

**An Assessment on Liberty and Prosperity Under the Rule of Law**  
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“We’re paying the highest tribute you can pay a man. We trust him to do right. It’s that simple.”

- Harpee Lee (To Kill a Mockingbird)

Liberty, and prosperity. These are two words guaranteed by no other than the Constitution; the highest law of the land. As citizens of this nation, the best thing we can contribute is to do right, but what exactly does that mean and how are we to apply it? That is when the law comes to play. It creates standards and guidelines to provide a blueprint to achieving liberty and prosperity. However, the existence of this blueprint does not automatically equate to citizens doing right. The law needs fighters to protect its words and to see to it that its purpose is achieved. These fighters don’t protect the law using guns or arms. Instead they use the power of words to protect the law, using integrity and ethics in order to fight for justice.

Liberty has been associated with freedom of movement. In connection to the judiciary, it is applying the laws with liberality and using equity in order to serve the ends of justice, especially in favor of the marginalized, oppressed and powerless sector of society. One of the ACID problems in the judiciary, as mentioned by former Chief Justice Panganiban, is delay in the delivery of quality judgments. With the numerous arrests being effected, combined with the perennial challenge of achieving a speedy disposition of cases, it is no surprise that jails and detention centers are congested.

The congestion of jails also flows from the slow pace in the movement of criminal cases, which goes against the right to the speedy disposition of cases. According to Senior Jail Inspector Xavier Solda, in February 2018 the Manila City Jail has a congestion rate of 601.91%. The Manila jail, which is supposed to only house 800 inmates, currently houses 5,400 to 5,600 inmates. Senior Jail Inspector Solda goes on to attributing this congestion to the “snail-paced resolution of cases in trial courts”.<sup>1</sup>

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<sup>1</sup> Santos, Jamil Joseph. *Jail congestion causes lung, skin, diseases among inmates –BJMP*. GMA News Online. Available at <http://www.gmanetwork.com/news/news/nation/646150/jail-congestion-causes-lung-skin-diseases-among-inmates-bjmp/story/> (Last accessed September 14, 2018).

Jail congestion may be due to numerous factors, but it is obvious that the bane of it all is the lack of resources to better facilitate the process that detainees need and deserve to expedite their pending cases. After all, even the accused are guaranteed rights under our Constitution. This snail-paced resolution of cases deprives the detainees of their liberties longer than what is necessary.

However, as a law student and aspiring lawyer, in my own ways I can contribute to safeguarding liberty under the rule of law. This semester I was fortunate enough to be granted a slot in the Clinical Legal Education (CLEL 102) elective class. In partnership with the Humanitarian Legal Assistance Foundation (HLAF), I am given the opportunity to go on jail visits, talk to detainees, and assist them accordingly.

For some of my clients, I assist them by talking to the people who can help, regularly giving them updates regarding their case, and ensuring that they understand the processes that we are going through. Making the clients understand the whole case is an integral part of lawyering, a routine explanation of a client's rights is not enough. Every client has different needs and there is no clear cut way to address their concerns.

This is essential because sometimes cases get postponed consecutively, or the detainees are unaware that they have a hearing to attend to and end up missing their hearing. I do my part in addressing this issue by following up with the respective Clerk of Court regarding my clients' pending cases. Thereafter, I remind the BJMP of the next hearing date so as to make sure that the BJMP can take the necessary steps to ensure the clients' attendance at the hearing. Moreover, so that the clients' lawyers can attend and prepare for the hearing.

In some instances, I get to help release my client from detention, whether through informing the BJMP that my client has already served sentence, or by following up on the court regarding the motion for bail or other modes of release.

My most memorable experience in jail decongestion so far is meeting a detainee who is being accused of theft and has been detained for almost two years already, yet has not yet been arraigned. This shocked me because arraignment is supposed to happen within ten days from the date of the raffle according to the Revised Rules on Criminal Procedure, and the raffle is supposed to occur three days from filing of the complaint. When I was interviewing this said client, he mentioned which MTC court was hearing his case, so I knew that the case was already raffled, yet it baffled me how he was still not arraigned and how the justice system let this

slide for two years. It saddened me to know that the things I learned from my Criminal Procedure class has been diminished to mere words on paper; that the law which should indiscriminately apply to all, is now being deprived to my client. Currently, I am working on following up and making sure that my client's case is finally set in motion, and hopefully I find a way to have him released so that he can regain his liberty.

With the congestion in jails and detention centers, it becomes difficult for the BJMP and PAO to keep track of the pending cases, and so by being part of CLED 102, I get to assist not only my clients but also the government in decongesting jails. In my own way I get to contribute to the liberty of detainees who finally get a chance to be reunited with their families.

Liberty, however, is not merely living in peace, but living in freedom. Freedom to speak one's mind, and critique the government. Freedom to choose your profession or follow your passion. Freedom to movement without fear of death, arrest, or rape. Freedom to live with an adequate standard of living. However, such Constitutionally guaranteed freedom is slowly turning into a privilege that only a percentage of our society is accorded to.

Those who speak their opinions regarding the government such as those who give constructive criticisms on government actions end up being labeled as anti-government or "yellow". They end up being bombarded by snark remarks on social media and even threatened by strangers. Meanwhile there are working class citizens who not only lack the freedom to follow their passion or choose a profession, but also barely find a job to sustain their families. There are people who walk the streets fearing their lives because they could be killed for being a suspected drug dealer, arrested for being a loiterer, or raped for being "beautiful". No longer is this confined to walking in the night, but even in broad daylight such fear exists. There are millions of families struggling to make ends meet especially with the rising inflation rate in the Philippines. Instead of being truly free to exercise our liberties and work on our prosperity, society has seemingly deprived us of our Constitutional rights and instead forced citizens to do things out of necessity.

Despite what's going on in status quo, as an advocate of law I should not be afraid to speak the law especially when its rules are being defiled. As a law student, I have many aspirations for this country. Idealistic as they may seem, I long for a better Philippines. One of the most frustrating things for a law student to realize is to go out into the world and see that the things we have learned in law school is not always what is being practiced. The question then behooves me – is there still

purpose in studying the law carefully? Is it still worth it? This question lingers within me, and time and time again, I always get a resonating “yes.” Yes, there is purpose. Yes, it is worth it. This country needs more people who have the heart for it and its citizens. Ideals are just ideals until turned into action. That is why I am here today, studying the best that I could, so that I may wake up tomorrow and see and live in a country that we all deserve to have.

Our beloved Dean Hofilena once told us that as law students, we shouldn’t be desensitized by the news nor disheartened by the way the law is being used, but instead we should stay true to the law and fight for it. This is something that I took to heart. It’s so easy to live in a bubble in law school especially with all the codal provisions, book pages, and cases taking up our time. However, time and time again professors remind us to be aware of what’s happening to society especially when it involves the law for it is what we will be protecting once we pass the bar. I’ve come to learn that I don’t need to wait until I pass the bar to safeguard liberty under the rule of law. What I need is to be informed of the law and to stand by it.

One of the ways that I can safeguard liberty is by advocating it. During my undergraduate years in the University of the Philippines, I’ve grown to advocate labor rights and agrarian rights of farmers. When the coconut levy farmers marched to Manila, I was there to welcome them and even marched with them from Ateneo de Manila University in Katipunan to the Philippine Coconut Authority in support of their rights to the land they till. I also attended labor day marches, marching alongside government officials, to support the continuing fight of providing better labor rights to our fellow brothers and sisters which will grant them not only liberty, but also prosperity.

When it comes to nurturing prosperity, the words of former Chief Justice Panganiban spoke to me, that prosperity is not just monetary or material possessions, but the three Ts: time, talent, and treasure. Prosperity isn’t merely being successful. It is sharing that success and guiding others to achieving the same. For it is through the prosperity of the nation that we may attain our true liberties.

When I entered law school, my initial idea was to simply focus on studying. However, I couldn’t help myself but to join organizations and take on leadership positions. I yearned for the opportunity to serve others and to work on my self improvement. Thus, I ended up becoming the beadle of my block—similar to a class representative—, joining the Ateneo Society of International Law (ASIL) and eventually being elected as a member of the Executive Committee during my second year, and becoming the Internal Vice President for the Father Bernas Center Student

## Volunteer Corps.

In my own way I felt that I was nurturing prosperity in a sense that I was sharing my time and talent to my fellow students. As a class beadle, I made sure that all decisions pertaining to my class, whether it be the exam schedule or make up class schedule, was democratic and that all grievances have been heard. Rather than doing everything myself, I partnered with my classmates in dividing tasks so that everyone gets a chance to contribute to the block and at the same time also enhance their own leadership potentials.

As a member of ASIL, on the other hand, I nurtured prosperity by giving my time into attending the practices of the different competing teams so that I can help train them for the competition. I also became a research assistant for the World Trade Organization moot court competition to improve my skills in writing, researching, and knowledge of international law so that I may be able to share than knowledge to future mooters. In ASIL, the organization is divided into four houses -similar to Harry Potter-and currently I am the head of one of the houses. As a house head I get to coach the applicants in our internal moot competition and impart knowledge on mooting and basic Public International Law so that they may be the next great mooters of tomorrow. While this entails training everyday for two weeks from 9PM until early in the morning and balancing training with my studies, seeing the applicants I'm coaching grow as people before my eyes makes it worthwhile.

Currently I am an executive committee member of the Father Bernas Center Student Volunteer Corp which recently has been re-launched as the Father Bernas Institute. As internals vice president, I head events such as the mock exam given to freshmen students so that they get to experience how a law school exam is in preparation for midterms week. Here, the Volunteer Corps also gets an opportunity to share study tips and exam tips to freshmen students as well as answer any concerns they have regarding law school. The Volunteer Corps also assists the law school by ushering and hosting MCLEs conducted by Ateneo Law School. By being part of this organization, I get to contribute my time to helping not just students of the law school, but also the administration and guests of the law school. Moreover, that I get the chance to exchange knowledge and experience among my peers and with the administration.

When it comes to the third T of prosperity, treasure, one of the ways that I can help in the prosperity of the economy as well as protect the environment is to support local businesses and start-ups, especially those that are environmentally friendly. There are a lot of quality local brands that are overlooked because of the existence

of foreign franchise businesses growing in Manila. Recently I've been replacing some of the daily essentials with local brands such as "Suds" who manufacture naked shampoo and soap bars made of all natural products and use zero plastic for their packaging. By supporting local brands, not only do Filipinos get a chance of showing their entrepreneurship and craftsmanship, but also economically prosper paving way for business expansion and creating more jobs for Filipinos.

Another advocacy that I am passionate about is Mental Health. As a Psychology graduate, I believe that mental health awareness is very important, and the passing of the Mental Health Bill is a step towards that direction. In the law school, the student council and the administration has been working together on efforts to raise mental health awareness within the school. They are currently making a committee on Mental health which I signed up for because I see it as an avenue to not only advocate mental health, but also to use my knowledge to raise awareness.

However, I know that safeguarding liberty and prosperity under the rule of law will not end once I graduate from law school. If any, my ability to espouse liberty and prosperity will only grow stronger after passing the bar. Years from now I see myself eventually teaching law and imparting the same knowledge that my professors, such as Dean Hofilena, has imparted on me. I wish to hone the future lawyers of society into seeing the law as a means of improving the nation, and not as a means to be above the law. Moreover, I see myself as working in a firm and being an ethical lawyer throughout my career. That I get to impart to my co-workers and future mentees the same ideals that I wish to impart to my future students. Further, I see myself being part of a NGO or foundation advocating mental health where I can use my knowledge of the law raise mental health awareness and fight towards removing the stigma on mental health.