

To Prosper and Be Free:

Nurturing Prosperity and Safeguarding Liberty as Means to Attaining Social Justice

Liberty is safeguarded by a creation of the human institutions

“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.”¹ – Justice Jose P. Laurel

As a powerful opener to his famous work *The Social Contract*, Jean-Jacques Rousseau wrote that “Man is born free, and everywhere he is in chains.”² Rousseau held the perspective that humans, on their own, were brought in the world possessing absolute liberty, but the society created by people living together built the chains which put limitations on how they should behave. In sum, humanity’s freedom is limited by the laws created by the government, making people give up their natural liberty in order to live in a society. This dilemma gave birth to the idea of a “social contract”, which is Rousseau’s solution to the problem of having the government control the natural freedom of people. A social contract implies an agreement by the people on the rules and laws by which they are governed, which shall take into consideration the “general will” or what all of the people in a society want. As Rousseau described it, “The general will is always in the right and always works for the public good.”³ Therefore, the law expresses the general will, and must only make regulations and laws that affect everyone, with the goal of protecting liberty and equality and promoting the common good.⁴ Corollary to this notion, it can be concluded that humans are actually not born free, but are set free by the creation of the human institutions that protect their rights,⁵ and such creation is the rule of law.

¹ Calalang v. Williams, G.R. No. 47800, [December 2, 1940], 70 PHIL 726-735.

² Jean-Jacques Rousseau, *THE SOCIAL CONTRACT* 14 (2017), available at <https://www.earlymoderntexts.com/assets/pdfs/rousseau1762.pdf> (last accessed on Apr. 28, 2022).

³ *Id.*

⁴ *Id.*

⁵ Guy Dammann, *For Rousseau, man is born free, but kept free only by compassion*, *THE GUARDIAN*, available at <https://www.theguardian.com/commentisfree/2012/jul/11/rousseau-man-born-free-social-contract> (last modified July 11, 2012).

Indeed, nothing less can deprive a person of his liberty for liberty is the most precious of a human being's freedom.⁶ This particular right is being protected by no less than the 1987 Constitution of the Philippines, the highest form of law created by human institutions. In the Bill of Rights, the safeguard of liberty of persons is given utmost importance that the deprivation of such without due process of law is condemned in this jurisdiction.⁷ This particular provision is a good example of Rousseau's definition of a social contract, which is that created to respect what all of the people in a society want, with the goal of protecting liberty and equality and promoting the common good. After all, humans possess the inherent desire to be and to remain free.

Prosperity as the result of social justice

“Social justice, therefore, must be founded on the recognition of the necessity of interdependence among divers and diverse units of a society and of the protection that should be equally and evenly extended to all groups as a combined force in our social and economic life, consistent with the fundamental and paramount objective of the state of promoting the health, comfort, and quiet of all persons, and of bringing about ‘the greatest good to the greatest number.’”⁸ - Justice Jose P. Laurel

In the case of *Calalang vs. Williams*, Justice Jose P. Laurel elaborately penned the explanation of social justice as “‘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. Social justice 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, therefore, must be founded on the recognition of the necessity of interdependence among divers and diverse units of a society and of the protection that should be equally and evenly extended to all groups as a

⁶ *People v. Palma Gil*, G.R. No. 121193, Jan. 22, 1998.

⁷ CONST. art. III, § 1.

⁸ *Calalang v. Williams*, G.R. No. 47800, Dec. 2, 1940.

combined force in our social and economic life, consistent with the fundamental and paramount objective of the state of promoting the health, comfort, and quiet of all persons, and of bringing about ‘the greatest good to the greatest number.’”⁹

In its Declaration of Principles, the Constitution states that “the protection of liberty [is] essential for the enjoyment by all the people of the blessings of democracy.”¹⁰ Thus, it can be understood that the supreme law of the land deem liberty as an important requisite in order for the Filipino people to enjoy the blessings of democracy. In the same vein, one of our State Policies is to “promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty.”¹¹ Therefore, social justice is what will guarantee prosperity that will eventually free the nation from the chains of poverty. It can be said now, that liberty and prosperity are intended to go hand in hand, as the former is a fundamental right and its full enjoyment will lead to the achievement of the other.

The twin beacons of liberty and prosperity

*“Truth is eternal and limitless; [...] truth is not bound by sovereignty, or territory, or ideology, or legality; [...] what is true in America is also true in the Philippines, in the Asean and in the world. And that truth is this: 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.”*¹² – Chief Justice Artemio V. Panganiban

In *Calalang*,¹³ Justice Laurel emphasized that “The citizen should achieve the required balance of liberty and authority in his mind through education and, personal discipline, so that there may be established the resultant equilibrium, which means peace and order and happiness for all. The moment greater authority is conferred upon the government, logically so much is withdrawn from the residuum of liberty which resides in the people. The paradox lies in the fact that the apparent curtailment

⁹ *Calalang v. Williams*, G.R. No. 47800, Dec. 2, 1940.

¹⁰ CONST. art. II, § 5.

¹¹ CONST. art. II, § 9.

¹² Artemio V. Panganiban, Address delivered during the Opening Luncheon the 12th General Assembly of the Asean Law Association (ALA), Makati Shangri-la Hotel, Makati City, Philippines (Feb. 26, 2015).

¹³ *Calalang v. Williams*, G.R. No. 47800, Dec. 2, 1940.

of liberty is precisely the very means of insuring its preservation.”¹⁴ Such principle of the achievement of the balance of liberty and authority in order to establish prosperity for all is the very essence of Chief Justice Artemio V. Panganiban’ core judicial philosophy. Prof. Elizabeth H. Aguilong-Pangalangan, in expounding on this judicial philosophy, expressed that liberty, which embraces civil and political rights, and prosperity, which embodies economic, social, and cultural rights, are “mutually inclusive, such that nurturing prosperity should not encroach upon safeguarding the liberty of our people, nor is fostering liberty a precondition for the emergence of prosperity. Instead, they must be viewed with equal significance and must be protected, to the same extent, as essentials of life and well-being.”¹⁵

Chief Justice Panganiban has always been an advocate of judicial reform as a means to “refocus the judicial mindset on the economic development of our country and thereby help conquer poverty and share prosperity.”¹⁶ As a matter of fact, “liberty must include the freedoms that prosperity allows, and in the same manner, prosperity must include liberty, especially the liberty to strive for the ‘good life’ according to a person’s conception.”¹⁷

My role in promoting liberty and prosperity as a student and their application in my legal career

“If a man does not have a job or an income, he has neither life nor liberty nor the possibility for the pursuit of happiness.” - Dr. Martin Luther King Jr

In one of his speeches, Chief Justice Panganiban enumerated the characteristics of his ideal version of the Judiciary, also known as the four **Ins**: **I**ntegrity, **I**ndependence, **I**ndustry and **I**ntelligence.¹⁸ The judiciary must also be impenetrable by what he calls “the plague of ‘ships’” — **kinship**, **relationship**, **friendship** and

¹⁴ Calalang v. Williams, G.R. No. 47800, Dec. 2, 1940.

¹⁵ Elizabeth H. Aguilong-Pangalangan, *Parents and Children: When Law and Technology Unbundle Traditional Identities*, Lecture delivered as part of the Foundation for Liberty and Prosperity Professorial Chair, University of the Philippines (Mar. 28, 2019).

¹⁶ Artemio V. Panganiban, Address delivered during the 4th Integrity Summit, Dusit Thani Hotel, Makati City (Sept. 19, 2014).

¹⁷ 1 ARTEMIO PANGANIBAN, LIBERTY AND PROSPERITY 41 (2006).

¹⁸ Panganiban, *supra* note 16.

fellowship.¹⁹ However, it is this writer's position that such characteristics must not be manifested by the members of the Judiciary alone, but rather by all members and aspiring members of the legal profession, in order to promote the philosophy of safeguarding liberty and nurturing prosperity and apply it in our legal careers.

I am pursuing my law degree while working in a multinational financial institution. While not an uncommon feat, it is surely a difficult one. Dealing with financial statements from morning until evening, then proceeding to class recitations, the preparation for which has constantly deprived me of the proper amount of rest, all while battling the demons of the remote work setup and online classes, particularly the intermittent internet connection and lack of dedicated areas conducive to learning, has never been easy, but this has become my life. This is because I cannot afford to do so otherwise; my family has been relying on my salary for utilities and other expenses, but at the same time I cannot sacrifice my dreams of becoming a lawyer. Being deprived of the prosperity that others enjoy does not hinder me from reaching my goals. Rather, it provides me with more drive because the idea of becoming a member of the Bar is not pushed upon me. I have the liberty of choosing the choice I made, and I stand by it with no regrets. As a working student, I have different roles which I can use to further the characteristics that Chief Justice Panganiban desires to be present in those who have the duty to safeguard liberty and nurture prosperity.

Being an employee in the private sector allows me to embody the four Ins by being the best banker I can be. Integrity is an important factor in this industry, because the integrity of the employee reflects on the integrity of the company, which in turn earns the trust of the clients. As an intermediate analyst, I possess a level of independence that I have accumulated through the years I have spent relying on my senior teammates. My liberty in making decisions is exercised carefully, because such decisions made must always be for the prosperity of the company, which will trickle down to the prosperity of my fellow employees. Now, it is my turn to be the one depended on by my juniors, with the ultimate goal of paying forward the good that has been done before. The banking industry is definitely one that I can be proud of belonging to, because it entails a certain level of intelligence, accuracy, and trust in order to survive here. I am proud to have a job, because it provides me with income that I use to become financially independent.

¹⁹ *Id.*

Being a law student enables me to promote Chief Justice Panganiban’s philosophy by inculcating the four Ins in my internal motivations to pursue law and my future legal career. A student of the law should not be limited to reading the text of the law, but he/she must fully grasp the concepts and intention behind its creation. Understanding that a lawyer’s duty is to safeguard the liberty and nurture prosperity through the provisions of the law while encapsulating integrity, independence, industry, and intelligence will help guide me in this journey towards becoming an officer of the court.

To conclude, I would like to quote Chief Justice Panganiban on what the truth 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.”**²⁰ This kind of truth “transcend sovereignties, territories, ideologies and legalities.”²¹ As a student of the law, I will continue to promote the safeguarding of liberty and nurturing of prosperity for the common good. Social justice can never be truly achieved if one is deprived of liberty or if one lacks the resources to properly enjoy life. To use Chief Justice Panganiban’s words, **“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.”**²² As a first-hand witness to poverty, which proved to be a heavy chain that limited my exercise of liberty, I will try my best to use my knowledge of the law to break the chain that is binding not only me, but the rest of society, so that everyone may live a free and prosperous life.

²⁰ Panganiban, *supra* note 12.

²¹ *Id.*

²² *Id.*