

UNLEASH THE FISHERMAN WITHIN

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“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.”

- Chief Justice Artemio Panganiban¹

I. THE PHILOSOPHY OF LIBERTY AND PROSPERITY UNDER THE RULE OF LAW

The words of the Constitution embody my understanding of the philosophy of liberty and prosperity under the rule of law. It states that it is the policy of the Philippines to promote a just and dynamic social order.²

This social order must achieve two things: (1) it must ensure the prosperity and independence of the nation, *and* (2) it must free the people from poverty. These are the two main goals of liberty and prosperity.

Rule of law, on the other hand, is the authority and influence of law in society – a constraint on individual and institutional behavior; it is the substantive legal principle whereby all members of a society are considered equally subject to publicly disclosed legal codes and processes.³

¹ Retired Chief Justice Artemio Panganiban, Way to a Happy, Free and Prosperous Society, October 18, 2018, *available at* <https://cjpanganiban.com/2018/10/18/way-to-a-happy-free-and-prosperous-society>.

² Article II, Section 9, The 1987 Constitution.

³ Oxford English Dictionary. *See also* Garner, Bryan A. (Editor in Chief). *Black's Law Dictionary*, 9th Edition, p. 1448.

Taken together, the philosophy of liberty and prosperity under the rule of law means safeguarding liberty and nurturing prosperity through *policies* that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.⁴

Our rule of law must not only serve liberty nor prosperity separately, but both must co-exist. Hence, law must support the economy, and the economy must support the law. In order to have co-existence, it is important to understand that law and regulation must support business and entrepreneurship. They are not of two different worlds, but are two important realities that must be harmonized and achieved together.

Under the rule of law also means that the philosophy of liberty and prosperity must be addressed on two levels: collectively as a nation, and singularly for each Filipino citizen – ensuring that *policies* are enacted both to safeguard liberty and to nurture prosperity. If the country shall boast of a growing economy, an ordinary Filipino must also be able to share the same sentiment.

In achieving the philosophy of liberty and prosperity under the rule of law, all three branches of the government must be involved.

Litigations involving civil liberty falls within responsibility of the judiciary, but the duty to promote and develop the country's economy rests primarily on the political leaders – the legislative and executive branches.⁵

In the Philippines today, one of the major causes of poverty is the lack of opportunities. The gates to success are only accorded to those who have the means to pay the entrance fees. The rule of law, being an authority that affects society, is a powerful tool that can be used to mechanize and create opportunities for the people and help alleviate poverty.

For example, the enactment of sound tax laws that provide for incentives promote and encourage the creation of business that consequently, fuel employment.

⁴ *supra* at 2.

⁵ Retired Chief Justice Artemio Panganiban, [A Matter of Legal Philosophy](https://cjpanganiban.com/2011/08/05/a-matter-of-legal-philosophy), August 5, 2011, *available at* <https://cjpanganiban.com/2011/08/05/a-matter-of-legal-philosophy>.

Republic Act No. 10963⁶ that was recently enacted rationalized the internal revenue system that promoted sustainable and inclusive economic growth. Specifically, the tax relief granted to those earning P20,000.00 and below monthly improved levels of disposable income and increased economic activity. This created more take home pay of the ordinary Filipino – giving Juan and Juana choices to put more food on the table, to spend more for investments, or simply to start a small business from the excess.

The Philippines can be seen leaning more into legislating laws that focus on promoting the philosophy of liberty and prosperity.

Earlier this year, Republic Act No. 11232⁷ introduced dramatic changes that will change the tides of doing business forever. It enabled the creation of one-person corporations and the Act gave corporations an indefinite lifespan – things not new to highly developed countries like the United States and Canada. This likelihood of doing business would translate to more opportunities for Juan and Juana.

These are examples of how the philosophy of liberty are safeguarded and prosperity is nurtured under the rule of law. Indeed, the best way to conquer poverty, to create wealth, and to share prosperity is to unleash the entrepreneurial genius of people by granting them the freedom and the tools to help themselves and society through *policies* aimed for such.⁸

The rule of law plays a vital role in upholding the twin beacons of liberty and prosperity. It shall endeavor to promote entrepreneurship and encourage private capital. However, it must not stop there.

Being an authority of society, our *policies* must also seek to achieve a fair and equitable distribution of private wealth to all our people, especially the poor and marginalized. This is what it means for a just and dynamic social order – an improved quality of life for all.

⁶ Tax Reform for Acceleration and Inclusion (TRAIN) approved into law on December 19, 2017.

⁷ Revised Corporation Code of the Philippines approved into law on February 20, 2019.

⁸ Retired Chief Justice Artemio Panganiban, Unleashing Entrepreneurial Ingenuity, February 26, 2015, available at <https://cjpanganiban.com/2015/02/26/unleashing-entrepreneurial-ingenuity/>

Our government must seek for ways to expand its economy – big enough for all to share, including the future generation.

The philosophy of liberty and prosperity under the rule of law is gleaned from Chief Justice Panganiban’s words when he said that the goal of governance and of law is to provide guarantees and incentives to help the fisherman prosper, to create the institutions to support him, and to promulgate minimal regulations to prevent him from appropriating all the fishing grounds, from keeping all the earnings to himself and from forgetting his obligation to pay reasonable taxes to the government – inspiring him to share his consequential wealth with the rest of society.⁹

This means that promoting the philosophy of liberty and prosperity can only be achieved when the government and the citizenry work together towards this common goal – the government doing its part under the rule of law, the citizenry doing its part under their respective and individual capacities.

As how liberty and prosperity cannot live without the other, so does man and his government cannot exist on its own. In order to realize these ideologies, there must be both good governance and good people who inspire others to dream and who encourage others to attain such dreams. I will now discuss how the latter part can be applied personally.

II. PROMOTING THE PHILOSOPHY OF LIBERTY AND PROSPERITY AS A STUDENT AND IN MY LEGAL CAREER

The realization of liberty and prosperity starts under the rule of law; then it is cultivated, fostered, and developed – but whose responsibility is the follow through? The rule of law is likewise a powerful platform. The missing element to wield this tool properly is a heart that is willing – who are these willing hearts?

Answers to these questions are the focus of the subsequent paragraphs.

To promote the philosophy of liberty and prosperity, I wish to be one of the hearts that is willing. I, a law student and a future lawyer, would want to take on the responsibility to take part in cultivating, fostering, and developing the philosophy of liberty and prosperity.

⁹ *supra* at 8.

Two years in law school, I have been a working student as a teacher. A professor by day, and a student by night. What I learned about studying and teaching is that it is not enough to teach your students what are found in the textbooks, but to teach them beyond what printed words can.

In addition to lecturing the technical terms and sciences of accounting, I made sure I taught them how to apply all of these once they graduate, harmonizing theories with application and integrating values and dreams, heavily emphasizing that in this vast world full of unforeseen changes, it is better to create jobs rather than to fill them. It is better to incur debts and investments, rather than be secured in stagnant savings accounts. It is better to take risks.

In the span of being both a student and a teacher, I am convinced that people, regardless of all walks of life, have a lot of potentials waiting to be unleashed. All they need are a little prodding and the right opportunities to grow and be brave.

In the popular adage from Confucius as shared by Chief Justice Panganiban, “Give a man a fish and you feed him for a day. Teach him to fish and you feed him for a lifetime.”¹⁰

To unleash the fisherman within, there are two main aspects: preparation and vision.

Preparation is vital in all phases of any project. The promotion of the philosophy of liberty and prosperity is a lifetime project that starts with preparation. As a student, I will prepare by learning the law diligently and by absorbing all the wisdom the life in law school can offer. Attending moot competitions, conventions, seminars, workshops – all with the goal in mind to open my perspectives and sharpening my tools and assets to be used for the future endeavors.

To quote Abraham Lincoln and summarize the importance of preparation: “Give me six hours to chop down a tree, and I will spend the first four hours sharpening the axe.”

I know that dreams, plans, visions, and hopes for a liberated and prosperous future will never be realized if one fails to prepare the tools necessary to bring such dreams into fruition.

¹⁰ *supra* at 8.

The second aspect to unleashing and saving the fisherman is vision. In my future legal career, I plan to undertake projects in safeguarding liberty and nurturing prosperity. Sustainability is the key. It is achieved through educating, assisting, allowing, and teaching the fisherman all he needs to fish better and gain more.

Where I come from, there are a lot of communities that need outreaches. One notable community project was the Greenhouse Project for Association of Tublay Organic Practitioners in 2012.

The project did not give food or school supplies. Instead, farmers were taught how to do organic farming, Greenhouses were built to enable them to plant and harvest organic produce all year round even in adverse weather conditions. The project extended further by helping the farmers market their organic produce at the school cafeteria for reasonable prices.¹¹

The farmers were taught sustainability – one of the key ingredients in liberty and prosperity in its truest sense. The project did not give band-aid solutions making farmers dependent on the people behind the project, but it made them dependent on themselves that even after the project is terminated, the farmers are equipped to fend for themselves.

To further strengthen the project, farmers were taught basic accounting. Professors taught how to properly account for profit by keeping adequate records of receipts and expenses. These are just a few tools on how liberty and prosperity can be safeguarded and nurtured in the society to achieve a just and dynamic social order.

In my future legal career, I plan to emulate the same culture of espousing and propagating the twin beacons of justice.

First, I will continuously advocate the principle of liberty and prosperity in any given opportunity. After becoming a lawyer, I plan to continue teaching and with that, to continue emphasizing to my future students the power of entrepreneurship and the value of giving back to the community.

Second, I will join and spearhead grassroots community projects that create sustainability, specially focusing on the marginalized society.

¹¹ 2nd consecutive Malacañang award cites countryside learning applications of a 4-year UC student grassroots initiative, available at <http://www.uc-bcf.edu.ph/Home/News?Category=All&NewsID=527>

Third, I will keep abreast of the changes within the rule of law and be vigilant in helping our leaders promulgate better laws that promote the economy of the private sector.

I am sure that these small efforts would translate into exponential result that would translate in creating a rising standard of living for all. I am a strong believer that in this community of people, we are called to help one another out of love for one another.

Just like how neighboring countries will aid in eradicating diseases that cut across territorial lines, it is same with helping our own neighbors in eradicating the disease of poverty that gives no regard to anything – because when our neighbors are rich, then we are also rich. The salaried employee that has more take home pay can support a growing business store, which in turn will pay more income taxes that would support the projects of the government. It is a cycle of give and take. It is a cycle that pulls all the stakeholders upward, together.

Keeping these convictions and carrying them into my legal career would mean that vigilance must be observed in calling out and challenging laws that are contrary to the philosophy of liberty and prosperity. I can also apply this philosophy by benchmarking on other countries by simply sharing solutions and making recommendations during conventions or symposiums called for the matter.

There are a lot of ways to apply the philosophy of prosperity and liberty in my legal career and these are just a few of them. By the simple act of adopting the philosophy in my way of life, this translates to small and big acts that find its way into the community.

Moreover, for the rest of my life and not just in my legal career, I can promote the philosophy of liberty and prosperity by being successful in my own right – attaining a high level of success and being a generous magnate that creates jobs, sponsors scholarships to deserving students, and so much more.

This is because I strongly believe that the background of a person does not define his future. Not because one was borne out of a well-off family does not translate immediately to success, and vice versa. Poverty should not be a barrier to a liberated and prosperous life. This is a social stigma that must be broken. I am a strong advocate of the principle that the unfairness of life does not influence the ability to be happy.

As Seneca puts it, “Come now, contrast a good man who is rolling in wealth with a man who has nothing, except that in himself he has all things; they will be equally good, though they experience unequal fortune. This same standard, as I have remarked, is to be applied to things as well as to men; virtue is just as praiseworthy if it dwells in a sound and free body, as in one which is sickly or in bondage.”¹²

The only qualification for a liberated and prosperous should be a dream. Resources must not be the defining factor. And this can be achieved by being an advocate of the philosophy of liberty and prosperity and translating that advocate with tangible actions.

As beautiful as the words of the Constitution are weaved, is a dream where Filipinos, in all walks of life, are given the opportunity to live a life of choice rather than of force. To live a free man, and not a slave to a system of the rich exploiting the poor.

The philosophy of liberty and prosperity – the twin beacons of true justice – is not a beautiful wish, but it is a compelling force to catapult actions. These actions must stem from stem from both the government and the people – both under the rule and under the rule of life.

It is only with the concerted actions of all actors in the society that the fisherman is unleashed, free to explore into the vast ocean of opportunities to realize a better, more meaningful life.

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¹² Lucius Annaeus Seneca, LXVI. On Various Aspects of Virtue, 22.