooed away Marcos with “*Tama na! Sobra na! Palitan na!*” During the present election campaign, we will probably hear comparable slogans via Twitter, Instagram and Facebook.

The problem has always been that slogans and tweets rarely transform into substance and fulfillment. Why? I think because slogans, promises, theories and tweets were, and still are, not backed up by sustainable philosophies, implementable programs and realistic timelines.

Holding the record of having written the most number of decisions in the Court's over 100 years of history - so my colleagues flattered me with a bronze certificate during my valedictory on December 6, 2006 - I was happy and pleased at my tenure in the Court. And yet there was a throbbing yearning in my heart that I have not done enough. Mostly, my decisions and orders were negative in language by commanding the parties to stop their illegal or irregular behavior, or by dismissing petitions, or by directing the police to observe the negatively-phrased constitutional rights of our people. I had very few decisions that implemented the positive constitutional and legal provisions.

I am fortunate that the Lord has favored me with a long life, longer life than the average lifespan in our country. I am also fortunate that after my retirement, something unexpected happened. I was invited by our country's prominent taipans and business leaders, most of whom I did not know and had not met before, to join their companies as an Independent Director or Adviser. In this position, I learned of their own

yearnings to set aside a part of their corporations' earnings to philanthropy and corporate social responsibility. In fact, many invited me to join also their corporate foundations as a trustee or adviser to help them choose the causes and programs that needed their assistance.

To complement their efforts, I decided to organize the Foundation for Liberty and Prosperity on October 13, 2011 - five years after I retired on December 6, 2006, and 16 years after I began serving the Supreme Court on October 10, 1995.

### **FLP's First Decade**

During its first decade, from 2011 to 2021, FLP focused on the sustainability of its administrative requirements through the acquisition of an entire floor of over 700 square meters in the center of Makati. It also started projects to achieve the first part of its philosophy – the safeguarding of our people's liberty – by sponsoring four major educational programs: the Professorial Chairs, the Legal Scholarships, the Dissertation Writing Contests and the Educational Assistance Programs for the poor.

These activities were made possible by generous donations from the business leaders who invited me to their companies and foundations as an Independent Director or Adviser. Earlier, these FLP projects were

shown in the PowerPoint Report of our Executive Director Susan Gavino. I will no longer detail them except to say “Thank you” again to our sponsors, patrons and friends.

I believe that through these programs, the safeguarding of liberty has been transformed from a mere dream to a sustainable reality because the professors, scholars, dissertation winners and the education-assisted poor will continue, and in fact, expand the reach of our philosophy over the future decades and centuries. Coming from various parts of the country - from the South like the University of San Carlos, University of Cebu, Ateneo de Davao, Ateneo de Cagayan, Mindanao State University and Fr. Saturnino Urios University, and from the North like the University of the Cordilleras and St. Louis University - our scholars and dissertation winners have not only embraced our philosophy but have also propagated it to others in various ways in their areas and regions. In so doing, they used and fulfilled the principles of “weak ties” and “strong ties” written about so well by University of Pennsylvania Professor Damon Centola in his new book titled “Change” published this January, 2021. Truly, they will swarm all over our country as the new leaders of their generation.

To be updated on the professional careers of our scholars and winners, FLP organized the FLP Scholars Society. FLP hopes to



continue binding them internally to the philosophy while they pursue externally - beyond the FLP and the Society - their separate visions and ways of fulfilling the philosophy by engaging outliers to embrace it and by freely chasing other pursuit and activities to expand the sphere and reach of safeguarding liberty and nurturing prosperity under the rule of law.

Our ultimate project for the “liberty” side of our philosophy is an Interactive Museum of Liberty and Prosperity to be established in partnership with the Supreme Court and in cooperation with our sponsors and patrons. Our initial program to demonstrate this project via a temporary mini-museum inside the newly-renovated Ayala Museum had unfortunately been delayed by the ongoing pandemic.

### **FLP’s Second Decade**

During our second decade, from 2021 to 2031, and as already explained by our eminent trustee, former Governor of the Bangko Sentral ng Pilipinas Amando M. Tetangco Jr., we will enlarge our focus to the prosperity side of our philosophy initially by sponsoring scholarships and dissertation writing contests among MBA students majoring in economics, sustainability, business law and entrepreneurship.

However, our ultimate prosperity project is the establishment of what I tentatively call the “Entrepreneurship Fund” of a billion pesos to invest in, and to help manage, micro, small and medium enterprises that have no access to banks and to profit-seeking investors but have social impact by providing employment to our masses or by producing food and other necessities. We will also help them manage their enterprises via experts to be retained by the FLP. In this way, we would be assisting in a more concrete and sustainable way in our people’s conquest of extreme poverty. More information on this program will be provided as the concept and plans are completed.

## **Summation**

Permit me to end this address with a short summary. Since time immemorial, men and women have been consumed by great ideas to advance the frontiers of knowledge, livelihood and happiness. Many of these ideas have been coached in beautiful prose and promoted by attractive dreams, theories, slogans, tweets and posts. However, most of them remained dreams and slogans and have not been translated into realities. Neither have they been transformed into useful, concrete and sustainable programs. Worse, they have not alleviated extreme poverty.

In the FLP, we do not use slogans or gimmicks or tweets to promote ourselves. However, we have sponsored, and continue to

sponsor, sustainable programs to ensure that the philosophy will grow deep roots among our scholars and dissertation winners, and among their contacts and links in their specific locations, and professions or jobs, until they creep massively all over the country and the world.

I am confident that with our sponsorship of sustainable projects and programs on both aspects of our philosophy - the liberty and prosperity aspects - we would be able to fulfill our promises into reality, transform our theories into practice, and convert our tweets and posts into substance under the rule of law in the new digital world by 2031 when we, with our Lord's guidance and help, will celebrate FLP's 20<sup>th</sup> Anniversary. I hope and pray that I, who will be 95 by that time, will still be around, healthy and happy, to join - even in my wheelchair - our celebration of triumph and fulfillment in the Lord's vineyard, guided by our philosophy of safeguarding liberty and nurturing prosperity under the rule of law. *Maraming salamat po.*