

## **SAFEGUARDING LIBERTY AND NURTURING PROSPERITY UNDER THE IMPERATIVE OF THE RULE OF LAW**

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In a country where adherence to due process and the rule of law is uncompromising, it is indeed a well-settled principle that the law may be harsh but is still the law, or *dura lex sed lex*. This legal maxim does not only refer to the implementation and enforcement of the laws and to the administration of justice, but also to safeguarding liberty, nurturing prosperity and conquering poverty. Everything in this country does not always revolve around the orbit of politics, economy, and justice. However, with the current changes in our political system, especially with the new administration, we must also take into consideration the minor details, not just the major issues or problems, as these would definitely have great impact in the profession of law, and most importantly, to the public at large.

To an ordinary Filipino citizen, life has not always been the best with respect to each aspect thereof. There are still Filipinos struggling to overcome poverty. Consequently, other people might prefer surviving all the walks of life by settling for less, and not wanting for more, such as not pursuing any educational attainment as one of their options primarily because basic necessities should be prioritized, and education is not treated as a priority. Other people also tend to become devouring and self-centered, thus they become corrupt. And in worst cases, people commit crimes to gain wealth. These are just few of the instances that might happen just because of poverty. For the ordinary individuals, the rule of law has often been disregarded in a sense that everything boils down to this – inequality.

It is then the public and civil society which strengthens the rule of law through whatever contribution they may impart, such as mass opinion and proposals for the enactment of laws. Apart from this, holding the public officials and government institutions accountable to the people makes the rule of law unbending. The relation between the public and the government, then, is a vital element to promote one's philosophy and to achieve his desired outcome of protecting the rights of the citizens, sharing prosperity and reaching out to the poor and the underprivileged.

Under the 1987 Philippine Constitution, it is the duty of the state to promote social justice. Social justice, as defined by Justice Laurel in the landmark case of *Calalang v. Williams*, is "neither communism, nor despotism, nor atomism, nor anarchy," but the humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated. It means the promotion of the welfare of

all the people, the adoption by the government of measures calculated to insure economic stability of all the competent elements of society, through the maintenance of a proper economic and social equilibrium in the interrelations of the members of the community, constitutionally, through the adoption of measures legally justifiable, or extra-constitutionally, through the exercise of powers underlying the existence of all governments on the time-honored principle of *salus populi est suprema lex*.

Social justice is the very foundation of the philosophy of safeguarding liberty and nurturing prosperity. Protecting and developing the right of all the people to human dignity, reducing political, economic, and social inequalities, and removing cultural inequities through a fair distribution of wealth and political power for the common good are the underlying principles of my commitment to espouse what I have learned in the field of law and apply them for the betterment of both the nation and its citizens.

In safeguarding liberty, it is not necessary for us to be lawyers, judges, or justices. Any choice of profession will do because regard for everyone's right is also everyone's duty. A journalist can protect one's liberty by writing whatever he thinks is the truth. Those engaged in the field of medicine are also capable of doing this by reaching out to remote areas and conducting voluntary medical missions for the indigenous peoples and for those who cannot afford medical assistance. Engineers and architects also allot their time and share their skills in building homes for the homeless and for those affected by calamities and other natural disasters. Business enterprises also protect the rights of the laborers as the human asset of every employer. Even students can be advocates of this aim as the youth has always been the hope of our nation. Ordinary citizens, whether employed or unemployed, are endowed with the freedom of expression and the right to petition the government for the redress of their grievances. Lastly, through the use of social media, all of us can express our thoughts, in a justifiable and decent manner, and voice out our opinions, as part of our freedom of speech and of expression. In other words, liberty does not only involve civil and political rights, but also the natural and inherent rights of a person. Regard for human dignity is a must.

Sharing prosperity, on the other hand, does not always refer to money, material possessions or to any tangible thing. It is about instilling in our minds that peacekeeping is one of the abstract things that would bring prosperity and hope for the future. As much as we need prosperity in economy, we also need prosperity in kindness and decency. This prevents the evil of being corrupt and self-centered. We need to nurture every individual's perception of prosperity. Just because one is poor or underprivileged, does not mean he cannot be prosperous. Of course he can,

be not financially. I think this has been the wrong connotation of this word. We need to emphasize, cliché as it may seem, that money cannot buy us happiness. Truly, money creates sustenance for living, aside from food and shelter; because, basically, one cannot acquire food and shelter without finances. In the words of Tacitus, prosperity is the measure or touchstone of virtue, for it is less difficult to bear misfortune than to remain uncorrupted by pleasure. Thus, our goals must be broad enough to include the needs of others.

In this case, Hilary Clinton and I would be on the same page. If a country does not recognize minority rights and human rights, including women's rights, you will not have the kind of stability and prosperity that is possible. And that substantiates the correlation of liberty and prosperity based on my understanding.

Promoting, then, these philosophies is another thing. We must not be that kind of person who is more of words than deeds. Personally, I am not writing this essay just to comply with the requirements. I am writing this because I want it to be read not just by my target readers, but by everyone. What I am implying here is that being a law student, I understand how the world moves and how the government works, not just through the legal aspect, but based on reality. Current events and recent jurisprudence tell us that with the change in the administration, certain improvements are to be expected, yet, danger cannot be avoided. Today's extrajudicial killing is really violative of the due process clause of the Constitution. The imperative of the rule of law is that it must always be complied with, without prejudice to the rights of any person. It is beyond doubt that the commission of a crime is punishable under the law and preventing any person from its commission or imposing penalties to those who have been rendered guilty beyond reasonable doubt, can be deemed as legal as to the purpose. Yet, we cannot take the law into our own hands. Adherence to due process and to the rule of law is a must. Thus, the right to life and the right to be presumed innocent until the contrary is proved shall be upheld at all times. Consequently, rights, aside from those contained in the Bill of Rights, such as natural rights, shall also be protected. This does not apply only to the current issues in our country, but must apply to future events as well.

Nevertheless, a law student can promote the protection of the rights of others by simply recognizing their right and giving them their due. We must not degrade one's dignity for the reason that they are poor or underprivileged. Instead, we must extend both of our arms to help them or assist them in every possible way to espouse their claims and grievances. We must also support their legitimate advocacies, especially those of the women, the laborers, the youth and those economically disadvantaged.

We must not also impede other's freedom of speech and of expression through social media, but at the same time, we must also be accountable for our entries or comments on social media sites. In the case of *Vivares v. St. Theresa's College*, a 2014 case penned by Justice Velasco, Jr., it is of the opinion that in a social networking environment, privacy is no longer grounded in reasonable expectations, but rather in some theoretical protocol better known as wishful thinking. Thus, as a cyberspace community member, one has to be proactive in protecting his or her own privacy. It is in this regard that many online social networking users, especially minors, fail. Responsible social networking or observance of the "netiquettes" must be observed, as one must have skills or general wisdom to conduct himself/herself sensibly in a public forum.

I also believe that in nurturing prosperity, one's means does not necessarily refer to the financial aspect in order to achieve the said goal. As a law student, I have the means to help others by imparting knowledge in the field of law, especially when they have legal claims or suits. It can also be achieved by rendering much of your time – time to listen, time to help, and time to communicate – to others who are in need of it. Lastly, prosperity can be achieved by showing kindness to others. And this is something not capable of any pecuniary estimation.

The license to practice law in the Philippines is almost reachable. As such, my legal career will then pave the way for new opportunities, new environment, and new responsibilities. I can choose any path in the legal field, so long as it will not negate my principles and philosophies in life. By then, I still have to apply what I have learned in law school and promote the same philosophies embodied in this paper.

As a future lawyer, I can be a prosecutor, wherein I can stand on behalf of the State in prosecuting crimes and in finding pieces of evidence that will justify the offender's sentence, as can be obtained from the court. I can also be corporate lawyer, wherein I can be of legal aid to business enterprises which can provide goods and services to the public. I can also be a labor lawyer, where I can take up labor suits in favor of the labor or in favor of the employer, when warranted under the circumstances. In other words, I do not have to specify what field of law I shall take, because regardless of profession and of track I would choose, I still have to uphold the rule of law in safeguarding liberty and nurturing prosperity.

But aside from these personal takes on the subject philosophies, we must also take into account political, economic, and social growth, as well as good governance in this country.

With respect to political growth, it would really depend upon the branches of our government. The Legislative then is in charge of enacting measures as would safeguard liberty and share prosperity in this country. Of course, this cannot be done solely by ordinary citizens, like me. Laws must be enacted to promote social justice and also to mandate any other matters as would be necessary for the common good. The Judiciary shall not only be mindful in the interpretation of the laws and in the administration of justice, but care must be given in protecting and preserving civil and political rights of the citizens, but also to nurture prosperity through securing our people from poverty and illness. The courts shall also uphold rights of the public at large, when there are far-reaching implications in certain cases.

Furthermore, upholding economic rights is also of the essence of these philosophies. Under the Constitution, 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. Encouraging foreign investors, emergence of different business entities and providing numerous jobs will surely attain the desired economic prosperity in the country. Wealth must also be equitably diffused to the society, so that social issues will be avoided.

Finally, Justice Panganiban once said his vision-mission – to look for competent and ethical lawyers who are responsible, dependable and morally upright; and who courageously uphold truth and justice above everything else. And under the Code of Professional Responsibility, a lawyer is needed to observe his duties to the society, to his legal profession, to the courts, and to the clients. Lawyers shall not be blinded by money or any material gifts. But, lawyers must observe the rule of law and help in safeguarding liberty and nurturing prosperity.

With the understanding of these philosophies, one must not dwell only on the legal aspect, but also on the political, social, economic, cultural, and psychological aspects. The risk of sacrificing one phase of life is inevitable. Adversity would be a necessary consequence. Nevertheless, with great respect to the rights of one another and to the fair and equal distribution of wealth to the public, the outcome then would be amity and economic progress.