

## ROAD TO PROSPERITY: THE FISHERMAN'S FISHING ROD, FISHING NET AND FISHING BOAT

*“Give a man a fish, and you'll feed him for a day. Teach a man to fish, and you feed him for a lifetime.”*

— Confucius

Abovementioned is one of the most unfading proverbs ever known to humanity. It has become the bearer of a compelling message to a wide spectrum of audiences, from economists, to jurists, to public administrators; or to educators: A man's potentials must be honed in order for him to be successful and to have a prosperous life that he can impart with his countrymen and to the world. So, one might ask: Why does this message, couched in effortless terms, speak variant ways by which it may be effectuated?

Theoretically speaking, Justitia's eyes are blindfolded to signify equality of all before the law. However, it is the indubitable reality that not every person is born with the same gifts, skills and capabilities. Orientations and perspectives influencing one's direction in life are usually shaped by the immediate environment. Some are born to rich or middle class families in urban areas, where access to governmental services and programs, quality education, opportunity for a living, and means to obtain information are considerably easier. On the other hand, those who live in rural and far-flung areas are the ones who strive more cumbersomely to reach a more elevated status in life.

The eminent Chief Justice Artemio Panganiban, in a speech delivered before the 12<sup>th</sup> General Assembly of the ASEAN Law Association, spoke of an “eternal and limitless truth,” that is, “humans need both justice and jobs; freedom and food; ethics and economics; peace and development; liberty and prosperity; these twin beacons must always go together; one is useless without the other.” Verily, it is impossible not to agree with such impeccable logic. The twin principles of liberty and prosperity are impressed with a symbiotic relationship. Without the liberty to pursue the life a person desires under the rule of law, hardly will prosperity be attained.

We can take the case of the fisherman. To a fisherman, his catch is a symbol of life. His first objective is to have some food on the table. He needs a tool. He starts with a fishing rod that may be able to deliver a catch sufficient for a day's meals. The fisherman's day-to-day needs do not end there, of course. He needs a more sizable income in order to pay for the education of his children, transportation to and fro the *poblacion*, the family's health necessities, and savings in preparation for

future contingencies. To such end, he needs more potent tools: a fishing net large enough to increase his catch dramatically; and a boat, to take him the distance, to the deeper parts of the ocean where appropriable marine resources are abundant. If he is victorious, he may be said to have a content life, as his family's basic needs are now assured.

But does it stop there? He may think of investing a part of his surplus earnings in a business or of joining a cooperative in order to broaden his source of income. He may choose to engage in retail of commodities or in the manufacture of sea products by incorporating innovative labor to his raw materials. The transformation of what was initially a subsistence livelihood to a large-scale merchandising will benefit his community and ultimately, the nation, by providing employment and by contributing a bigger fragment for the general welfare in the form of taxes.

What can be gleaned from the experience of the fisherman, by analogy, is equally applicable to anyone who may be engaged in farming, poultry, vocational work, microbusiness, or even to professionals. The mere existence of the oceans or rivers does not in itself signify that one has the freedom to seine wealth out of its waters. The law steps into the picture, encouraging, albeit regulating, the conduct of the fisherman's activities. The bottom line here is, in order for a person to share his affluence to others, it is imperative to safeguard his cardinal "liberating" implements: in this particular essay appertained to the fishing rod, the fishing net, and the fishing boat. Stripping him of these is the height of injustice.

### ***Safeguarding Liberty***

The ideals in the life of a fisherman can only thrive under the rule of law and a regime of truth, peace and justice. Liberty as a concept is not limited to freedom of movement. At its very core lies the bedrock of all liberties: the right to speak one's mind. All other liberties are illusory if man's lips are sealed or chilled.

Philosopher Ludwig Wittgenstein's poetic words remain true today: *The limits of my language are the limits of my world*. In this era where unbounded information is a click away through one's electronic gadget, our knowledge has reached skyline. This expansive awareness has been translated into a language—not in its linguistic sense—but as a collection of data on people's preferences in fashion, technology, food, and tourism, virtually embracing all material needs and wants of humankind. Entrepreneurs, through data collected online, are able to gauge what is up for grabs in the market. Transactions are now perfected online and consummated door-to-door

without being face-to-face. Bills and coins need not even pass the hands of parties as purchases have become workable through online credit banking systems.

The liberty to access information and to interact through social media allows us to connect with people belonging to different walks of life and cultures. Because of this interconnection of minds in what Justice Oliver Wendell Holmes Jr. would call the “marketplace of ideas,” creativity among individuals thus springs.

Equipped with knowledge, individuals no longer confine themselves to traditional ambitions such as wanting to become a doctor, nurse, teacher or lawyer. Fashion design, entrepreneurship, theater, communications, information technology, real estate, financing, brokerage and many other modern ventures have become a common aspiration among growing children. To dream bigger and to hope for the better, whatever maybe one’s status in life, are the triumphs of liberty.

However, the blessings of liberty are certainly not without challenges. With the advent of social media surpassing print and television media as to coverage, fake news has become a menace to the free exchange of ideas. The liberty of those in pursuit of truth has become greatly jeopardized by those who, with the inclination to debase the liberty to speak, proliferate such fake news. But we do not have to be disconcerted, for the dictum of Justice Holmes is instructive, when he said in one of his loudest dissents enunciated in *Abrams v. United States*, that “The ultimate good desired is better reached by free trade in ideas and the best test of truth is the power of the thought to get itself accepted in the competition of the market.” Elaborating on this even further, Justice Anthony Kennedy, in an immaculate stroke, declared in *United States v. Alvarez* that “The remedy for speech that is false is speech that is true. This is the ordinary course in a free society. The response to the unreasoned is the rational; to the uninformed, the enlightened; to the straight-out lie, the simple truth.”

Netizens, therefore, must heed the call to be guardians and mouthpieces of truth. Lawful speech must be the weapon against those who attempt to desecrate it.

### ***Nurturing Prosperity***

Powerful is the directive of the Constitution when it states in Article II, Section 9, that “The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full

employment, a rising standard of living, and an improved quality of life for all.” Obviously, this policy cannot be fully realized by the agents of the government alone. The private sector is an instrumental factor in conquering poverty. No less than our fundamental law recognizes their “indispensable role,” thereby aiming to encourage private enterprise and provide incentives to needed investments.

Social justice has indeed become the battle cry of Filipinos, but to surmise that we should enrich the poor and impoverish the rich is a misconception. Anarchy would escalate. The august statement of Justice Consuelo Ynares-Santiago in *Heirs of Jugalbot vs CA* is illuminating: “Laws which have for their object the preservation and maintenance of social justice are not only meant to favor the poor and underprivileged. They apply with equal force to those who, notwithstanding their more comfortable position in life, are equally deserving of protection. Social justice is not a license to trample on the rights of the rich in the guise of defending the poor, where no act of injustice or abuse is being committed against them.”

On that note, it is worth emphasizing that public-private partnership projects will unfurl opportunities for the jobless, improve quality of infrastructures such as airports, roads, railways, hospitals, and may even go as far as exploration, development and utilization of natural resources to the extent allowed by law. The government cannot obsess itself with distribution of wealth; it must shift its focus to creation of wealth. It must espouse policies that will advance industrial revolution.

We should maximize our memberships in multilateral platforms such as the ASEAN, the ASEAN + processes, APEC, GATT-WTO and the UN. With reciprocal benefits in mind, our openness to global trade and the influx of foreign capital can immensely fuel economic growth. By extending certain privileges to our global partners, sanctioned by the people at large, we can expect that our commitments will also open the door for Filipinos to do business overseas. I long for the time that we stop exporting labor and earn profits abroad, for prosperity must not be temporal or merely superficial—it must be enjoyed on our native soil.

### ***Rule of (Just) Law***

Although related, “law” and “justice” are two different concepts. The former is an essential means by which the latter may be achieved. The law, which is usually derived from social norms, traditions, history and political outlook, is not necessarily ‘just’ or that which gives one what is due a person in accordance with the circumstances. It may also be said that what is just is dependent in the context of

time. For law was once extremely harsh: slavery was once legal, an accused can be summarily sentenced to death without being heard, and women did not have the privilege to vote.

Living at the pinnacle of human civilization, I sincerely believe that the modern role of governance is to enact and faithfully implement less prescriptive, less proscriptive, and more permissive legislations that will unleash the inventiveness and prospects of its citizens towards industrialization. This is not to lose sight of the fact that our natural environment must be preserved for our posterity under the concepts of intergenerational responsibility and stewardship. Former UN Secretary-General Ban Ki-moon is on point in saying that “We cannot burn our way to prosperity.”

Simply stated, reasonable regulations must bring forth balance, not instability. Just law is that which respects and enables, not one that disregards and disables.

### ***Carrying the Torch: Promoting Liberty and Prosperity under the Rule of Law***

I pursued law not just because of the grandeur that comes with the profession or merely to take part in exciting action in court as portrayed in films today. My aim is to educate people of their legal rights and remedies. I wanted to be an instrument of liberation from the shackles of ignorance and fear. It is not enough that we have substantive rights under the law. We must be able to exercise them within the zone of allowable remedies. *Ubi jus ibi remedium.*

In my final year as a law student, I can say that the study of law cannot be confined to its letter; its spirit which gives life to it must be preserved and championed. For all the years I spent trying to internalize legal materials such as treatises, commentaries, codals, forms and jurisprudence, it has become my philosophy to advocate for human rights, the freedom to pursue one’s happiness, equality, and justice under the rule of law. The law has indeed become an intrinsic part of my life. Without having the law in my consciousness, I feel cast into oblivion. Admittedly, the law and my existence have become inseparable.

We have seen abuse of power and of rights unfold. Through my social media platforms, I was able to spread information regarding the basic rights and liberties accorded and guaranteed to the every person under our laws. I disseminate readings and online articles which expose the misapplication of the law in these testing times. I also herald my thoughts in my online accounts on how people should properly

exercise their rights in order not to injure others. Whenever I get an opportunity to converse with my peers, my family and even strangers like security guards, janitors and other school personnel, jeepney, taxi and tricycle drivers, or even with clerks in malls, I never forget to endeavor talking about their rights.

Often it is said that the pen is mightier than the sword, which is why two years ago, I decided to join the San Beda Law Journal. There, I had the avenue to express my scholarly knowledge to a wider audience. I was able to write a commentary on a case involving a petition for habeas corpus based on mistaken identity, highlighting the importance of freedom from threat in the pursuit of one's happiness, and the significance of the constitutional right to presumption of innocence. The end doesn't justify the means. It must always be within the bounds of law. Without such basic principles, man will be chained to damnation. I was also able to share my views on the economic opportunities that may come with the arrival of ASEAN Integration. With lessons from history in tow and the promise of regional cooperation towards a universal goal, ASEAN will soon emerge as a global power. As for my latest publication, I gave a background on the basic legal principles governing federalism that are consistent with the basic tenets of republicanism, necessary in discerning the propriety of a shift from the present unitary form of government into a federal type. There I said that the Constitution is only a means towards a collective prosperity and not an end in itself. What we actually need as a nation is to strengthen our values and share a common vision.

Wanting to impact directly the lives of people, I chose to join our university's legal clinic, the San Beda Legal Aid Bureau. Through the Bureau, I am given the chance to provide free legal counselling services to indigent clients who had problems ranging from false accusations, to property grabbing, construction of lease agreements, scams and many other cases involving the deprivation of liberty and property. I have come to see how the liberties of people are actually under threat. I feel the dread that enveloped the hearts of clients coming to us for legal advice. One was in constant apprehension that he might be rearrested even after posting bail. Another was restless because a co-owned land was registered without including him as a rightful heir. There was also this lady whose family was under threat of eviction from their apartment. I am able to witness how the disregard of their basic liberties adversely affects the other aspects of their lives, like the chain reaction. It was debilitating. One could hardly focus on his job. Through the Legal Aid Bureau, I am also given the opportunity to be a student counsel under the law student practice rule. To date, I am part of a team representing an accused before the MTC of Quezon City. Essentially, we are advocating to safeguard the rights of a person by filing

pleadings and motions, and examining witnesses in court, just like what every practicing lawyer does.

As a law student, these engagements serve as my ‘stepping stone,’ and I made it a promise to continue writing articles, give free counselling to those who seek legal advice and represent indigent clients up until the last day of my stay in law school, under the banner of liberty and prosperity.

Come that fateful day when I finally pass the bar exams, take the Lawyer’s Oath and sign the Roll of Attorneys, I will make it my sworn duty not to cease propagating the values of liberty and prosperity. To quote again Chief Justice Panganiban, this time in *Heirs of Romero v. Reyes*, “Lawyers are indispensable instruments of justice and peace. Upon taking their professional oath, they become guardians of truth and the rule of law.”

When I become a full-fledged lawyer, I will lead by example. I will follow our Code of Professional Responsibility by heart and make sure that my actions will never give an impression that the law can become an instrument of abuse or tyranny. I will defend the interests of my clients with zeal and passion, placing their welfare and liberty with primordial attention. I will take every opportunity to speak about the philosophy of liberty and prosperity in every forum, symposium or any gathering whenever given the chance.

Justice Laurel’s formula for constitutional harmony was clear a guide as daylight: *Liberty is a blessing without which life is a misery, but liberty should not be made to prevail over authority because then society will fall into anarchy. Neither should authority be made to prevail over liberty because then the individual will fall into slavery.* According to the eminent jurist, this may be achieved through education and, personal discipline, so that there may be established the resultant equilibrium, which means peace and order and happiness for all. Perforce, as an agent of social justice, I will exert herculean efforts to safeguard the fisherman’s fishing rod, fishing net and fishing boat under the rule of law.