

The Pillars Stood Like Dominoes: Liberty and Prosperity Under the Rule of Law

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A few hundred meters from where the University of San Carlos (USC) Law Building stands is a shady world hidden in plain view. Only accessible late at night, it exists like an open secret that no one talks about except in whispers. Every night, going home, I stroll these suspicious streets and pass by dark alleys that serves as an entrance to this underground realm. I used to avoid these specific paths, but out of curiosity and my decision to take advantage of the convenience of shortcuts, it has now become my daily route.

And at the surface, I covertly witness this world. One particular night after my class in Criminal Law, I traversed my usual path. As I neared the alley behind the University of Visayas, I was eagerly approached by a young man, probably of my age. *“Ganahan ka og chicks, sir? Barato ra ni sila,”* (*“Do you want some women sir? They’re cheap”*) he asked me unabashedly.

This has happened so many times now, ever since I began taking this route. But this specific night struck me. Just thirty to forty minutes ago, we were discussing the Anti-Trafficking in Persons Act of 2003 with Atty. Pepita Jane Petralba, the Provincial Prosecutor of Cebu. A sense of surrealism crept into me.

I shook my head to signal my disinterest. The man was a little persistent, so I increased my pace. While moving away, I tried to look at the girl behind her which I believed was the one he was referring to. She was probably no more than eighteen years old.

The fault in our systems

The problem of prostitution illustrates a life deprived of liberty and prosperity without the rule of law. It shows how lawlessness coupled with the lack of prosperity or poverty can deny someone of his or her liberty and other fundamental rights. Truly, without prosperity there is no liberty. The converse is also true.

The infamous streets of Junquera has been known in the locality as Cebu’s illicit red-light district. A grim marketplace where flesh is sold for coin. The unlawful trade often involves minors and women who are forced into the “business” because of survival needs. It is also a few meters away from the police station in Parian. But

pimps fill the streets at night, unfazed and unafraid. Perhaps, law enforcers have been tolerating it out of frustration, like a sore that refuses to be cured and go away.

This image brings into mind the apparent ineffectiveness of our law (or law enforcement for that matter) in some specific areas. Which makes one ask: *what are we doing wrong?*

Our Congress has been enacting thousands of laws, our judiciary burdened with thousands of cases, and the administration is arguably doing its best to execute them. Is there a fault with our systems? If yes, where does the problem lie?

It has been claimed that we are a country wherein the *rule of law* governs and not the *rule of man*. But a quick glance at the prevailing socio-political situation would allow one to easily realize that this is more of an expression of an ideal rather than a definition of reality. The line between law and politics in the Philippines is blurred, and often confused. Our institutions are plagued with partisanship which inevitably leads to corruption. In appointments to governmental positions, the masters you serve become the standard instead of your merit. Moreover, most politicians take advantage of the frustrations and aspirations of the poor and marginalized in order to further their political interests. During elections, these maneuvers become apparent as denial of defeat becomes the norm instead of gracious surrenders. Through protracted litigation and public sympathy rallies, defeated candidates clutch desperately at the heels of power no matter what.

The challenges that we now face have become even more intimidating. For instance, because of the complexities of the digital era, the battle against misinformation and fake news has been a very difficult one. Political opponents have been employing them to destroy one another, sacrificing truth and accuracy in the process.

Quite shockingly though, there is no effective law at the present that can curb out this menace. Our Cybercrime Act of 2012 law does not specifically cover fake news and misinformation. Moreover, there is doubt as to applicability of libel laws when the usual target of fake news are public figures. Some are even shielded by claims that it is purely “satire.”

Truly, our generation is about to face a faceless enemy it does not fully understand. When friends and family turn against each other in social media because of their respective political opinions fueled by fake news and propaganda, you immediately know that something is going out of hand.

But perhaps the most affected are people in the lower echelons of society. These are the people who are most likely to consume these politically-charged content (usually in the form of *memes*), without the know-how to fact-check and verify its accuracy and veracity. Not coincidentally, they are also the population most likely to vote during the elections. Hence, any ambitious and sly politician knows that they are the priority targets in any political campaign.

Walls, pillars, and dominoes

This is why the rule of law in the country cannot be taken as an accomplished aspiration. It is a work in progress—and progress has been excruciatingly slow. This is true not only with the Philippines but also in other developing countries. Even in developed Western countries, there has been a rise in strongmen-led regimes and demagogues in democracies. The trend in global political sympathy all points to an inclination towards authoritarianism. Possibly brought about by the deficiencies in democratic-capitalist institutions, people are now seeking miracle remedies from anyone who is willing to promise them. Perhaps, they believe that the iron solutions promised by the *rule of man* will be more effective than the lofty and abstract ideals sought by the *rule of law*. An erroneous belief that the surrender and sacrifice of fundamental rights by embracing absolutism is the secret way to utopia.

This misunderstanding, however, is the silent seed to the tree of tyranny. When people lose faith in the legal system, the reins of government become readily available to pseudo-revolutionaries who would woo the people with guarantees of groundbreaking progress and radical change. Most people would then view the rule of law as a hindrance to progress and development. Anything that stands in the way to the revolution must be eradicated. An obstructing wall that needs to be taken down.

But more often than not, these guarantees are nothing but empty promises. And when people realize that what they have destroyed is the only thing that keeps them safe from the gruesome powers of an autocratic state, it will already be too late. From the destruction of the rule of law, other foundations of a free society will collapse. Liberty will die. Being the pillar that holds the weight of the Pantheon of democracy, when the rule of law collapses, it will fall upon its institutions like a destructive domino that will ultimately lay waste upon everything.

First, freedoms and liberties will be divested. Speech will be regulated, movements controlled. All for the purpose of ensuring that no considerable force will be

organized to oppose the state. Those who dare will be eradicated, literally or figuratively.

Second, economic prosperity will evaporate. This is a natural follow-up to the death of civil and political rights. Property rights will be disrespected. Lands will be forcibly snatched and businesses taken over by the state. Stock markets will plummet. Foreign investments will decline and vanish, along with whatever little bit of market confidence remains. The only thing that will increase will be the unemployment and poverty rates.

Third, violence. As discontent grows and piles on, it will hit a tipping point wherein rage is materialized in the form of armed resistance. Not even the fear of death will stop the disgruntled population. Life conditions now have reached a level so cruel and brutal that death becomes preferable. By then, one could only hope that by bathing in blood, fire, and destruction would democracy be rebirthed like a phoenix from the sacrifice of the lovers of freedom.

The abovementioned situation seems something taken out from a dystopian novel. But looking back at the world's experience with failed authoritarian regimes will let one realize that the situation above is not pure fiction but based on reality.

Economics and the rule of law

Crime, armed militancy, the drug problem, and other societal ills have one common source: economic discontent. Give the rebel, the drug dependent, or the criminal a decent life and he will, without doubt, stop being one. I believe that the reason they embrace their current way of life is because they think that by doing so, they are escaping an unfair life or fighting it by making it better for themselves (often at the expense of others).

Ironically, because of this belief, they see the rule of law as a hindrance to their aspirations of a better life as mentioned before. For the drug dependent, the law deprives him of his only escape. To the rebel, the law proscribes him from achieving the political or economic ideology he believes will be the cure to his problems. And to the criminal, the law prohibits him from his illicit source of livelihood. Not knowing that the law could in fact be the vehicle towards its realization and would dispense of the need of pursuing their unlawful lives.

In countless research studies in both developed and developing countries, indicators linked to the rule of law have drawn a strong correlation with economic prosperity. Variables such as security of person, property rights, checks and balances in

government, control of corruption, and government transparency and accountability, have been strongly connected with economic growth. For instance, developing countries which scored less in these areas were seen as economically disadvantaged compared to their developed counterparts in the West who scored high with these indicators. This should not come as a surprise. Economic growth is a logical and natural consequence of a nation embracing the rule of law.

Upholding the rule of law creates a ripple effect that benefits the country's economy. Foreign investors, for example, are more likely to invest in countries with relevant legislations that deregulate the market and promotes competition. Moreover, they are also more inclined to invest where there are strong law enforcement mechanisms especially as to property rights.

In the domestic sphere the situation is the same and local businessmen or entrepreneurs are more likely to engage the market with pertinent and responsive business laws in place. In turn, these investments create jobs and various opportunities for people. With jobs available, the allure of instant but immoral and illegal wealth through drugs or crime will slowly lose its appeal. And with criminality and unrest declining, the economy will continue to flourish, increasing the quality of life for everyone. The ultimate result is a recurring positive feedback loop that benefits the nation as a whole. This is in essence, what I believe is the philosophy of liberty and prosperity is all about.

A vision

It has been said that in a perfect world there will be no need for lawyers. In the hypothetical scenario wherein human beings are flawless, liberty and prosperity will simply be a matter of an inevitable physical process—as certain as the fall of an apple from a tree because of gravity.

But there is no perfect world. There is only a never-ending struggle towards a better one. Humans are unpredictable and irrational, making conflict an inevitable part of the human condition. It therefore necessitates the existence of the judiciary and the legal profession to facilitate our relations amidst this chaotic dynamism.

This underscores the indispensable role the law plays in our pursuit of overall betterment. Liberty and prosperity is inextricably linked with the rule of law. It serves as a foundation that holds everything together. As Thomas Hobbes' state of nature theory would like us to believe: we are nothing but brutes and savages without the law. Our destruction is certain without it.

Thus, as a law student and an aspiring lawyer my goal is to strengthen this pillar and by doing so promote the philosophy of liberty and prosperity. Now, more than ever, this country needs an active, rejuvenated, and united legal profession which will act as an informal and independent institution that would collaborate and coordinate with the formal branches of the government. Since the judiciary is a passive organ whose awesome powers can only be invoked in the existence of a controversy or conflict submitted before it, the legal profession, in its stead, should play a more dynamic role in the protection of the rule of law by participating more vigorously in political activity and discourse.

With the prestige and homage accorded to lawyers, this perception should be put to good use by using it to positively influence the course of politics towards the achievement of the common good. The opinion and actions of a perceived class of intellectual elites holds great weight to the sentiments of the general population. Arising from this sense of *noblesse oblige*, it is therefore an implied and inherent duty of the profession to do everything in its power to protect those who are not as fortunate by serving in the capacity of an enlightened guide or a stalwart defender.

Conclusion

The other night, I took the same route on my way home. The familiar scenery was there as the pimps and their women hang around their usual spots. A feeling of powerlessness and dread consumed me. While I was writing this essay over the course of four to five days, romanticizing the concepts of law and justice, I realized how I contributed virtually nothing to its promotion. The problem is real and I have done nothing.

But as they say, even the smallest acts count. Perhaps by studying hard and dedicating my life to the law, I would become the attorney I have dreamt myself to be. A lawyer who upholds his principles over power or money, who would use his voice and prestige to affect political discourse for the better, who would fight for the weak and the oppressed, especially the young girls and women who are forced into the illegal flesh trade, and who would defend the pillar of the rule of law against all those that seek to topple it. This is my personal vow.

For now, I have to get through recitations, examinations, and all the demands of law school. But rest assured, I will get there. One battle at a time.