

## **The Tale of Two Men: Upholding the Philosophy of Liberty and Prosperity Under The Rule of Law**

*Picture a town where a man named Liberty lives. He owns a fertile piece of land where he can plant, sow, sell the crops, and manage it without interference from anyone. Regardless of the freedom he enjoys, he remains impoverished since his access to agricultural development, a bigger market, and capital remain lull. In a neighboring town, a man named Prosperity lives a different life. He works in a corporation owned by a wealthy politician who monopolizes all the economic activities in their area. The man's income is self-sustaining and constantly rising. Yet, the powerful shackles of the monopolist restrict the man's speech and act as the decision of the former becomes the law of their land. Who among the two men lives a better life?*

Law is defined as a science of specific rules of conduct that embody just obligations established by a legitimate authority<sup>1</sup>. The rule of law has the capability to foster the optimum cultivation of individual rights, freedom, and prosperity. In this sense, the law is perceived as a weapon that can either make or break a specific interest being fought for. Studying the law is a strategy to facilitate how the ends of justice are met. However, wielding it is a manifestation of power because it can turn limitless hopes for prosperity into a reality. The law may be wielded in a way wherein justice is not the only thing executed but also on the premise of maintenance or improvement of the current setup. Knowing what is right from wrong and being capable of acting to resolve matters harming the good is best partnered with initiatives that uphold the banner of social justice.

The Philosophy of Liberty and Prosperity Under the Rule of Law also follows this premise. Largely advocated by former Chief Justice Artemio Panganiban, the philosophy rests upon the holistic vision that justice thrives if a person's civil-political freedoms and socio-economic welfare are encapsulated<sup>2</sup>.

The concepts of liberty and prosperity must be taken as a whole to complement each other. Contrary to early European ideologies, liberty is not the ultimate goal. Liberty without prosperity is stagnation. If one does not move forward — just living but never thriving, freedom ends up meaningless. At the same time, prosperity without liberty is tyranny — stomping on the very principles of democracy and equality. If one's rights are violated, progress becomes a mere tool for oppression. Therefore, liberty and prosperity must be integrated to complement and supplement each other to promote the genuine essence of social justice. However, advocating for its complementary nature is useless if mechanisms to facilitate this are non-existent. Ultimately, this can only be possible with a dynamic rule of law that allows political and socio-economic rights to be protected, promoted, and fulfilled to foster a more equitable society.

Again, recognizing that the rule of law is crucial will still be reduced to nothing if there is no apparent reason why it “should be.” A reason is imperative to place a visible idea on its purpose. Simply put, the core must be to uphold the liberty of the people. Liberty is an inherent characteristic of a human who was brought into the world and underwent a process of self-actualization. It presupposes the boundless ability to act upon one's decision. As argued by John Locke, liberty is where a person is naturally free and equal<sup>3</sup>. It is the freedom to act within on one's personal whims, subject to the bounds of the law of nature. As most legal scholars posit, Locke's idea focuses on the general recognition that the natural law dictates that everyone must preserve mankind, emphasizing freedom without the expense of other people's rights.

### **The Tale of Liberty**

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If the earlier perspectives of liberty are used as a lens to understand the man's situation, one can say Liberty is free. After all, the ability to do whatever in

the land he owns is a manifestation of that liberty. Why, then, did Liberty remain in poverty? A question looms — is the pursuit of one's liberty be at the expense of economic progress?

A renowned American philosopher named John Rawls views liberty as an unrestricted pursuit of one's goals. He understands liberties as fundamental to equate justice with fairness<sup>4</sup>. Thus, individual liberty in the modern era entails the achievement of substantive justice when all people are given the same amount of opportunity to follow their interests<sup>5</sup>. Here, a new concept emerged — substantive justice, which states that achieving liberty is considered futile if the progressive aspect is not realized. Hence, liberty must be coupled with prosperity

### **The Tale of Prosperity**

Prosperity looks into the economic aspect of matters where people have the opportunity and the ability to thrive. It rests upon the principle of inclusivity since all people can realize their plans because the ability to do so is present. As espoused by the Honorable Supreme Court, prosperity is when a level playing field is created for business to thrive and attract capital allocation from potential investors. Nevertheless, an emphasis is needed to state that this does not promote the oppressive nature of a corporation's power nor the looming notions of capitalism. The reason why an environment for businesses to operate must be created is to include those who are not part of this sphere as participants in the form of creating jobs, improving employment, and creating competitive labor in the country.

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If one understands prosperity in its literal sense and applies it to the situation of the man, it is clear that he prospers economically. Prosperity's ability to sustain himself by receiving income is a success in and of itself. However, should a person

learn to live with their rights trampled at the expense of their prosperity? Does success demand an unrighteous payment, such as the inability to enjoy the inherent freedoms one possesses?

Chief Justice Panganiban's philosophy, therefore, lays down the interplay of liberty and prosperity. Liberty and prosperity must not be regarded as mutually exclusive because each has its strength and ability to contribute to society. Liberty can enable a person to pursue and live his personal freedoms and societal participation while prosperity presents the means to exercise these manifestations of liberty. An intervention is therefore needed to reconcile the two concepts of liberty and prosperity. This can be done through a rule of law made possible by the men and women of the judiciary. The Rule of Law stipulates that all matters must be in accordance with the law — encompassing the principles of governance, equality, independence, and autonomy as what is being indicated by, and, of the law.

### **Judiciary's Role To Play**

Contrary to the established stereotypes and misconceptions among individuals who practice the legal profession, their compassion and humanity are still embedded among them when they are taught how to go beyond merely learning the theoretical concepts in the context of legal lenses<sup>6</sup>. In this sense, such intellectual and legal concepts are still valuable for achieving social justice, whose occupants have continuously been challenged with the issues hindering the achievement of liberty and prosperity under the rule of law.

As an Officer of the Court, the goal is not merely to use the law in its strict and literal sense. Every action and decision must not merely reflect the technical correctness and abstract vision of the law, as it breeds primitivity and elitism. Instead, as advocated by Chief Justice Panganiban, the law must be viewed as a means to positively impact the social precepts of justice, dignity, and economic inclusion. In pursuing one's legal career, the goal must be to act with justice, as posited in the early assertion that if both liberty and prosperity are cultivated, substantive justice is achieved.

Similarly, this reflection goes back as early as the community engagements I have been in my undergraduate years. Volunteering as a student-teacher in a Muslim community where children look up to you to acquire added knowledge on the topics they learn in their madrasa upholds their liberty to learn. Consistently, the paralegal training I have been in, where I am both a speaker and a facilitator, allowed me to comprehend how our brothers and sisters in the Indigenous communities understand basic tenets of rights. That right for them is the beholden respect for their ancestral lands. In conversing with Persons Deprived of Liberties, I came to understand how the criminal justice system in the country is beyond punitive — it is transformative and restorative even to ensure that everyone gets the chance to enjoy the liberties to which they are entitled. All these are manifestations of liberties, whereby one's fight desire for equal rights is integrated.

At the same time, conversing with women and members of the LGBTQIA+ community made me understand that sometimes, the desire for recognition and equal rights does not end there. While women agree that laws are in place to protect them from the trauma of abusers and exploitations, mothers also admit that the primary concern relies on their economic disadvantage. This often leads to forced deferment to proper authorities and freedoms from the shackles of abuse. Furthermore, an unfortunate reality is that mothers prefer to commit their children to Bahay Pag-Asa as they recognize that their children can eat there more or that their burden as parents becomes lighter. The LGBTQIA+ community also asserts that while we have come a long way in making others know what the community rightfully deserves, their ability to express themselves in ways their identity demands is not tantamount to employment. Most of whom I conversed with still had experiences in being unable to secure employment due to their SOGIE, or even if accepted, being subordinated in the workplace.

A student of the law does not end with recognizing these rights and these inequities. Instead, a law student must go beyond learning the law and ensure that this acquisition of theories and principles is translated into real and tangible actions. For one, advocacy and empowerment strategies always go a long way. By being in the community and walking with them, the knowledge of the law can be

shared and propagated through them. Law students are expected to think critically by ensuring that they are not merely bystanders, constrained in the ideal that in learning the law, there is already a contribution.

These realities exist, and the interplay between liberty and prosperity creates a caveat regarding what should be done to address this. It is a personal perspective that the philosophy is correct — this can only be possible in a country where the rule of law is upheld.

In my personal commitment as a law student and as a woman in law whose heart desires to become part of the profession I respect tremendously, I have always told myself that empowerment through education is what I want. In my journey of equipping myself with the principles of justice, freedom, love, equality, and peace, I understand that my desire is to use my knowledge of the law to create change in other people's lives. This change manifests by allowing others to understand that their rights are lived only by them and can never be trampled upon. As the Constitution lays down the foundation of all the domestic laws in the Philippines, it is but a personal duty to let them understand that it is their right to enjoy the liberties that come with being human and the prosperity that is a necessary consequence of a properly functioning rule of law.

The law and the legal profession are now used as weapons of the oppressed when the knowledge garnered in the formative years is applied to reality, and the call to contribute to the harmony of a community is as loud as it could be. Legal practitioners creating a group that shall call to recognize the proper representation of different Indigenous peoples in Mindanao might solve cultural misrepresentation. The issues of discrimination because of gender can be resolved by those who have the passion and the heart to hear the sentiments of these discriminated groups. It need not be driven by wealth and benefits to be applied — it only requires the genuine desire to create change.

### **The Reality of the Two Men**

To end, the tale of two men named Liberty and Prosperity showcases a reality and a stark contrast. A question was raised about which of them has a better

standpoint in life. The answer is neither, as both their lives are placed in a different form of bondage wherein their optimum enjoyment is held captive by the factors surrounding their becoming. Not one principle is better than the other since these principles are capable of coexistence, to begin with. Thus, Liberty and Prosperity can only be achieved if both are upheld and reinforced with truth, equity and the impartiality of the Rule of Law. This is the same philosophy I stand with conviction. For, while the world demands that change is ever constant, this philosophy shall remain within my own volition.

<sup>1</sup> De Leon, Hector S. *Textbook on the Philippine Constitution*. Manila: Rex Book Store, 2002.

<sup>2</sup> Keynote address delivered by Supreme Court Chief Justice Artemio V. Panganiban during the opening ceremonies on October 18, 2006, of the three-day Global Forum on Liberty and Prosperity, Shangri-La Makati Hotel, Metro Manila, Philippines.

<sup>3</sup> Tuckness, Alex. "Locke's Political Philosophy." *The Stanford Encyclopedia of Philosophy* (Fall 2020 Edition), edited by Edward N. Zalta, <https://plato.stanford.edu/archives/fall2020/entries/locke-political/>.

<sup>4</sup> Follesdal, Andreas. "John Rawls' Theory of Justice as Fairness." (2014): 1–18. Accessed April 29, 2025. <http://www.follesdal.net/ms/Follesdal-2014-Rawls-JasF.pdf>.

<sup>5</sup> "The Probation Service in a Flawed Justice System." *Sage Journals* (1989): 5–11. <https://doi.org/10.1177/026455058903600102>.

<sup>6</sup> "Social Justice and Legal Education." *American Law Review* 49, no. 1 (1915): 495–503. <https://www.jstor.org/stable/2377147>.