

Liberty and Prosperity as the Twin Beacons of Justice against Inequality and Indignity

“Anyone who has ever struggled with poverty
knows how extremely expensive it is to be poor.”
- James Baldwin

It has been more than six decades since this statement was first written but these words still capture our reality today. Individuals may lead unique lives, come from different places, and espouse varying cultures and beliefs, yet some conditions are universal across peoples, territories, religions, and all the ways in which we attempt to identify each other. Moreover, while we quote the above-named American writer and civil rights activist to describe the hefty burden of poverty on people, we need not look too far to appreciate its meaning — this, I understood more fully, owing to my education as an *Iskolar ng Bayan*.

The want of liberty and prosperity in society

During my pre-law studies at the University of the Philippines Diliman, I had the opportunity to work closely with student activists, socio-civic organizations, and members of different sectors alike. As President for two years of Buklod CSSP, the premier leadership and service formation of the College of Social Sciences and Philosophy (CSSP), I was put in a unique position to be in support of farmers, fishermen, and factory workers, as they clamored for basic rights and better working conditions for themselves and their families. As Chairperson of the CSSP Student Council, I found that such clamor was equally manifest in a place closer to home, as the College’s very own maintenance personnel, security guards, and food vendors struggled to receive their basic pay and deserved protection from the consequences of the COVID-19 pandemic.

As a scholar of *Sikolohiyang Pilipino*, I learned that people of developed and developing countries differ in income, quality of education, and access to healthcare, thereby resulting in different patterns of human cognition, affect, and behavior. For Filipinos in particular, we engage in *pakikipagkapwa*, on account of a shared human experience, commonly a shared struggle or pursuit of a common aspiration, that helps us cope with difficult conditions and experiences such as poverty and a lack of a sense of security.

As a student delegate to the Harvard College Project for Asian and International Relations in the year 2020 where I joined the United Nations High Commissioner for Refugees (UNHCR) Humanitarian Policy Impact Challenge, I learned that this concept of *kapwa*, or a feeling of fundamental belongingness, is not inherent in people forced to flee conflict and persecution and for those denied of a nationality. For such refugees, access to a permanent shelter, a healthy consistent diet, and a sense of community and identity, without the presence of fear and insecurity, are seemingly improbable living conditions. These harsh lived realities were also similarly highlighted in the 2024 Philip C. Jessup International Law Moot Court Competition, where we prepared written and oral pleadings that tackled the negative impact of statelessness and the nonrecognition of a conferred nationality.

Currently, as a student research assistant for the Workers and Employees Program (WEP) of the UP College of Law, my perspective on the experiences of Filipino workers has gained more nuance and a sense of compassion for their plight. As we conduct roundtable discussions with workers for the creation of sound proposals for amendments to the Labor Code, and as we engage rank and file employees in training and seminars for collective bargaining, the Filipino's pursuit for a livable wage and maximum benefits has never been more real and apparent to me.

These insightful engagements, along with many others, result in my genuine belief in the rights to liberty and prosperity as the twin beacons of justice, as enunciated by Chief Justice Artemio Panganiban.¹ Liberty is described as “the great end of all human society and government...that state in which each individual has the power to pursue his own happiness according to his own views of his interest, and the dictates of his conscience, unrestrained, except by equal, just, and impartial laws.”² It presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct.³ Prosperity, on the other hand, is generally premised on economic well-being.⁴

In an address at the Georgetown Law Center in Washington in the year 2006, Chief Justice Panganiban emphasized that freedom and prosperity are “mutually

¹ Chief Justice Artemio Panganiban, *Liberty and Prosperity* 41 (2006).

² 1 Sharswood's *Blackstone* 127, note 8.

³ *Lawrence v. Texas*, 539 U.S. 558 (2003).

⁴ “Prosperity.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/prosperity>.

inclusive,”⁵ stressing that the courts must actively support the advancement of both principles.

Without liberty, man will live with pernicious frustration because of the lack of capacity to pursue objectives that will help give him a sense of self and purpose. The poor will have no other option but to engage in labor, day in and day out; the detained will have no freedom of movement to seek goals and interests; and the silenced will have no other recourse than to quiesce to the whims of the oppressive.

Without prosperity, man will live in a constant mindset of scarcity. In his struggle for a sense of control and security, the welfare and safety of strangers, acquaintances, and in extreme cases, even family, lose its priority. A man who knows how to fish but has not caught one in a time of need, will not feel compelled to teach another how to fish. Similarly, a man who cannot feed his family will have difficulty feeling remorse for taking the surplus of his peers.

The role of courts in the protection of liberty and nurturance of prosperity

Section 3 of our Bill of Rights provides that “[N]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.”⁶ In this jurisdiction, due process encompasses two concepts: substantial due process and procedural due process. Substantive due process is the “freedom from arbitrariness”⁷ or “the embodiment of the sporting idea of fair play.”⁸ It requires sufficient justification from the government for any deprivation of a person’s life, liberty, or property.⁹ Procedural due process, on the other hand, is best summarized as “. . . the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, and property in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof,

⁵ Chief Justice Artemio Panganiban, Twin Beacons for the Judiciary. Retrieved from: <https://pcij.org/blog/wp-docs/PanganibanTwinBeacons.pdf>.

⁶ Const. art. III, § 3.

⁷ 127 Phil. 306 (1967) [Per J. Fernando, En Banc].

⁸ Frankfurter, Mr. Justice Holmes and the Supreme Court (1938), pp. 32-33.

⁹ White Light Corporation, et al. v. City of Manila, 596 Phil. 444, 461 (2009) [Per J. Tinga, En Banc] citing City of Manila v. Hon. Laguio, Jr., 495 Phil. 289 (2005) [Per J. Tinga, En Banc]; and CHEMERINSKY, ERWIN, CONSTITUTIONAL LAW PRINCIPLES AND POLICIES, 2nd Ed. 523 (2002).

every material fact which bears on the question of the right in the matter involved.”¹⁰

Our law does not make any distinction as to who is entitled to due process.¹¹ In fact, the Constitution affords all litigants, both moneyed or poor, equal access to the courts. It specifically provides that poverty shall not bar any person from having access to the courts.¹² The judicial philosophy of Liberty and Prosperity of Chief Justice Panganiban makes it imperative that the courts not only safeguard but also enhance the rights of individuals. Undoubtedly, safeguarding and ensuring unrestricted access to the justice system for the impoverished, the disadvantaged, and the marginalized is among the most invaluable of rights.¹³

Liberty and prosperity in my capacity

While the courts certainly play a pivotal role in the protection of our rights, there is also great value in preventing a wrong from happening, which in turn, will dispense with the court’s duty to remedy or to correct. After all, the rule of law applies not only to litigants before the court but to all other areas of our society. It similarly asserts its power in the executive and legislative branches of government and demands to be upheld in every capacity.

Since the law that is taught in school often devolves into abstractions and dialectics, it can be easy to lose track of our higher purpose and greater calling for and with the Filipino people. We spend grueling hours memorizing provisions of law and understanding their complex interpretations and applications to different circumstances, that it becomes easy to forget that this great body of law exists not for application to a list of facts but for enforcement in the lives of people who depend on the law for their continued existence, protection, and enjoyment of rights.

Owing to the nature of the rights involved, the obligation to safeguard liberty and nurture prosperity can be very broad and daunting. However, if there is one

¹⁰ J. Brion, Concurring Opinion in *Perez v. Philippine Telegraph and Telephone Company*, 602 Phil. 522, 545-546 (2009) [Per J. Corona, En Banc].

¹¹ *Spouses Algura v. Local Government Unit of the City of Naga*, G.R. No. 150135, [October 30, 2006], 536 PHIL 819-838).

¹² Const. art. III, § 11.

¹³ *Spouses Algura v. Local Government Unit of the City of Naga*, G.R. No. 150135, [October 30, 2006], 536 PHIL 819-838.

thing that I learned from my education and leadership experiences thus far, it is the idea that we can always start small and we can start now.

As a student of law, my approach to pursuing the twin beacons of justice is guided by the following principles: (1) the law is dynamic and we hold the capacity to shape it; (2) the poor, oppressed, and marginalized need special protection; and (3) temptation to compromise our values for temporary and shallow gains must never be heeded.

Firstly, the law is dynamic and we hold the capacity to shape it. My present work in WEP and my previous involvement in lobbying in Congress have shown me that the rule of law comprises the inherent power of the people to participate and be heard in policymaking. While the progression of law has been making strides towards becoming more responsive to the needs of Filipinos and more empathetic to the plight of the impoverished, there is no doubt that there is much room to advocate and champion the rights and welfare of the Filipino people. Particularly in the sphere of workers and employees, the Court has numerous times held that “[O]ur laws recognize and protect the rights of laborers to petition for better conditions, to resort to the courts, and even to strike in proper cases.”¹⁴ Thus, in their call for more conducive working conditions, just pay, and maximum benefits, students of law and legal practitioners alike can join forces and provide workers with the assistance they need to make their calls louder, more persuasive, and ultimately more effective.

Secondly, the poor, oppressed, and marginalized need special protection. While I do not subscribe to the belief that some people need “saving” and some other people are their “saviors,” I do find merit in the position that certain groups of people will benefit from proactive and intentional support from individuals who do not necessarily experience their lived realities. Thus, whether it be in proposing legislative amendments, bringing suits before the court, or even peacefully rallying alongside them on the streets, I intend to be aware of the needs of the people I am seeking to support as an ally and advocate. As a lawyer in the future, I shall seek to represent people who would otherwise have no access to legal aid. Similarly, as a student of law at present, my study of law shall be nuanced with the understanding that the law is there to uplift and work towards the full liberty and prosperity of people.

¹⁴ Luy-a Allied Workers' Association v. Court of Industrial Relations, G.R. No. L-2844, [April 27, 1951], 88 PHIL 562-564.

Lastly, our values must not be compromised by shallow gains. It bears repeating that a lawyer's primary duty is to assist the courts in the administration of justice.¹⁵ Thus, any conduct that tends to delay, impede, or obstruct the administration of justice contravenes such a lawyer's duty.¹⁶ In this regard, it is no secret that people who work in the legal system, whether in the practice of law or not, have the capacity to engage in illegal transactions to secure results favorable to themselves or the interests of their clients. Hence, as students of law and aspiring practitioners, the work towards upholding professional integrity does not only begin upon taking the lawyer's oath. I believe that the work must be done every day, as integrity is cultivated upon the consistent practice of obedience to the law in good faith. When we have trained our mindset and belief system that illegality is never an option and full adherence to the law is the exclusive choice, we set ourselves up for success when we finally experience the privilege of being able to practice the law.

Liberty and prosperity as tools against inequality and injustice

Returning to the passage written by James Baldwin, indeed, poverty is a high-priced condition that people are forced to endure. In light of this, it is my firm belief that the only way to uplift people from poverty is through the pursuit of both genuine liberty and prosperity. Otherwise, we suffer the consequence of progress that will only continue to perpetuate greater inequality and injustice. Chief Justice Panganiban, during his 2006 keynote address at the three-day Global Forum on Liberty and Prosperity, aptly said,

“...our people value their freedoms very dearly and will not exchange them for food. Indeed, the Filipinos may endure occasional hunger, but they will never tolerate injustice and indignity for long.”

¹⁵ Chua v. De Castro, A.C. No. 10671 (Resolution), [November 25, 2015], 773 PHIL 517-523.

¹⁶ Lim v. Atty. Montuno, 518 Phil. 361, 371 (2006).