

UPLIFTING OTHERS BY UPLIFTING MYSELF: *In Pursuit of Liberty and Prosperity*

Patricia Isabel E. Cornelio

On Liberty, Prosperity and Social Justice under the Rule of Law

In the beginning of *Nicomachean Ethics*, Aristotle posits that “wealth is evidently not the good we are seeking; for it is merely useful and for the sake of something else”.¹ Prosperity is desirable by many not for the sake of personal abundance alone but because of the liberties it allows us to have. The phrase “for something else” connotes that prosperity cannot be treated as an end in itself. Prosperity, therefore, is one of the means to enhance the quality of life for all because of the substantive freedoms it allows us to realize. In the contrary, one who is economically disadvantaged can, in turn, be a helpless prey in the countless violations committed by predators against an individual’s inherent liberties. Hence, liberty and prosperity are two among the key elements in leveling the playing field for the development of a nation.

Acemoglu and Robinson extensively argued how inclusive economic and political institutions underlie the success of a nation. In their widely acclaimed book *Why Nations Fail?*, it was discussed that an inclusive economic institution that is underlaid by the element of prosperity not only give people the freedom to pursue their vocations and develop their skills and talents but also create a level playing field that gives the people the opportunity to exercise their own volitions.² On the opposite side of the spectrum are extractive economic institutions that are designed to extract wealth from one subset of society to benefit a different subset.³ In such kind of economic institution, the same elites are institutionally enabled to consolidate their economic wealth and political dominance thereby leaving the rest of the public under the mantles of poverty. Therefore, an institution that disrupts the realization of the engines of prosperity among the public in effect robs the people of the freedom to satisfy hunger, develop their skills, obtain education, and participate in a rather inclusive market for the improvement of their quality of life and living conditions.

Liberty, on the other hand, essentially pertains to the state of being free from the oppressive restrictions of an authority. Since time immemorial, there has been a conflict between the exercise of the people’s freedoms and the authority of the government. To therefore limit the extent of such freedom and authority, and strike

¹ ARISTOTLE, *THE NICOMACHEAN ETHICS* 7 (2nd ed. 2005).

² DARON ACEMOGLU & JAMES ROBINSON, *WHY NATIONS FAIL: THE ORIGINS OF POWER, PROSPERITY AND POVERTY* 74 (2012).

³ *Id.*

a balance between these two principles, the concept of liberty shall come into play. John Locke, on *Two Treatises of Government*, declared that “a state of liberty is not a state of license”.⁴ Hence, such liberty shall not be exercised to the extent prejudicial to one’s self and to others. This principle is further clarified by John Stuart Mill on his essay *On Liberty* where he argued that “the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is [for] self-protection [and] that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others”.⁵ The liberties referred to herein are the civil, political and even economic liberties individuals get to enjoy when allowed by their means. However, it may be argued that not everyone has an equal opportunity to exercise these liberties in the same way as not everyone is economically capable to even satisfy the basic necessities in life.

The objective of this essay is to establish that the enjoyment of substantive freedom to civil and political liberties complements the attainment of economic prosperity which is consistent with former Chief Justice Artemio Panganiban’s core judicial philosophy that espouses the precept of safeguarding of liberty and nurturing of prosperity under the rule of law – the twin beacons of justice.⁶

John Rawls, on *A Theory of Justice*, clearly established the two principles of justice, to wit:

“First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.”⁷

The first principle necessarily includes political liberty or the right to vote and hold office among others, and civil liberties such as the freedom of speech and peaceable assembly and freedom from arbitrary arrest and seizure, among others. On the other hand, the second principle applies to the distribution of wealth which must be to everyone’s advantage. Rawls further clarified the significance of liberty by emphasizing that the principle of equal liberty takes precedence over the principle

⁴ JOHN LOCKE, *TWO TREATISES OF GOVERNMENT* 19 (1887).

⁵ JOHN STUART MILL, *ON LIBERTY* 13 (2001).

⁶ Artemio V. Panganiban, *Visionary Leadership By Example*, 9th National Ayala Young Leaders Congress, available at <https://cjpanganiban.com/2007/02/07/visionary-leadership-by-example-2/>.

⁷ JOHN RAWLS, *A THEORY OF JUSTICE* 53 (1971).

of justice in such a way that the claims of liberty must be satisfied first before justice is attained.⁸

In *Calalang v. Williams*, Justice Laurel clarified what social justice means, to wit:

“Social justice is "neither communism, nor despotism, nor atomism, nor anarchy," but the humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. Social justice means the promotion of the welfare of all the people, the adoption by the Government of measures calculated to insure economic stability of all the competent elements of society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally, through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex*.”⁹

There is, therefore, social justice when our institutions level the playing field so that everyone gets to enjoy their liberties because everyone is empowered through the “humanization of laws and equalization of social and economic forces”. Liberty and prosperity then comes into play as the key ingredients in not just empowering ourselves individually, but by also by affording the same to the less fortunate so that they may be empowered to have equal liberties with others. True, wealth may not possibly be equally distributed. However, the same must be to everyone’s advantage, according to what is due to them and for the purpose of promoting the common good.

On the Reintegration of Former New People’s Army Rebels

Since the 1980’s, the Government of the Republic of the Philippines had initiated reintegration programs for NPA rebels as part of its peace process to disintegrate them as enemies of the State, put an end to the alarming deaths of both rebels, government forces and civilians during ‘encounters’, and make them part of the mainstream society again. In the summer of 2015, I, together with my fellow researchers, traversed one of the mountains of Nueva Ecija and visited remote areas to engage with former and existing NPA members to listen to their perspectives and comprehend how they were reintegrated to the mainstream society by concerned government agencies. There, we found that the rebel returnees were disillusioned by the conduct of the reintegration process of the government which assured them

⁸ *Id.*

⁹ *Calalang v. Williams*, G.R. No. 47800 (1940).

financial benefits, spiritual and mental reconciliation, security, and livelihood assistance. These benefits are specifically significant because rebel returnees will certainly have a tough struggle looking for employment opportunities for being tagged as subversives in the past. In fact, some of the returnees we interviewed, while content that they can finally live a secured life, are nevertheless still trapped in the same poor living conditions. One of them specifically stated that the livelihood assistance they were promised of never reached them and mentioned that when they went down from the mountains, they got nothing but sheer empty promises and hungry stomachs. Nevertheless, some returnees we interviewed settled for a secured way of life despite the lack of financial support and trainings from the State to start a livelihood and get back up on their feet. Many years later after they went back home to their respective families, they wallow in the same poverty-stricken conditions, trying to make ends meet, and unable to enjoy the things they would otherwise enjoy had they been on the other side of the social and economic spectrum.

This finding verily illustrates a situation where one is physically free but is nevertheless held captive by unfair conditions and ineffective institutions thereby restricting them from living their full lives. Former President Ramon Magsaysay once said that “those who have less in life shall have more in law”. The same, however, is futile and would be rendered nugatory, when a good law is not faithfully executed by institutions. True, liberty and prosperity go hand in hand that one is useless without the other.¹⁰ Imagine, however, a situation where neither of these two beacons of justice is enjoyed by an individual. This, I believe, is where, us, students of law and lawyers alike shall come in.

On Promoting Liberty and Prosperity as a Student of Law

While safeguarding liberty has been a key advocacy by many in the legal profession, nurturing prosperity is something not normally advocated by many. However, the twin precepts of liberty and prosperity shall be ardently imparted to every individual so that one may live by it. Liberty alone is not enough for one cannot enjoy all the liberties the law allows us to have unless we have the means to enjoy it. Consequently, prosperity is not enough for wealth in itself is useless unless it is utilized to enjoy our substantive freedoms.

As the old adage goes, “Everything starts from within.” As a student of law, though I cannot proudly say yet that I fully possess and enjoy the precepts of liberty and prosperity as an individual, this philosophy serves as my guiding light in trailing the pathways towards success anchored with grit and perseverance. Though less fortunate, I have persevered in my academic education because I always believe that

¹⁰ The FLP: A Backgrounder, *available* at <https://libpros.com/2011/12/07/the-flp/>.

education is the key out of poverty. Because of my persistence and specially by the grace of God, I finished high school and college, and entered law school all through the help of academic scholarships while I had to work on my free time to also support myself. True enough, liberty and prosperity go hand in hand. Lacking in prosperity, my liberties were restricted because poverty did not allow me to enjoy the freedoms others could. Thus, I strived hard so that, little by little, I would be able lift myself up from poverty, so that I can lift others up as well.

Promoting liberty and prosperity should not stop in educating others and sharing what the precepts mean to us, but rather we shall use it as a way of life in a way that our existence radiates these guiding principles, and show people by example how transformative it is to make these two precepts as our motivation to achieve our goals.

On Pursuing My Legal Career Steered by the Philosophy of Liberty and Prosperity

Being exposed in the harsh realities of life, I promised myself that when I become a lawyer, I will first uplift my family from where we were in and uplift others, thereafter. The rebel returnees are just one among the sectors of the society who are not just victims of poverty but also victims of corrupt and ineffective institutions. Poverty has a vicious circle of hunger, disease, lack of education, economic decline and morbidity with countless of injustices in between. As a lawyer, this, I believe, is where I come in.

In safeguarding liberty, I do not only intend to secure mine, but also to safeguard others. By imparting my legal knowledge and ensuring that social justice is served for every individual, I aim to educate the people around me of their rights and liberties granted by law, and to also fight when the same is being deprived to them. It is hard enough to conquer poverty without financial means, but with people and institutions safeguarding their basic liberties, it is possible to rise from difficult conditions with persistence. By investing my time and skills to those who have less in life, I get to allow others to enjoy the freedom of knowing that they can do more and that they can work their way out of poverty by their own hard work, with the help of others and by the grace of God.

In nurturing prosperity, I ought not to just earn them for myself but to share them with others. Nurturing prosperity is growing not just for myself but for and with others and thereby abandoning our natural impulse to be selfish. As pronounced in *Burbe v. Magulta*, “lawyering is not primarily meant to be a money-making venture, and law advocacy is not a capital that necessarily yields profits. The gaining of a livelihood is not a professional but a secondary consideration. Duty to public service

and to the administration of justice should be the primary consideration of lawyers, who must subordinate their personal interests or what they owe to themselves. The practice of law is a noble calling in which emolument is a byproduct, and the highest eminence may be attained without making much money.”¹¹ Prosperity, therefore, is not limited to wealth alone but rather the capacity to share that wealth because of one’s burning passion in public service and administration of justice.

Finally, following former Chief Justice Panganiban’s advice that “all of us who succeeded through education and hard work, can help others, especially the poor and the underprivileged, by safeguarding liberty, conquering poverty and sharing prosperity”¹², I intend my legal career to not just be an adventure of reaping what I sow, but rather in sharing to the less fortunate what I reaped and give them back to the community.

¹¹ *Burbe v. Magulta*, A.C. No. 5713 (2002).

¹² Artemio V. Panganiban, *Safeguard Liberty, Conquer Poverty, Share Prosperity* (Part One – For the Alumni of Mapa High) *available* at <https://cjpanganiban.com/2014/02/23/safeguard-liberty-conquer-poverty-share-prosperity/>.