

Liberty and Prosperity: Pillars of the Good Life

The history of many States is replete with stories of the people's struggles towards liberty and prosperity. It is from these bold steps towards liberation that countries have been born and global development, as we know it now, has emerged. Millions have broken free from the claws of slavery through both violent and peaceful means, but all are geared towards the same vision of liberty and prosperity. Many centuries later, the world remains in pursuit of these twin beacons of justice, albeit changing in form as they are shaped by the governing conditions and legal systems of the time. At present, the work towards liberty and prosperity continues to permeate every level of society – differing in degree yet enduring through the years.

The Philippine story is not any different. Our history books and museums are filled with tales of heroic triumphs against conquest and tyranny. Battle cries for liberty echoed through lines of martyrs, all in pursuit of independence and self-governance. Hundreds of years of foreign dominance and subsequent decades of dictatorial regime have all led to the birth of a Constitution that itself guarantees fundamental freedoms and strides towards social justice.¹ In effect, the supreme law of the land mandates our judicial system to give the highest respect to these fundamental rights, subjecting any infringement to the strictest scrutiny.

Aside from guarding our fundamental liberties, the Constitution likewise mandates the reduction of social, economic, and political inequalities.² The State ensures the creation of economic opportunities among its people, so as not to guarantee liberty alone, but also prosperity. For indeed, as has been consistently championed by Former Chief Justice Artemio V. Panganiban, both liberty and prosperity should come together to create a harmonious society – one that is free both in limb and in mind.

Liberty and Prosperity as Means and Ends

A few weeks ago, former President Rodrigo Duterte was brought before the International Criminal Court (ICC) to face charges against him for crimes against humanity. Suddenly, “due process” became part of every Filipino's vocabulary, floating the phrase around in social media posts and casual conversations. Suddenly, the common Filipino seemed to have become aware of the rule of law under which our State and the international community of nations operate. But, of

¹ Section 2, Article XIII, 1987 Constitution

² Section 1, Article XIII, 1987 Constitution

course, liberty is more than just a buzzword that anyone can invoke when tides ebb against them. Liberty, as codified in our Bill of Rights, is highly revered, such that courts have declared that its very purpose is to “withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts.”³ To secure the fundamental rights of our people against the predominant powers of the State, our legal institutions have been set in place to enforce the various safeguards imposed by the framers of our Constitution. And yet, several decades since, the fight for liberty and due process remains a constant rallying call across all spheres of our society. We still hear it in the cries of those who have lost their loved ones from extrajudicial killings and *vigilante* justice. I still see it in the eyes of a cousin, who has been suffering under the slow wheels of justice, waiting behind bars for even a day to be heard in court. To this day, a friend of mine still cannot marry the one he loves, denied the liberty to choose for himself.

Worse, even if we have successfully freed ourselves from the chains of restraint, we still remain bound by the shackles of hunger and poverty. High inflation rates continue to cripple the working classes, especially the minimum wage earners. A World Bank study shows that the economic disparity between the rich and the poor in the Philippines remains high, second only to Thailand in East Asia.⁴ In our judicial system, transgression of economic rights is subject to rational basis, a lower degree of judicial review than that of infringement of fundamental rights. As stated by Chief Justice Panganiban, “in cases involving prosperity and development issues, deference is generally accorded to the political branches of our government.”⁵

While the State ostensibly guarantees liberty and prosperity separately, provided for by seemingly disconnected provisions in the Constitution and enforced through different agencies and institutions, the nexus between liberty and prosperity is indubitable, both as means and ends in themselves. As so passionately advocated by Justice Panganiban, “humans need both justice and jobs; freedom and food;

³ West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)

⁴ The World Bank. (2022). Overcoming Poverty and Inequality in the Philippines: Past, Present, and Prospects for the Future. Retrieved from <https://documents1.worldbank.org/curated/en/099325011232224571/pdf/P17486101e29310810abaf0e8e336aed85a.pdf>

⁵ *Safeguarding the Liberty and Nurturing the Prosperity of the Peoples of the World*. Keynote address delivered by Chief Justice of the Philippines, the Hon. Artemio V. Panganiban, during the opening ceremonies on October 18, 2006, of the three-day Global Forum on Liberty and Prosperity, at the Shangri-La Makati Hotel, Metro Manila, Philippines

ethics and economics; peace and development; liberty and prosperity; these twin beacons must always go together; one is useless without the other.”⁶

Liberty is an agent of prosperity and prosperity is a means towards liberty; both are necessities towards a fulfilled and meaningful life – the “good life”. With the freedom to think of novel ideas and create original inventions, we progress towards prosperity. A citizenry unhampered by restraints in thought and self-expression is able to build steps for them to take towards a better way of life. In turn, prosperity propels our journey towards full liberation. For, indeed, how can a hungry person even think of a world outside their own? A filled and sated stomach creates a more rational and passionate mind – one that seeks to enjoy not only “first generation rights,” but also “second generation rights.”⁷ Ultimately, liberty and prosperity each contribute to the attainment of these twin beacons of justice, as ends in themselves, for a well-rounded life and a harmonious society.

More importantly, our efforts to reach such ends must necessarily be confined within the rule of law. While both are noble and worthy causes that we must strive to attain, such pursuits must strictly comply with the laws and regulations under which our society is subject. As proverbially said, “our rights end where the rights of others begin.” In the exercise of our rights and in pursuit of justice, we must not lose sight of the very laws that we seek to be equally and equitably enforced. Our steps towards liberty and prosperity must not go beyond the limits of the law, confining us in that space where anarchy has no place.

Liberty and Prosperity as Philosophy in Life and Law

Reading the speeches and essays of Chief Justice Panganiban on liberty and prosperity reminded me of my own life journey – one that has been a constant search for liberty and prosperity. Growing up in a humble home, I have always known that the steps it would take to push me forward would be painfully bigger than others. I studied (and am still studying) under the Philippine public school system, supported by scholarship grants and assistance from various institutions in the country. It was, indeed, the proverbial village that raised me. But, I am also aware that I was only able to do so, because many others have paved the path before me. They were those who have fought for people like me to now be able to

⁶ *Unleashing Entrepreneurial Integrity*. Address delivered by retired Chief Justice ARTEMIO V. PANGANIBAN during the Opening Luncheon on February 26, 2015 of the 12th General Assembly of the Asean Law Association (ALA) held at the Makati Shangri-la Hotel, Makati City, Philippines.

⁷ Elizabeth H. Aguilong-Pangalangan, *Parents and Children: When Law and Technology Unbundle Traditional Identities*

enjoy these first- and second-generation rights – those who advocated for women’s rights, those who lobbied for free education, and all others who fought for the various freedoms we now sometimes take for granted. They created a world that was better than what they had and this world is one that I dutifully owe to them and to the country and one which I have always been trying to pay forward.

As a working student, I am agonizingly aware of the struggles faced by our labor force. On one hand, I have seen the common woe of the ordinary worker in taking home small amounts of money, for long days of work, to feed an entire family. My work as a geologist, which has allowed me to travel to various far-flung areas in the country, has shown me not only the physical environments that others live in but also their ways of living. There are people who toil under the heat of the sun for hours only to earn so little, not even enough for their family’s daily subsistence. There are those who have to tread steep hills just to get clean, drinking water. In my labor classes, I have encountered the multitudes of labor laws and regulations seeking to protect the working class, yet still not seemingly enough to give them the prosperity they so rightfully deserve. On the other hand, the Constitution guarantees the “right of enterprises to reasonable returns to investments, and to expansion and growth.” Balancing these interests requires an understanding of the nexus between liberty and prosperity, which I seek to apply in my future legal career.

Pursuing my law studies while going through the daily grind as a worker has not been easy. The demands of work and school, coupled with other obligations to my family and my community, have instilled in me a greater understanding of that link between liberty and prosperity. I am deeply aware of how one can live most of their days working hard to earn, without any freedom or opportunity to reflect on and determine their own aspirations. As a result, I have always valued my education as a means to bring me towards that vision of “the good life”⁸ – one which grants greater freedom to aspire for bigger dreams. As a student, I aim to also pave the same paths for others who may have come from the same humble beginnings.

In the nearly four years of my law education, so far, I have been involved in various projects and work that have strengthened my drive towards the pursuit of justice. At present, I work part-time as a research assistant at the UP Institute for Maritime Affairs and Law of the Sea (UP-IMLOS), where I have personally met fisherfolks and heard their stories of oppression and injustice. The liberty to fish in

⁸ *Id.*

our own seas and the prosperity that comes from the resources we so rightfully own are taken away from them through violent means without concern for the rule of law. They are driven away from our own territory by subjects of another sovereign land despite international judgments and agreements establishing our rights to these waters. The weight of the world is heavy on their shoulders, and in my legal career, I hope to contribute to at least lessen that weight.

I have also had the opportunity to assist in projects aimed at protecting our important biodiversity by mobilizing our existing institutions and agencies to attain a balance between livelihood and environmental sustainability. It is this same idea of fairness that I have seen and learned in my work in mineral exploration – to understand the rights of our indigenous people with respect to the privilege to explore and utilize the country's natural resources. Aside from that, the right to utilize our natural resources should likewise be balanced with our right and those of the future generations' right to a healthful ecology. This concretely embodies the nexus between liberty and prosperity that we are trying to achieve and which I seek to strengthen in my future endeavors in the legal profession.

Outside my work and studies, I have also volunteered to conduct research work on the constitutionality of certain provisions of the Fisheries Code, seeking to protect our marginal and subsistence fisherfolks against large-scale, commercial fishing. While they peacefully enjoy the right to fish in our waters, the contemporaneous exercise of the same right by bigger fishing operators threatens the already meager amounts they take home to their families. I remain hopeful that our legal institutions and justice system continue to protect them in securing liberty and prosperity, not only for themselves, but also for their families.

Moreover, I have been a member of the UP Law Karapatan ng Komunidad sa Selda, an organization that seeks to uphold the rights of persons deprived of liberty (PDLs), where I was able to participate in gift-giving activities to women PDLs as we champion their self-dignity, even in physical restraint. The organization also continuously supports PDLs in their livelihood activities, such as painting and weaving, which are embodiments of freedom of thought and expression, even in confinement.

These experiences and stories, which are dominated by the pursuit of liberty and prosperity as twin beacons of justice, will surely shape my future career in the legal profession. As a future legal practitioner, I carry them with me as I seek to echo these narratives and amplify their muted whispers. Just like how I have quietly listened and strived to contribute to their betterment, I am sure to do the same in

my future undertakings in the legal profession. I aim to pursue a path anchored on these pillars of liberty and prosperity, all geared towards protecting our rights under the rule of law. I want to create windows of opportunities for others where they can ponder on dreams bigger than what they could have thought of. I hope to contribute to a world where justice is felt and lived by everybody. I hope to live “the good life” and let others do, too.