

Liberty and Prosperity: Beyond Oneself, Beyond the Bar

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Fifteen handcuffed men sitting on the floor: This sight welcomed me as I approached the courtroom of Regional Trial Court-Branch 18 in Qimonda Hall of Justice, Cebu. The detention prisoners were lined against the wall outside the courtroom, waiting for lunchbreak to end and the day's court session to resume. It was only the first day of my month-long internship for the Juris Doctor program, yet my classroom imaginations of the law already paled against the realities behind the textbooks.

Liberty: its limitations, and perpetuation

Even without legal education, anyone with a modicum of intelligence could tell: *these 15 handcuffed men are not free*. While this observation is correct, it should not be hastily construed as definitive of the meaning of Liberty, or the lack of it.

“The term [liberty] cannot be dwarfed into mere freedom from physical restraint of the person of the citizen,”¹ for it encompasses so much more—it is the freedom to do all that is not legally wrong. This definition, though short and simple, holds a wealth of truths. It debunks the misconception of limitless freedom, yet also reveals just how much of it we can also enjoy.

Liberty is not limitless. It is amply and aptly regulated by law, which limits its exercise insofar as it may trespass upon others' freedoms. The law, therefore, demands that each individual's own liberty be exercised consistently with others' liberty, and consistently with the law. These boundaries are but reasonable, and are only a necessary consequence of living in a civilized society. Just as liberty belongs to one, it also belongs to another; consequently, one cannot expect to be protected from unwarranted interference, without likewise being expected of the same by others. The respect we expect from others, is what we reciprocally owe them.

The liberty we enjoy, though regulated by the law, nevertheless remains to be vast and liberal. By description, any and all acts—may they be mundane or exceptional, good or bad—so long as not proscribed by law, are permissible. Verily,

¹ Rubi v. Provincial Board of Mindoro, G.R. No. 14078, March 7, 1919, 39 PHIL 660-738.

each day is a mine of different freedoms, even if exercised without much conscious regard—e.g. the freedom to profess one’s own faith and practice one’s own culture, the freedom to voice discontent and disapproval, to associate or isolate, to pursue employment or self-development; or even to do acts as routine as choosing your own clothing, diet or make-up brand.

In fact, liberty does not only contemplate the commendable and the noble, it even tolerates moral wrongs. True, society frowns upon *the bad*, but questionable morality does not necessarily equate to illegality. Thus, while lying is hardly laudable, until and unless it amounts to perjury, liberty remains tolerant. Once we realize the extent of the individual autonomy we enjoy, we can appreciate how these so-called “limitations” are but a small price to pay next to all the faculties that remain within our command.

Going even further, it can also be said that these limitations are actually what ensures us our peaceful and continued enjoyment of our freedoms. For liberty unbridled is an invitation for lawlessness. Lawlessness breeds disorder. And it is in disorder that we find ourselves rendered incapable of enjoying the full utility of our freedoms. The Rule of Law, therefore, inasmuch as it regulates liberty, safeguards the same.

A free and functioning society needs the Rule of Law. It is the Rule of Law that sets the boundaries, ensures each one’s respect thereof, and thereby promote the full enjoyment of liberty by all and for all. Indeed, it is only when we are afforded the means and opportunity to enjoy our freedoms, individually and collectively, that we can truly claim liberty as ours.

Prosperity: what impedes, and what nurtures

Three weeks into my internship, I was invited to witness a graduation ceremony for juvenile delinquents who successfully passed their Alternative Learning System (“ALS”) exams. When the program started, the classic Graduation March played, and 20 or so minor offenders, donning white togas, trailed the aisle towards a modestly decorated hall inside the juvenile detention center. Some marched alone, some with parents; and one particular graduate marched in slow paces with his grandmother. His grandmother was staring intently at her apo’s beaming face; she had tears in her eyes and a contagious smile. You could not possibly miss the pride in her face. Truly, he had prospered in her eyes.

Crossing paths and exchanging conversations with over two decades-worth of different people, I've come to see the different faces of prosperity: prosperity was in finally practicing his dream profession, even if it paid less; it was in coming home to a family with a roof above their heads; in affording his open-heart surgery; in finally having enough free time to join community outreach programs; in seeing her *apo* graduate high school in spite of his incarceration. And in all these faces, what shone alike was this sense of accomplishment, reflective of their having finally achieved a certain standing in life.

Prosperity comes in many forms. At the individual level, prosperity almost always relates to economic well-being; although in some other instances, it relates to social status, self-fulfillment, or the general quality of life. Meanwhile, at the societal level, prosperity comes in the actualization of the many aspirations of the general populace—such as growth in production or investment, improvement in the standards of living across all sectors, or critically: a narrowed gap between the rich and the poor. Clearly, whether in the individual or in the societal level, basic in any form of prosperity is still an economic element.

Society functions as an economic unit; and for a person to compete, participate, or at the very least survive in it, resources are indispensable. Money really does matter. A person who hopes to prosper must be sufficiently economically enabled to pursue the status, station, or standard of life he envisions for himself. While his industry, skill and passion may undoubtedly mobilize his pursuit, the journey is never in a vacuum; and the pace each person takes towards his destination will always be either hastened or delayed by economic factors. Daily wage, commodity prices, and availability of fair opportunities will always hold a piece in the pie. And the farther down the pyramid you are, the bigger will that piece be, and the longer will the delay hold your pace. This is where the Rule of Law is called to fore.

With poverty in the Philippines being as persistent as ever, prosperity needs the Rule of Law. True, prosperity is an individual battle, and responsibility primarily falls upon he who aspires it for himself. But the fangs of destitution are unforgiving, and the poor cannot spare much concern for anything else besides fending off hunger and disease. By the inherent inequalities among social beings, the opportunity to advance is likewise rendered unequal. The Rule of Law must, therefore, equalize the field. With the Rule of Law, prosperity may be nurtured.

Liberty and prosperity under the Rule of Law

Liberty and prosperity seem to be disconnected philosophies; one relates to freedoms, while the other to economic rights. However, both principle and experience tell otherwise. Rather, liberty and prosperity are so intimately intertwined that one cannot hope to have one without the other.

The toil for prosperity is undeniably an economic one; curiously, though, it can be observed that whether or not a person deems himself prosperous is not measured by the amount of his wealth, but by the amount of freedom he is then able to enjoy—the freedom to travel, freedom from disability or disease, freedom from crippling debt, freedom to enjoy one’s passion. For had one not risen to a certain level of economic sufficiency, one would not have had enough to travel, to avail medical treatment, to pay off debts, or to choose passion over secure income. Conversely, it can also be observed that had one not been afforded enough autonomy for economic pursuits in the first place, one would not have advanced in society at all. Clearly, liberty begets prosperity, and prosperity begets more liberty.

While both intertwine, liberty and prosperity are nonetheless valued differently by different classes. People further along society place more premium in their freedoms, being less burdened by the toils of living; while people in poverty value their economic rights more, not having much of a choice. The difference may seem harmless, but it is not. Affording to place more value on their freedoms, it is typically the well-off and the well-connected who compose the ruling few. Consequently, the pleas of the poor and marginalized, who are all too preoccupied surviving the day, are oftentimes left unheard and forgotten. The inequality is apparent and cyclical. The favor that the law vests upon the poor, through social legislation and differentiated economic rights, finds reason in this inequality, as enunciated in the maxim: *those who have less in life, should have more in law.*

We therefore need the Rule of Law. We need the boundaries it sets in the exercise of our freedoms, and the opportunities it paves in our quest for growth. When lawless elements threaten our liberty, the Rule of Law quells it. And when poverty defeats the dignity of the poor, if only the law dips an intentional hand into the circumstance, it can surely restore it. The quest for liberty and prosperity, is a quest for the Rule of Law.

Beyond oneself, before the bar

On my last day in the drugs court, several accused were scheduled for arraignment. One particular accused pleaded guilty to violating Section 5 of R.A. 9165.² Amused by the accused's flamboyant disposition, the judge prodded him with the question: "what led you to selling shabu?" It was then that accused admitted to have never sold or attempted to sell any drugs; at most, he said, he was only an occasional user. The judge promptly suggested that he fight for his case, and disprove the incorrect charge. To which the accused replied, without a moment's pause, "nevermind, it's not worth the trouble."³

A legal climate so poor and distrusted, that an accused is driven to just plead guilty to an incorrect charge, is a tragedy for the law. Justice is ridiculed, and the supposed supremacy of the Rule of Law becomes artificial. As a guardian of liberty, and a social partner in prosperity, I share in the weight of the legal profession's moral duty towards justice and the restoration of the public's faith in its systems, even if I am not yet in the roll. With this burden, I am emboldened to press on. I am reminded to work hard not only for myself, but for all the people in whose service I could be after all my studies come to fruition. For every semester hurdled, the potentials I wield to one day professionally help administer justice takes clearer shape.

To advocate the law is to live by its aspirations on a daily basis, even if only through simple acts. I must champion liberty and prosperity not only because I am a law student, but because I am human, just as liberty is an inherent right of every man, and prosperity is a common yearning of mankind.

As a friend and daughter, I must make sure that my loved ones are apprised of their rights and duties as subjects of a free country, and fellow aspirants of individual and societal growth. As a neighbor, I should be the watchdog of my own community. And as a citizen, I should encourage obedience to the law, and myself abide it.

And finally, as a law student, I must learn and love the law, just as I should be critical of it. I should continue to embrace my peers in law school as comrades in battling indifference; in bearing witness to subtle, but epidemic social inequities; in resisting apparently harmless, but resultantly degenerative practices; and in

² Comprehensive Dangerous Drugs Act of 2002, Republic Act No. 9165, June 7, 2002.

³ Translated to English. Original Visayan remark: "ayaw na, hasol na."

withstanding the moral discouragements of this country's seemingly hopeless political outlook.

Entrusted with knowledge of the law, as it is, I already hold an advantage in enabling change; three years of legal study has already armed me with so much. Truly, even mere law students have much to offer, if only we exploit this advantage for good. Indeed, my fight for liberty and prosperity is not deferred until my legal practice. It awaits to be fought even today. But as soon as I begin my legal career, the duty exponentiates.

Beyond oneself, beyond the bar

Before actually stepping into law school, I always envisioned an eventual career in corporate law. Having attended business school in college, it seemed like the best choice. But the longer I immersed in the grits and grace of legal study, the stronger the passion for public service burned. Before I knew it, I found myself dreaming of one day “respectfully appearing for the State.”

I plan to retreat back to my roots in Mindanao, where I know the Rule of Law needs all the passion and vigor it needs. Working in the Prosecution service, I wish to help reaffirm my fellow Filipinos' faith and confidence in the Rule of Law.

Confidence in the law catalyzes its effective administration. But for such confidence to work, it must not be unfounded or blind. The people must see for themselves how the law can champion their causes, protect their liberties, and promote their economic rights. When the masses learn to trust and rely not only on the Rule of Law and the justice system, but also on the agents entrusted to administer the same, the Rule of Law takes clearer meaning and a firmer grip.

My fight for liberty and prosperity starts with my fight for the Rule of Law; that it may not ring as a mere ideal, but as a truth, felt and imprinted in the mind of every individual. So that no person will have to feel that he's better off bargaining away his freedom for an incorrect charge, than laying his trust upon the law. This vision is admittedly challenging. But I believe that every honest day of public service is a definite step towards a more effective Rule of Law. A Rule of Law that safeguards liberty, and nurtures prosperity.