

“The right to pursue happiness”

The freedom of the people, with very limited resources, could be rendered futile. The underprivileged are constrained to settle for less, rather than end up with nothing. The members of the marginalized sectors of society choose an option, not because they want it, but because it's the only choice that they can afford. If a person merely has a single option, can choosing this sole choice even be considered a legitimate exercise of freedom? How do we give definition to a freedom that is meaningless? Indubitably, there can be no significant improvement of political rights of the people without the enhancement of economic conditions.

It is true that poverty is not an excuse to not reach one's aspirations. However, it is an additional obstacle to surpass to be successful. In the film titled, “The Pursuit of Happiness”, the root cause of the main protagonist's misery is financial instability. His marriage was in shambles, he became homeless because he cannot pay rent, and he cannot be a good father to his son if he cannot give support and the best education. Thus, he worked his way up to be a rich entrepreneur. In having financial stability or economic liberty, he found happiness. Everything fell into place. Money is not the source of happiness. It is having freedom to pursue one's goals and to give their loved ones freedom to choose also what they really want in life that matters. It is about having more opportunities for one's pursuit of happiness.

For the underprivileged, the roads will be longer, the climbs will be steeper, the mountains will be higher, the waves will be more torrential, the winds will be stronger, and the tunnels will be darker.

For instance, I chose to be a noble lawyer as my dream profession. This freedom to choose a profession would be rendered nugatory if I do not have resources to enroll in law school or buy expensive law books. Since high school, scholarship grants have always been the lifeblood of my education. Without financial aid, this dream would remain to be just that -- a dream. Everyone is free to dream, but how can one turn them into reality without having resources? Liberty, without prosperity, is a shout into the void. It is pointless.

Parenthetically, a similar ratiocination was made by the Supreme Court in *Purefoods Corporation v. NLRC* where it struck down the five-month contracts of employment between the cannery workers and their employer. It ruled that the “Cannery workers are never on equal terms with their employers. Almost always, they agree to any terms of an employment contract just to get employed considering that it is difficult to find work given their ordinary qualifications. Their freedom to

contract is empty and hollow because theirs is the freedom to starve if they refuse to work as casual or contractual workers. Indeed, to the unemployed, security of tenure has no value. It could not then be said that petitioner and private respondents "dealt with each other on more or less equal terms with no moral dominance whatever being exercised by the former over the latter."

Their freedom to contract is curtailed because of economic instability. Hence, it cannot be denied that the exercise of one's right is intertwined with economic progress.

In the same vein, prosperity also necessitates liberty. This notion is bolstered by the fact that free trade is the key to economic growth.

Adam Smith, the father of modern economics, promoted trade liberalization in his works. In a nutshell, trade liberalization is an economic policy that is geared towards free exchange of goods between nations. In his book, *The Wealth of Nations*, he pointed out that it is a folly to exert a great amount of effort and labor to grow grapes in Scotland, when they grow so plentifully in France. The reasons are obvious. Countries should focus on what they are best at, and trade their products. Restrictions on trade and protectionism will inevitably make both sides poorer. It is of the best interest of a State to buy goods from a country who sell them the cheapest.

Now that the premise that liberty and prosperity are inextricable twins are established, the role of law to proliferate the light of these beacons must be elucidated.

There was a morbid video that became viral on social media. It was a man cornered by police officers. He was being hit. His face was smeared with blood. The abused man was part of a strike for better terms and conditions of work. He kept shouting, "*Kuya, wala naman po akong ginagawa. Kuya tama na.*" His every plea and cry for help was a torment to my heart and haunts the deepest recesses of my soul.

Hitherto, the news were plagued with the plight of laborers. The scenes depicted in social media, like the one I vividly recall, were gruesome. It was even expressed through a hyperbole that the products of the concerned food company, which is alleged to be engaged in labor-only contracting, were all filled with the blood of its laborers.

As a brief background, labor movement arose during Industrial Revolution. During such time, child labor is the norm. Adequate rest periods were not given. Worse, they were given scant wage for long hours of work in those “slave factories.” It was a period when capital treats labor as a mere chattel. It was an era where people value things that are ought to be used, and use people that are ought to be valued. Haven’t we learned that this philosophy has no place in a civilized society?

In line with the foregoing, this essay would focus on labor law and social legislation as a quintessential epitome of safeguarding liberty and nurturing prosperity under the rule of law.

It is axiomatic that the soul and *raison d’etre* for labor law is social justice. It can be simply put in this well-renowned quote, “those who have less in life should have more in law.” Consequently, it is a state policy to promote social justice in all phases of national development.

People have a misconception that social justice is only related to prosperity. It is also about liberty. Economic development, diffusion of wealth, and the attainment of a decent quality of life are essential facets of freedom. As elucidated from the precedent paragraphs, economic freedom includes the right of the people to a living wage. Indeed, liberty is not only related to social justice, but it is also a vital part of securing social justice.

Corollarily, social justice guarantees “equality of opportunity, equality of political rights, equality before the law...” (*Guido v. Rural Progress Administration*.)” This equality before the law is a bulwark to fortify the ends of democracy. Thus, liberty and social justice complements each other.

It follows therefore that the aim of labor law necessarily includes safeguarding liberty and nurturing prosperity.

The role of law is best exemplified by the fact that the basis of labor law is the police power of the State. Such that, interactions between the employer and employee are regulated by the State. In fact, an employment contract is not treated like all other contracts. It is expressly stated in the New Civil Code that “relations between capital and labor are not merely contractual. They are so impressed with public interest that labor contracts must yield to the common good.”

It also bears stressing that, in labor law, there is the principle of Tripartism. Essentially, it emphasizes the fact that there are three parties involved in labor law:

(1) the employer; (2) the employee, and (3) the State. Thus, it is the duty of the State, as a real-party-in-interest, to intervene. The State is not just a mere by-stander. It must reconcile the constant clash of rights and interests between the worker and the employer.

Without the minimum terms and conditions for employment under the rule of law, the right to a living wage will be impaired. Surely, to minimize costs of production and for a better return of income, the employer will take advantage of the dire necessity of a laborer for an available job regardless of the wage to be received.

Without labor laws, especially the right to form unions and to collectively bargain, the laborer would always be in a position to think that he has no ability to demand more, for his primordial concern would be to maintain employment only. What more if there is no Constitutional guarantee of security of tenure? The laborer's goal would just be focused on pleasing its employer. "Man is born free and everywhere he is in chains." While he is not a slave in the technical sense of the word, his financial constraints made him a "dog" of his boss, wagging his tail to get a scant treat sufficient only for a day.

Economic prosperity, obviously, does not only belong to the workers. Capital has the right to reasonable return on investment. The Constitution both recognizes the right of capital and labor. It affirms "labor as a primary social economic force" and "recognizes the indispensable role of the private sector." Withal, the Court, in a litany of cases, emphasized that "the law, in protecting the rights of the laborers, authorizes neither oppression nor self-destruction of the employer."

The law, in construing the doubtful provisions of law in favor of labor, does not have a bias in favor of them. It only establishes the rules for a fair game. To let a man who can only use his bare fists go against a man with all kinds of weapons, is, downright unjust. The rule of law is the great equalizer. Justice and equity, after all, is about "equality among equals."

The rule of law, therefore, is the fortress and guardian of every individual's liberty and prosperity. The law intervenes to amplify the whispers of the poor against the deafening shouts of a powerful employer. The law is the hand that will reach out to the despondent workers, who only knows how to bow down to their masters placed in their pedestals, and eventually forgot how to stand for their own rights and interests. The law is the wrecking ball who shall annihilate the widening wall between the rich and the poor. To destroy the wall is necessary to build a nation that

hinges on liberty and prosperity of every citizen, and not just of the privileged few, as its bedrock.

Through the guiding hand of the rule of law, parties will realize that there is really no conflict of interests, for there is only one goal. Both of the parties shall only focus to achieve social justice. As embedded in the soul of the law, the world is not black and white. To recognize the right of labor, does not mean a neglect of the right of capital, and vice versa. Both rights can co-exist without necessarily stepping on the rights of another.

In relation to seemingly opposite interests that can co-exists, I must veer away from labor laws and point out an essential predicament looming in our country.

Liberty, instead of being safeguarded under the rule of law, is now being shackled and tied down. The irony is the fact that it was also done under the name of law. Is it under the “rule of law” or “rule by law”?

It seems that government leaders of the present day are governed by a despotic mindset. They believe that more freedom in the hands of the people is tantamount to diminution of their power to govern the country well. A democratic country, in essence, is having a government of the people, by the people, and for the people. This is reverberated in Section 1 Article 2 of the 1987 Constitution, “Sovereignty resides in the people and all government authority emanates from them.” Thus, such tyrannical precepts have no leg to stand on in this country. How can liberty of the people be a threat when it is the very source of power in democracy? The government is the voice of the people, not its gag.

It is my responsibility, as a law student and a future lawyer, to raise awareness regarding the importance of liberty and prosperity, and the role of law in safeguarding and flourishing it.

As a member of the Legislative Board of the UST Civil Law Student Council, I can propose and spearhead seminars to promote the philosophy of safeguarding liberty and nurturing prosperity under the rule of law. I shall invite Chief Justice Artemio Panganiban as the speaker. His enlightening words and passion in his speeches to promote this philosophy will make one realize that indeed, “safeguarding liberty and nurturing prosperity” are “twin anchors” and solid foundations for one to be a great lawyer in the future. Also, because of the proliferation of extrajudicial killings, I can also conduct seminars for people to know their rights, as a suspect and as an accused.

However, to become an effective advocate, the best I can do (and the one I do best) is to study. My knowledge of the law should be enriched. As Albert Einstein stated, “Wisdom is not a product of schooling but of the lifelong attempt to acquire it.” This applies to me now and in my legal practice in the future. When the water becomes stagnant, it becomes dangerous, for it becomes a breeding place for parasites and bacteria. Only going to school stops. Learning, studying, and being curious do not. This unwavering passion to study law is my foundation to effectively promote this philosophy. I shall not be the stagnant water. I cannot be an advocate if my knowledge is raw and shallow. It will just be a case of the blind leading the blind.

It does not stop there. To advocate this philosophy as a law student does not mean that my responsibility is only confined within the four corners of the University, nor it is limited to studying law. More importantly, I shall be an exemplar of the philosophy itself. As the proverb goes, “To know and not to do is not yet to know.” Words are hollow without actions to effectuate it. To be an advocate is more than talking about it. What good is to profess this philosophy if we do not do something pursuant to it?

In the future, I shall also spearhead and sponsor scholarship programs for law students. As of today, I shall start small. Acts, no matter how small or simple, can create a ripple effect that will be the catalyst of a significant positive change in this world.

UST law’s calendar shift resulted into a short vacation. The academic year got extended because our finals got postponed for two weeks because of typhoons. With this scenario, my parents saw how busy I was in doing the UST Golden Notes instead of enjoying our brief vacation. They asked me, “*May bayad yan?*” I replied, “*Wala. Volunteer lang. Gusto ko talaga tumulong sa bar takers.*” They told me that I should not waste my time on it. It seems that they do not understand how passionate I am to help.

To safeguard the liberty and nurture prosperity of my brethren, I shall learn to give and be sensitive to their needs. Sometimes, to lose is to gain. To help and be generous is a mantra of my grandmother. She told me: “*Wala namang nawawala sa nagbibigay*” This is true. To give to the needy should not be regarded as a diminution of one’s wealth. It is rather a fulfilling and enriching experience as a person. Relating this to the Tragedy of the Commons, liberty and prosperity of a nation is often neglected because of greedy and selfish mindsets.

Simply put, The Tragedy of the Commons, contemplates a situation where members of a community suffer because an individual gets more than his share in the resources. The proximate cause of this social dilemma is unrestrained self-interest. While the benefits accrue solely to the exploiter, the costs are spread among all other members.

The concept of liberty and prosperity, being interwoven with each other, gives rise to responsibilities as citizens. For a nation to prosper, its citizens must think of one another's needs, instead of just their own selfish desires. Giving does not necessarily entail money. It may be in the form of time or attention. As long as there is will and passion to help, any small act (e.g. exerting time and effort in doing the Golden Notes) is more than enough. As a law student and in my legal practice in the future, I must always reflect on this.

In the future, aside from granting scholarships as aforementioned, I will join the Public Attorney's Office. As stated by the Constitution: "Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty." As emphasized by Justice Leonen, the practice of law is not a profession. It is a passion.

Everyone has the right to be happy and deserves it. Abraham Lincoln said that "all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness." This pursuit of happiness, as substantiated above, is ultimately, the pursuit of liberty and prosperity. To safeguard and to flourish it, the law will be the formidable armor and protector of these beacons for their flames not to die out and for their light to spread out for men still lost and groping in the dark.

As a law student and a future lawyer, I shall be a medium of God's grace as in the lives of others. I shall always find a way for people to pursue their right to be happy. After all, "the right to life is the right to a good life."