

## OUR CHALLENGE TODAY

Today, the Nation faces a challenge never before known to it in recent history. For the first time since the successful People Power Revolution of 1986, values and principles, which were once taken as gospel truth by a majority segment of our people, are now being questioned. At the core of this grand demystification and deconstruction of general values is the people's seemingly eroding trust in time-honored principles, such as liberty and prosperity for all under a rule of law. Indeed, the entire democratic order is now being put to the test.

We are in a national crisis. In a country still beset by poverty and magnified socio-economic inequality, ideas such as equality and liberty for all seems remote to the concern of most of our people. Some are willing to surrender their rights temporarily to the government for the restructuring of our socio-political, economic order. Others are more extreme in that they seek to deprive certain "undesirables" of their rights simply because the latter are incorrigible, or that collateral damage is often times necessary, if not inevitable in a purportedly undisciplined country such as ours.

It is in these strands of ideas that we are once again, like our forefathers before us, being called to re-examine our full trust and commitment to the democratic processes which is only possible under a regime of law and order where fundamental rights and liberties are secured and where true prosperity can only be possible. In this paper, I seek to establish that liberty and prosperity are complementary to each other, that these two principles can only be possible under a regime of laws and not of men, and that, as the youth of today and students of the law, we are impressed upon with greater challenge to answer to the calls of securing these liberties and prosperity for all.

There can only be true liberty under a rule of law. Indeed, the liberties of humankind are only possible under a framework of laws. While rights exists independent of any social organization and even of government by virtue of being unalienable in character, as Thomas Jefferson once characterized them, no human right or freedom can flourish without laws to protect them. By virtue of our social contract, and to prevent the unnecessary loss of life, humankind has formed the State as the protector of the fundamental right to live by the people, lest we find ourselves in a world where life is "nasty, short, and brutish," as Thomas Hobbes once characterized such life in the state of nature.

Nonetheless, to surrender one's rights to a Leviathan or to the State for the latter to guarantee our fundamental right to live alone is to find ourselves in a state of constant fear from increasing state encroachment. The state, which we have created, can turn against us, and consequently, history is replete with examples that even the very purpose by which we assented to the formation of the state, under its absolutist rule, can be defeated. As such, humankind has imposed laws to safeguard rights whose character goes much more beyond the fundamental right to live. Indeed, according to the liberal theory framework, humankind is born free and can do whatever he or she pleases in the state of nature. Now that there is a state, this freedom to do anything is now limited by ordinary norms of decency and civility. These norms are verily the first laws between humankind.

Beyond this, however, the state still needs to be controlled if only we can rediscover our rights in the state of nature without recessing to its ills. Through this, we have founded a civil government whose great powers – the power to tax, to expropriate, and to pass legislations for the common good – is now limited by a set rules, created also by its Sovereign, the people in a republic, and as a bastion against further state encroachment to the individual. By these rules or laws, humankind finds itself in a free society where commerce, industry, science, culture, and arts can flourish. By these rules or laws, the liberties of humankind and prosperity are secured under a rule of law.

Indeed, true liberty is only possible under a rule of law. Without laws, our unalienable rights can quickly relapse into licentiousness. With laws, individual rights are guaranteed not only for a segmented portion of the society, but for all men and women across social status, race, or creed.

The challenge of securing liberties and prosperity under a rule of law, however, is a continuing one. It cannot be merely confined in the codification of laws alone which can be enforced in a court of law and equity established to protect them. Like in a tripartite system of government, which was devised principally to further deconcentrate the powers of the government to three great branches hopefully preventing tyranny and oppression by the state, there is also need to expand the horizon and to recognize that law and politics, though separate, are complementary, coordinate, if not, determinant of each other.

The quest of securing liberties has truly progressed from merely securing civil and political rights to guaranteeing also economic, social, and cultural and even group rights. Indeed, not only are liberties continuing, they are also constantly evolving.

With the progress of arts and technology, society has truly progressed from its state of nature to the age of capitalism and its evolution and reinvigoration. The advent of the information age has slowly but steadily reduced the relevance of state borders, especially over the past fifty years. Concomitantly, the quest of expanding liberties to all peoples has translated into a national struggle of self-determination and independence. After all, colonialism and slavery are inherently antithetical to the idea of equality and liberty. Recently, the borders of nationalism have given way to an international system of human rights under a rules-based system.

These rights therefore are not only to be cherished but they must also be protected. Today, there is a general breakdown of law and order not only in the Philippines but throughout the world. However, instead of reposing our confidence to our legal systems, our leaders, both in civil society and the government, have opted for a policy of fear and death in the pretext of change. Truly, change has indeed come, but to what cost. These considerations transcend mere political convictions; these are issues that each and every Filipino must face. Consequently, these are also the same issues that any faithful law student and eventual practitioner must face.

Archibald MacLeish once asked: “How can we defend freedom? By arms when it is attacked by arms, by truth when it is attacked by lies, by faith when it is attacked by authoritarian dogma. Always, in the final act, by determination and faith.”

In this era, where traditional media is vilified, where press freedom is endangered, and where the right to uninhibited and free discussion and expression expressed in the market place of ideas is being transplanted by newer forms of authoritarianism or even such kind of disposition, our answer should be by having faith and confidence in our laws while acknowledging the errors which must be addressed within it. Our duty to preserve our liberties under the framework of laws is to work within the laws and not without it, acknowledging its inherent limitations by taking into consideration also the politics and the economics of the place. This is the task of defending freedom.

In a parallel plane, history is also replete of humankind’s advancement in science and technology. Indeed, no one can deny that humankind has significantly progressed since the time of the Industrial Revolution. Nonetheless, like the quest of securing freedoms, the quest of ensuring true prosperity among our people is continuing and evolving. Economic progress alone cannot be the standard of

prosperity. As we find ourselves in a more specialized economic structure, there are more laborers and workers throughout the world who cannot follow the tide of specialization and globalization simply because of poverty. Like law and politics, economics forms part of the three great concerns in securing freedom and prosperity for all. It is in the success and the advancement of the economy that new avenues of freedom and democracy are born.

Unfortunately, the exponential growth that societies experienced throughout the globe, including the Philippines, over the past five decades, at the very least, has not translated in bridging the socio-economic gap between the rich and the poor. The common criticism especially in a supposedly oligarchic democracy, the term is actually an oxymoron, is that rich are getting richer, while the poor are sentenced to further poverty. This observation is admittedly true. The task, therefore, is how do we reduce this gap.

There are many factors attributed to social inequality. Among these is the lack of access to education, to proper healthcare services, and to basic social nets designed to alleviate poverty. To make matters worse, the economic history may also contribute to the lingering poverty experienced by a society. In the Philippines, our failure to faithfully implement a genuine and meaningful agrarian reform program has caused many to abandon agriculture and has further polarized our society between the rich and the poor – the landlords and the peasants or the capitalists and the workers.

In such a situation, liberties or freedoms cannot flourish. While we have experienced economic progress, we have also failed to translate these into long and lasting prosperity for all. President Franklin Roosevelt once articulated that one of the great four freedoms of humankind is the freedom from want. This is indispensable to any free society. No society can truly enjoy the blessings of freedom and democracy if the people are hungry and thirsty.

In a regime of laws, it is imperative to find the cure from all these problems in the concept of social justice. This concept was first championed in this country by our dear President Quezon and was subsequently incorporated in our Constitutions from the 1935 to the present Constitution. I subscribe to the idea of President Laurel that social justice is “neither communism, nor socialism, it is neither atomism, nor anarchism; rather, it is the humanization of laws and the equalization of the social and economic factors.”

In a free and equal society, it is when the laws are preferentially tilted in favor the poor that freedoms are better guaranteed for a greater segment of our society. Social inequality can be reduced if we place the right legal framework from taxation to succession and even to contractual law. In a country such as the Philippines, this task is made more urgent and compelling especially when we hear arguments that social and economic progress cannot be secured without giving up our rights. As such, it is only when the poor are given the chance to compete in an even playing field that the economic gains we have achieved can be truly translated into prosperous and meaningful lives for every Filipino family.

Dr. Rizal once said that the youth is the hope of this nation. This task of giving hope and defending liberties and securing a prosperous and meaningful life for the ordinary Filipino under a regime of law is further accentuated in becoming a law student. As followers and students of the law, it is not merely enough that we stand from the pedestal without turning our ears for the poor, the sick, and the destitute. As followers and students of the law, it is not enough that we excel in our academic performance without engaging the Sovereign, the people, in aiding the members of the Bench and the Bar to safeguard and uphold the laws of the land.

I believe it is my moral obligation, as a student of law, not only to excel academically, but also to be proactive in shaping the issues of the present and the future. Now that we have identified the ills of our society and our proposed solutions towards effecting social justice, we are placed at the forefront of the fight towards preserving and developing our system of laws. Studying the laws entails a moral and civic obligation not only to impart what the present state of laws to our countrymen is, but also to be active in changing the laws which we believe, in the recesses of our conviction, to be counterproductive in a free society.

The first step is to join in the competition of the market place of ideas. I believe in engaging my fellow millennials and even those of older generations and even the younger ones in discussions that will ultimately identify and address the lingering issues of our society. I must learn to listen not only to the arguments of those intellectuals, but most especially, of the ordinary Filipino people, who constitute the bulk of the Sovereign.

Second, there must be a call to action. I believe in collective action. Collective action can take many forms: it may be through protests and rallies, or even writing a simple letter to one's congressperson aided by similar minded men and women. As a law student, this task of organizing our people, especially the youth, is made more special. Though admittedly unauthorized to practice law, at

this stage, we can help in lobbying legislations before the Congress, in denouncing any form of human rights violation both in the social media and in the streets, and in supporting various socio-political causes, especially for the oppressed such as for the ordinary workingman and woman. By virtue of being a law student, I have realized the immense responsibility and hopes being reposed by my fellow youth in what I do and think. My obligation is not to fail them, but to live up to these expectations.

Finally, as an eventual practitioner of the law, I also believe that the idealism nurtured in the halls of the university, including the law school, for a just and fair society should remain as a guiding compass throughout my law career. Though idealism must be tempered lest we fall into a veil of delusion, I actually believe that any form of legal service is actually commitment to public service because of our sacred oath to the Republic, to the Bench, and to the Bar. As a practitioner, I will also be a leader of the community and of the family, the basic building block or unit of our society. The standards of public service apply to any practitioner of law, whether in the public service and in the private service. To effectuate the defense of our liberties and our prosperous future under the rule of law, I am expected to remain active in the various movements designed to change the present. I ought not to turn away the poor and the destitute so that justice may also be served unto them, regardless of their social stature.

This is my moral and civic obligation as a follower and student of the law until the day I die.