

Liberty and Prosperity under the Rule of Law

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Liberty and prosperity are two different words with different meanings but, to me, are interconnected. Liberty is the freedom from certain forms of constraints, whether internal, or external. Prosperity is success, whether financially, spiritually, or even professionally. I believe that liberty is the key to prosperity. We must break free from all of the forces that constrain us in our day-to-day lives.

Further, I believe the words liberty, prosperity, and the phrase “under the rule of law” are all interconnected.

Liberty and Prosperity

Constraints take on many forms. There is the prevalent financial constraint brought about by poverty. This certainly divides people. I am a firm believer that better opportunities do come to those who have lesser financial constraints. There could also be mental or moral constraint, brought about by anxiety and worsened by the on-going pandemic. This one, I continue to experience and this, I am quite certain, is being experienced by everyone nowadays. Liberty is a fairly simple word but it is hard to espouse or even apply.

I believe that in liberating the people, we must first recognize their struggles. We must first recognize that there are forces that hinder them from truly progressing in life. We must first recognize that there are fundamental inequalities in society. Not that absolute equality should be the norm, of course. But we must recognize that there is still a deep divide that separates people from one another. It is only once we recognize these struggles and constraints that we could figure out a way to truly free the people.

In college, my undergraduate thesis focused on the powers and functions of the Commission on Human Rights (CHR). It was 2018, and the Duterte administration’s war on drugs gets bloodier by the day. In it, my thesis partner and I recognized that human rights defenders are constrained by a lot of things. There are institutional constraints, like the CHR’s lack of sufficient powers to competently enforce and protect human rights. As borne by jurisprudence on the matter, the CHR’s powers are recommendatory at best. While I am cognizant of the fact that there are other remedies available in our laws to redress human rights violations, it was our submission that the CHR lacked the institutional powers to properly perform its functions. For me, the CHR should take on an activist state. That was a

recognition on our part that the CHR lacked the liberty to properly perform its functions. And by recognizing that institutional restraint, we thus recommended an institutional reform by adding powers to the CHR.

Prosperity follows liberty. Once the poor are liberated from the societal inequalities, and are given the same opportunities as everyone, they may finally achieve success or, at least the opportunity to achieve it. I would even venture to say that once people are given liberty, that in itself is a form of prosperity.

Under the Rule of Law

The rule of law is the great equalizer between all classes of people in society. It puts the rich and the poor; the employer and the employee; the strong and the weak, on an equal footing. The rule of law is one of the more visceral and direct ways to promote liberty and free the people from the constraints and give them an opportunity to prosper.

Laws recognize the need to change certain aspects in society. Laws recognize the constraints that hinder people from achieving prosperity. The rule of law is a vehicle to ensure liberty.

For instance, Republic Act No. 11036 or the Mental Health Act recognizes the mental constraints being experienced by people who are affected by mental health conditions and promotes liberty by providing them certain statutory rights such as freedom from stigmatization; access to quality treatments; access to mental health services at all levels of the national health care system; and even access to legal services, among others. This law provides people with mental health conditions an opportunity to achieve prosperity by liberating them from their mental health conditions which the law recognizes as a constraint.

Republic Act No. 8972 or the Solo Parents' Welfare Act recognizes the financial and moral constraints being experienced by solo parents and thus, they are provided with statutory benefits under the said law to liberate them from these constraints and give them an opportunity to achieve prosperity in life by giving those whose income falls below the poverty threshold the eligibility to be granted an assistance; social development and welfare services; parental leave; educational benefits; and freedom from work discrimination.

These laws prove that the rule of law can be used as an effective means to promote liberty and thereby provide an opportunity for people to achieve prosperity.

These laws recognize the constraints that bind people from being truly free and provide means to liberate them from these constraints.

And so, the concepts of liberty, prosperity, and the rule of law go hand in hand.

Charity, as a way to promote liberty

Law school has always been a dog-eat-dog world. There is a truth in the rumors, jokes, and horror stories we hear whenever law school is the topic in the conversation. Law school breaks you. It does find a way to make you feel desperate. Law school is the great equalizer, which disregards academic achievements and sets each and every student, regardless of his/her academic standing during his/her undergraduate degree, equal.

I remember my college professor telling us that law school is like being pushed in a deep pool, and being forced to learn how to swim on your own. Law school thus has a tendency to bring out the worst in people. Understandably so, because as humans, our primal instinct to survive is being provoked by the hardships brought about by the hellish environment one goes through every day. And so, sometimes we latch on the nearest body if only to keep ourselves afloat.

I never entered law school with optimism. My mentality has always been that it's a tough world to be in. After all, I am a witness to the struggles of people I know who were first thrown in the deep pool. Thus, when I entered law school, I am among the most pessimistic people in my block.

The fact that I had to enter law school as a working student in order to finance my studies did not help at all. I knew then that I had to be tougher. I had to be grittier. I knew I had to fight harder than my friends who had the luxury of time since they were full-time students. Not that I am invalidating their struggles or anything, but being a working student is just a different ballgame altogether.

I had to endure sleeping less than four hours a day if only to catch up with studying and then go to work the next day. It was not at all sustainable, as eventually, my body started giving up. Being a naturally-pessimistic person, I became miserable.

Nevertheless, I knew that I could not and should not let law school win. So, I decided to attempt to change the picture altogether. I started to help the people around me.

Applying the philosophy in my legal studies

The first thing I started to do was to share my digests. And when the preliminary examinations came, I started making my own notes and started sharing them to my block-mates. I never was that type of student in college, as I got by with little to no studying then. But law school forced me to change my ways.

It was then that I recognized that I could do away with the numerous restraints in law school by changing the atmosphere altogether – by sharing. I started sharing my notes during exam weeks, digests before grueling recitations, and everything that I have if only to make law school less of a dog-eat-dog world.

I guess the philosophy behind it all is that I wanted to promote the spirit of camaraderie between and among us. I wanted to make the experience as bearable as possible for everyone. This is because I know for a fact how difficult it is to compartmentalize everything in law school. I know for a fact that it is not always easy to remember all the lectures due to the burdensome amount of information law students have to digest. And more importantly, I know for a fact that sometimes, law school makes you feel like you are alone.

While this simple practice of mine seems trivial, I know for a fact that it has helped others. I am fueled by messages of gratitude before and after exams, especially from people who tell me that my notes helped them go through the exams.

I am fueled by the fact that I am able to impact other people just by the simple act of sharing what I have, in order to make this journey more bearable.

And then, the pandemic came.

Just when we thought we had a hard time adjusting to law school, we were now forced to adjust to online learning. Online learning made me realize how short my attention span really is. We are forced to stare at the cold blue light of our screens for hours on end, hoping that our minds would retain every bit of information passed on to us. The worsening condition of the country does not help. Not only are we forced to deal with our attention spans, we are also forced to ignore the anxiety eating away at the back of our minds.

While this pandemic has had its effects on me as well, I still try to be of help as much as possible. Every after class, I would share my notes because I recognize the difficulty in retaining information and concentrating in class.

As someone whose father is currently in the hospital right now battling COVID-19, and whose mother and brother are likewise battling COVID-19, my mind is nowhere near the ideal state to be writing or to be studying. The anxiety is overwhelming, and my thoughts are everywhere.

But still, I recognize the fact that the people around me are experiencing constraints as well. This is why I try to be of help, as much as I can, if only to somehow liberate ourselves from the anxiety-inducing events of today.

Charity, sharing, and positivity in a toxic environment such as law school is my way of applying the philosophy of liberty and prosperity in my legal studies, especially given the current situation.

Applying the philosophy in legal practice

As someone who currently works as a legal assistant in a law office, I have been exposed to litigation. Since my first year as a law student, I was exposed to the various aspects of legal practice. I learned that legal practice is so different from law school. In legal practice, I learned that you are not only required to be knowledgeable of the law, but you are also required to be able to communicate these complex legal principles to the clients who need to understand the same.

In my job, I realized that people who are faced with legal problems are also facing constraints – their lack of understanding the law. Thus, I learned that it is the lawyer’s job to make them understand the law, as well as the remedies provided for them under the law. While it is a legal precept enshrined in the Civil Code that everyone is presumed to know the law, I learned in my job that knowledge of the law is different from understanding the same.

Thus, as someone who is on track to becoming a litigation lawyer in the future due to my years of exposure, thanks to my job and to my bosses, I would apply this philosophy by seeing to it that my future clients truly understand the law, the meaning behind the law, and the philosophy behind it. In a way, I would also act as an educator to my clients by making them understand the law. This is my way of liberating them from their legal constraints, by acting as their lawyer and as their educator at the same time.

Conclusion

It seems like there is no end to our anxieties and worries. I, myself, am not in the proper headspace right now to be writing this essay because of the fact that my family is currently battling COVID-19. But in these uncertain times, I am reminded of a quote from Albus Dumbledore saying, “Happiness can be found even in the darkest of times if one only remembers to turn on the light.”

In giving and sharing whatever I have in the hope of easing the academic burden brought about by online learning, I strive to be the light. Despite my personal struggles, I strive to be the light, if only to instill the spirit of charity and sharing, as a way to apply the philosophy of liberty and prosperity.