

# **EXPANDING THE PRECEPT: SAFEGUARDING LIBERTY AND NURTURING OF PROSPERITY UNDER THE RULE OF LAW**

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The important concept behind safeguarding liberty and nurturing of prosperity under the rule of law is having a just and equitable society that promotes freedom and economic growth. Having a job or a source of income is critical for an individual's basic rights and opportunities. Without a job or a source of income, a person may become dependent on others or the state for financial support, which can limit their ability to make independent choices and live life on their own terms. Moreover, one's unemployment can also lead to a loss of social status and a sense of identity, which can be crucial for personal freedom and self-determination.

When a person is unable to find work, several factors may come into play. Personal factors such as proper education, physical or mental illness, or other personal circumstances may hinder such person from finding such job. However, apart from these factors, it is also recognized that the government also plays a crucial role in creating job opportunities for these individuals. While the government may not be solely responsible for an individual's joblessness, they do have a responsibility to help support individuals who are struggling economically.

## **I. The Rule of Law**

The principle of the Rule of Law originated in ancient Greece and mandates that all individuals and entities must be held accountable to the same laws.<sup>1</sup> The principle dictates that everyone, including government officials, is subject to the law and that laws must be enforced impartially and consistently.

In the context of customary international law, such principle is widely recognized as binding on all states. It is reflected in numerous international legal instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). These legal instruments recognize the rule of law as a fundamental principle of international law, with the former stipulating that "all are equal before the law and are entitled without any discrimination to equal protection of the law,"<sup>2</sup> and the latter providing that each State Party "undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without

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<sup>1</sup> "Rule of Law". National Geographic Society. Retrieved 17 March 2023.

<sup>2</sup> Art. 7, Universal Declaration of Human Rights (UDHR).

distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."<sup>3</sup>

The doctrine of transformation is a legal principle that states that international law becomes part of the municipal law of a state only if it is transformed into domestic law through an act of the legislature or the judiciary.<sup>4</sup> The Philippines, as a signatory to the UDHR and ICCPR, incorporates these international instruments into its municipal laws through the doctrine of transformation. The UDHR is incorporated into Philippine law through its recognition as a part of customary international law, while the ICCPR is incorporated as a treaty through the process of ratification. In this way, the Philippines ensures that it meets its obligations under international law while also protecting the rights and interests of its citizens. Being a member of the United Nations, the Philippines is committed to upholding and promoting the principles of these instruments, which include protecting individual rights and freedoms, promoting justice and fairness, and ensuring equal treatment before the law.<sup>5</sup> By being a party to these treaties, the Philippines has demonstrated its commitment to the rule of law as a fundamental principle of its legal and political systems.

The Philippine Constitution also upholds the Rule of Law.<sup>6</sup> The principle is reflected in Article III, Section 1, which states that no individual shall be deprived of their life, liberty, or property without due process of law, and that everyone is entitled to equal protection under the law.<sup>7</sup> Moreover, Article VIII, Section 1 vests the judicial power in the Supreme Court and lower courts that may be established by law.<sup>8</sup> Additionally, Section 2 provides that Congress has the authority to define and apportion the jurisdiction of the courts, except for cases stated in Section 5, but cannot strip the Supreme Court of its jurisdiction.<sup>9</sup>

These provisions, among others, establish the supremacy of the law, the right to due process and equal protection under the law, the independence of the judiciary, and the accountability of public officials to the people. They serve as the foundation for the rule of law in the Philippines.

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<sup>3</sup> Art. 2, International Covenant on Civil and Political Rights (ICCPR).

<sup>4</sup> Article II, Sec. 2, 1987 Constitution.

<sup>5</sup> Member States, United Nations. Retrieved from <https://www.un.org/en/about-us/member-states>, 17 March 2023.

<sup>6</sup> 1987 Constitution.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

## II. Safeguarding Liberty

Generally, liberty is the ability to do as one pleases, or a right or immunity enjoyed by prescription or by grant.<sup>10</sup> In the context of international law, liberty generally refers to the individual freedoms and rights that are protected under international human rights law. These include civil and political rights, such as freedom of expression,<sup>11</sup> freedom of assembly,<sup>12</sup> and the right to a fair trial,<sup>13</sup> as well as economic, social, and cultural rights, such as the right to education,<sup>14</sup> the right to health,<sup>15</sup> and the right to work.<sup>16</sup>

In the context of Philippine law, liberty is the right of an individual to act and express oneself freely without unnecessary restraint or interference from the government or other individuals. This right to liberty is enshrined in the Philippine Constitution, particularly in the Bill of Rights, which recognizes the freedom of speech, expression, religion, assembly, and the press, among others.

The principle of the rule of law plays a crucial role in ensuring that individuals have the opportunity to pursue their own happiness and wellbeing. Without the rule of law, individuals may be subject to arbitrary or discriminatory treatment, including being denied the opportunity to work or earn an income. As the saying by Martin Luther King, Jr. goes, "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."

When individuals are given fair and equal treatment before the law they can earn income without discrimination or unfair treatment. Additionally, the rule of law ensures that individuals have access to legal remedies if their rights are violated or they are subject to unjust treatment.

Furthermore, the rule of law promotes economic development and stability, which can lead to greater opportunities for individuals to pursue their own happiness and wellbeing. One example of how the rule of law can promote economic development and safeguard the right to education is through the provision of free and compulsory primary education. This is recognized as an economic right under international law,

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<sup>10</sup> The Merriam-Webster Dictionary, 2023, Merriam-Webster, Inc.

<sup>11</sup> Art. 19, UDHR.

<sup>12</sup> Art. 21, UDHR.

<sup>13</sup> Art. 14, ICCPR.

<sup>14</sup> Art. 26, UDHR.

<sup>15</sup> Art. 12, ICCPR.

<sup>16</sup> Art. 23, UDHR.

as outlined in Article 13 of the International Covenant on Economic, Social, and Cultural Rights.

When the rule of law is applied to ensure that all children have access to free and compulsory primary education, it can help to break the cycle of poverty and promote economic development. By providing children with the necessary knowledge and skills to participate in the workforce and contribute to the economy, it can help to create a more skilled and productive workforce, which can lead to increased economic growth.

### **III. Nurturing Prosperity**

Prosperity is the condition of being successful or thriving especially economic well-being.<sup>17</sup> To enjoy a prosperous and fulfilling life, one must have access to basic amenities such as food, shelter, healthcare, education, and opportunities to improve their standard of living.<sup>18</sup>

While prosperity is not explicitly protected as a standalone right under international law, the United Nations, on the other hand, has recognized the importance of promoting economic development and prosperity as a means of achieving the overall goal of sustainable development. Many international human rights instruments recognize the right to work, which can be seen to achieve prosperity. For example, Article 23 of the UDHR states that "everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."

Economic development is a key aspect of the several goals by the United Nations Sustainable Development Goals (SDGs) adopted by the UN General Assembly in 2015. The Philippines has integrated the UN's SDGs into its development plans, policies, and programs through various initiatives. One of the main mechanisms for implementing the SDGs in the Philippines is the Philippine Development Plan (PDP) 2017-2022, which identifies the country's priorities and strategies for sustainable development.<sup>19</sup> The PDP aligns with the 2030 Agenda for Sustainable Development

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<sup>17</sup> The Merriam-Webster Dictionary, 2023, Merriam-Webster, Inc.,

<sup>18</sup> United Nations. (2015). Transforming our world: The 2030 Agenda for Sustainable Development. Retrieved from <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>, 17 March 2023.

<sup>19</sup> Retrieved from <https://pdp.neda.gov.ph/updated-pdp-2017-2022/>, 17 March 2023.

and integrates the SDGs into national policies and programs, such as poverty reduction, education, health, and environmental protection.<sup>20</sup>

Education is crucial for economic development, and it is considered a basic right under the Philippine Constitution. Moreover, Education is not just a one-time investment in oneself, but rather a cycle that can lead to sustained economic growth. Article XIV, Section 1 of the Constitution mandates the state to protect and promote the right of all citizens to quality education at all levels and to make it accessible to everyone. The Philippine government has also established a number of laws and policies aimed at promoting education, such as the Enhanced Basic Education Act of 2013<sup>21</sup> which extends the number of years of compulsory education from ten to twelve, and the Universal Access to Quality Tertiary Education Act of 2017<sup>22</sup> which provides free tuition and other fees in public universities and colleges.

These laws recognize that quality education can equip people with essential skills and knowledge that can help them succeed in their jobs. By earning more than just their basic needs, individuals can invest in themselves and their personal development. This investment is like purchasing tools and equipment that can increase efficiency and effectiveness, ultimately saving time and effort in completing tasks. With improved productivity, individuals can take on more projects, leading to an increase in income.

#### **IV. The Interdependence of Liberty and Prosperity**

In the Philippine context, the Constitution recognizes the importance of both liberty and prosperity by guaranteeing individual rights and freedoms while also promoting economic development through various policies and programs. Education is a crucial component of this, as it provides individuals with the skills and knowledge necessary to pursue economic opportunities and achieve prosperity, while also promoting the values of democracy and the rule of law that underpin a free and prosperous society.

Liberty and prosperity are interdependent because when individuals have the liberty to pursue their goals and aspirations, they are more likely to succeed in their endeavors and achieve prosperity. On the other hand, when individuals experience poverty and lack economic opportunities, their freedom and liberty are restricted, as

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<sup>20</sup> *Id.*

<sup>21</sup> RA 10533.

<sup>22</sup> RA 10931.

they are forced to focus on meeting their basic needs rather than pursuing their dreams.

When an individual has the freedom to pursue their own economic goals and aspirations, this can lead to both liberty and prosperity reinforcing each other. This is demonstrated by the example of families from the upper-middle class who invest in their children's education, leading to the children starting businesses that create jobs and contribute to economic growth. As the economy grows, more opportunities become available for individuals to improve their standard of living and achieve greater prosperity.

## **V. The Importance of Embracing Liberty and Prosperity Under the Rule of Law**

My two grandfathers were farmers in Alaminos Laguna, and my grandfather on my dad's side, Lolo Apiong, shared with me the struggles he faced fighting big corporations over his farm. However, he was fortunate to receive legal assistance that enabled him to regain ownership of his farmland. This victory paved the way for him to provide his family, including my father, with better education and opportunities. If it weren't for the help of those lawyers, I may not be studying at Ateneo Law School today.

This humble story of my grandfather highlights the importance of legal advocacy in promoting social justice and advancing economic development, particularly in rural communities where farmers and other marginalized sectors face various challenges in protecting their rights and interests.

During my internship at the Ateneo Human Rights Center, I was placed under Kaisahan Inc., a social development organization that empowers marginalized groups, particularly farmers and farmworkers, to participate in democratic processes and demand their rightful share in the stewardship of the land and the fruits of their labor.<sup>23</sup> Working at Kaisahan highlighted the principle of interdependence of liberty and prosperity, because the organization strives to improve the economic and social status of farmers and farmworkers, who are often among the poorest and most vulnerable in society.

Last March 12, I participated in an outreach program where we visited Tahanan Luisita, a center that provides crisis intervention for girls who have experienced

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<sup>23</sup> Retrieved from <https://kaisahan.com.ph/the-organization>, 17 March 2023.

abuse and exploitation while living on the streets of Metro Manila.<sup>24</sup> The center aims to help these girls recover from their traumas by providing them with education, empowerment, and opportunities for livelihood. This experience highlighted the importance of addressing poverty and inequality, which are key components of sustainable development.

My experience in Kaisahan and Tahanan Luisita has reinforced the principle of liberty and prosperity. At Kaisahan, I witnessed how empowering marginalized groups, such as farmers and farmworkers, to demand their rightful share in the stewardship of the land and the fruits of their labor can lead to increased economic growth and prosperity. Similarly, my outreach program at Tahanan Luisita showed me how providing education, empowerment, and livelihood opportunities to young girls who have suffered from abuse and exploitation can lead to their liberation and eventual contribution to society. By making sure that these marginalized groups are taken care of and helping them exercise their rights, through institutions like the Ateneo Human Rights Center, we can help protect and promote these principles for the betterment of all.

In summary, as a law student, I understand that my role in society may be limited, but the actions I take can still make a significant impact. By taking small steps and continuously improving myself, I can contribute to the betterment of society. Through my research on the interdependence of liberty and prosperity, I recognize the importance of promoting economic development and protecting human rights. As I continue to study and gain knowledge, I aim to use my skills and expertise to serve my future clients to the best of my ability. Additionally, I plan to give back to society by sharing my knowledge and skills through teaching or working for the government. I believe that by working together, we can create a better and more prosperous future for all.

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<sup>24</sup> Retrieved from <https://www.tahananstaluisa.com> 17 March 2023.