

Liberty, Prosperity, and a Moral Quandary

Bismonte, Krislen Gaile G.

University of Santo Tomas - Faculty of Civil Law

An ongoing war.

An impeachment proceeding.

A disengaged and close-minded official.

A national emergency.

An economy unlivable and unfair for all.

With these concerns mounting, is liberty and prosperity still a matter of reality? Or is it a mere ideology kept in hopes and mere expectancy? In this time of doom and uncertainty, is liberty and prosperity under the rule of law now at a moral quandary?

The history of Philippine jurisprudence has long been characterized by a focused, almost unilateral devotion to the protection of civil and political liberties. Indeed, the “liberty-centric” approach was necessary during the era of political upheaval; however, it often overlooked a stark reality that a person who is starving is not truly free. The Foundation for Liberty and Prosperity (FLP), guided by the visionary philosophy of Retired Chief Justice Artemio V. Panganiban, proposes a more holistic evolution of justice. It posits that liberty and prosperity are not competing interests, but are instead two sides of the same coin, held together by the sturdy binding of the Rule of Law.

To safeguard liberty is to protect the dignity of the individual. To nurture prosperity is to provide the means for that dignity to flourish. As pleasing as it sounds, liberty and prosperity feel like luxuries reserved for the elite. Let us face it, in the Philippine context, the rule of law is often experienced not as a shield for the vulnerable, but as a weapon of the powerful. To the common Filipino, “liberty” is often felt only in its absence; when a voice is silenced or a body is detained. “Prosperity” is often viewed as a distant peak, visible to the few but unreachable for the many.

Chief Justice Artemio V. Panganiban’s philosophy demands that we stop viewing these as separate silos. The “moral quandary” of our time arises because we have treated them as a sequence: first, we seek liberty; then, perhaps, we seek prosperity. But as the Chief Justice eloquently argues in *Unleashing Entrepreneurial Ingenuity*, this sequence is a fallacy. Without economic self-sufficiency, a citizen’s

political liberty is easily bought, coerced, or surrendered. Conversely, without the legal safeguards of liberty, prosperity becomes the exclusive playground of the crony and the corrupt.

The Rule of Law is the indispensable catalyst in this equation. It is not merely a set of rules to be followed, but a commitment to predictability, equality, and accountability. When the law is applied fairly, it creates an environment where a young entrepreneur in a provincial town has the same legal protection as a multi-national conglomerate in Makati. This is the essence of "Entrepreneurial Ingenuity"—the law must function as an enabler of potential rather than a thicket of bureaucratic obstacles.

The Philippine Social Reality: An Unlivable Economy and the Crisis of Leadership

We cannot discuss prosperity in a vacuum, nor can we speak of liberty while the fundamental right to survive is under constant siege. Today, the Filipino people face a crisis of injustice deeply rooted to the core. When inflation consistently outpaces wages and "contractualization" remains a looming shadow over every entry-level job, the "Rule of Law" can feel like an abstract, elitist concept discussed only in air-conditioned courtrooms, far removed from the heat of the terminal or the dust of the fields.

An "unfair economy" is not a natural disaster; it is a direct failure of the Rule of Law and a byproduct of poor leadership. When leaders become unhinged—prioritizing personal vendettas, engaging in relentless "politicking," or maintaining a disengaged, close-minded stance toward the suffering of the grassroots—the marginalized bear the heaviest cross. Overly politicized governance ensures that resources are allocated based on patronage rather than merit, and loyalty rather than need. For the Filipino at the grassroots, this manifests as a government that is perpetually "out of reach," responding to the crises of the powerful while remaining deaf to the quiet desperation of the poor.

This tension is further exacerbated by the twin cancers of corruption and cronyism. When regulatory capture allows "close-minded officials" to favor certain interests, the prosperity of the nation is effectively hijacked. In a system where cronyism dictates who gets the largest infrastructure contracts or who controls essential utilities, "Entrepreneurial Ingenuity" is strangled in its crib. The ordinary Filipino dreamer cannot compete in a market where the scales are tipped by "under-the-table" deals.

Corruption is not just a white-collar crime; it is a direct theft from the public coffers that should have funded healthcare, education, and transport subsidies. It is the reason why our social safety nets are threadbare, leaving the masses vulnerable to every economic tremor. When the Rule of Law fails to dismantle these monopolies and punish the corrupt, it sends a clear, devastating message: prosperity is a private club, and the common man is not invited.

Nothing illustrates the "unlivable economy" more sharply than the volatility of fuel prices. When fuel prices spike, the effect is immediate and merciless. For the jeepney or tricycle driver, a price hike is not just a statistic, but a direct deduction from the money meant for his children's tuition or tonight's dinner. For the ordinary commuter, it is a choice between a grueling two-hour walk or sacrificing a portion of their daily food budget to cover the fare.

This is where the "Rule of Law" must manifest as an economic shield. The FLP philosophy suggests that the legal system must intervene not just to punish crimes, but to correct these brutal economic imbalances. If the law cannot protect the ordinary driver from predatory pricing or provide a stable, human-centric transport system, then "liberty" remains a hollow word spoken to a man who cannot afford to travel to work.

The lecture of Professor Elizabeth Aguilin-Pangalangan emphasizes the profound vulnerability of the marginalized. In our current reality, "safeguarding liberty" must evolve. It must include the liberty to pursue a livelihood without being crushed by the weight of predatory lending or the deception of illegal recruitment. A man drowning in debt or trapped in a fraudulent contract is not a free man.

"Nurturing prosperity" under the Rule of Law must mean creating a legal framework where the fruits of labor—the sweat of the laborer, the harvest of the farmer, and the meager earnings of the micro-vendor—are protected by the State as fiercely as the right to vote. We must dismantle the "moral quandary" by ensuring that the law serves as an equalizer, ensuring that the "unlivable economy" is transformed into a landscape where ingenuity is the only requirement for success, and where the dignity of the Filipino is never again up for sale to the highest bidder.

The Call to Action: The every law student's moral imperative

I once crossed paths with a then law student, now a newly-minted lawyer whose academic laurels were held high in the air. Yet, when asked about their thoughts regarding the country's current crises, the silence was deafening. This active choice to say nothing, to avoid the "uncomfortable" topics of social realities and politics, serves as a grim reflection of a legal education that sometimes produces technicians of the law rather than architects of justice. It made me wonder, in at least four years of being buried under the weight of commentaries, case digests and codals, does it not bother a person—much less a law student—to take a proactive stance and face the discomfort of getting out of one's privilege and promote a philosophy as grand as Liberty and Prosperity? The temptation is to remain "disengaged," to focus solely on passing the Bar and entering a lucrative practice. However, the moral quandary of our nation demands more.

As students of the law, it is our moral duty to refuse letting the law remain a language of exclusion. Unleashing entrepreneurial ingenuity means dismantling the barrier of legal intimidation. When a student helps a marginalized individual understand that the law is a tool for their upliftment rather than a weapon for their displacement, they are actively nurturing prosperity at its most fundamental level.

Within the halls of the academy and the bar, the "liberty-centric" and "neutral" status quo must remain challenged. True engagement means refusing to study the law in a vacuum. When we discuss Constitutional Law, I must ask: "How does this provision protect the economic dignity of the poor?" When we study Commercial Law, I must ask: How does this facilitate the growth of SMEs instead of just protecting conglomerates? By prioritizing these questions, we are preparing ourselves as servants of the law who view the economy as a field of justice. We must resist the urge to be "disengaged" students who memorize the law but forget the people the law was intended to serve.

The "close-mindedness" of officials and the "unhinged" nature of current leadership are often products of a professional class that chose silence over substance. As a student, we must develop the culture of cultivating the courage of presence. This means participating in policy debates, writing position papers, and refusing to shy away from the "politics" of human suffering. To safeguard liberty, one must be willing to speak when it is uncomfortable. To nurture prosperity, one must be willing to challenge the structures that keep the masses poor.

One Tiktok trend says, “*what a privilege it is to study law.*” Indeed, as law students, we are in a unique position of privilege which carries responsibility. To use that privilege merely for personal advancement while remaining silent on the "unlivable economy" is a betrayal of the FLP philosophy. We must be the students who are "bothered" and see the structural dilemma of our time not as a distraction from our studies, but as the very reason we study the law in the first place.

A Vision of the Future: A Transformational FLP Lawyer in Practice

The true test of the FLP philosophy lies not in its academic articulation, but in its lived application. As I envision my future in the legal profession, I reject the false dichotomy that compels one to choose between public interest advocacy and private practice. The pursuit of justice is not confined to a single field; rather, it demands an integrated approach. Public Interest Advocacy, Administrative Accountability, and Social Welfare Reform will be my transformational priorities in practice.

First, empowerment through public interest advocacy. Prosperity begins at the roots with the farmer who tills the land and the laborer who builds our cities. Liberty, in this context, is the freedom from exploitation. I will work to ensure that the "Rule of Law" protects the security of tenure and the right to a living wage. When a farmer is granted a land title, or when a contractual worker is regularized, they are given the "liberty" to plan for a future and the "prosperity" of a stable income. Drawing from Professor Elizabeth Aguilino-Pangalangan's focus on the marginalized, I will advocate for the "Legal Identity" of those in the fringes, ensuring that their lack of documentation does not bar them from social services and economic opportunities. By assisting marginalized sectors in asserting their rights whether through representation, education, or policy advocacy, I aim to contribute to a legal environment in which economic participation is both accessible and protected. In this context, the recognition of legal identity becomes crucial. Without it, individuals are effectively excluded from the protections and opportunities afforded by law.

Second, litigation as a mechanism of accountability. I remain steadfast in believing that the courts remain a vital arena for enforcing the principles of Rule of Law. Strategic litigation can serve as a powerful tool for systemic reform, especially in cases involving administrative abuse, corruption, and regulatory failure. By holding public officials accountable, the law functions not only as a corrective mechanism but as a deterrent against future misconduct.

As we are taught in Remedial Law, petitions for certiorari, mandamus, and other remedies are not merely procedural devices; they are instruments through which the public can demand transparency, accountability, and fairness. Each successful challenge to administrative malfeasance strengthens institutional integrity and, by extension, safeguards both liberty and prosperity.

Third, an advocate of safeguarding intergenerational equity. In the seminal case of ***Oposa v. Factoran (G.R. No. 101083)***, the Supreme Court recognized the doctrine of intergenerational responsibility. This case proved that the law is not a static monument but a dynamic force capable of protecting the rights of those yet unborn.

If the law can protect the right to a balanced and healthful ecology for future generations, then surely the Rule of Law can be used to ensure intergenerational prosperity. In my career, I will argue that the "unlivable economy" we see today is a violation of this intergenerational right. When we allow corruption to hollow out our institutions and cronyism to deplete our national resources, we are stealing from the future. Like the petitioners in *Oposa*, we can use the law to demand that our leaders manage our economy and our liberties with the future in mind, and ensure that the next generation of Filipinos does not inherit a nation of debt and silence.

Lastly, navigating the digital frontier. In an increasingly digital world, access to technology has become integral to both liberty and prosperity. The digital divide threatens to replicate and intensify existing inequalities. Safeguarding liberty now includes protecting individuals from surveillance, misinformation, and data exploitation, while nurturing prosperity requires ensuring equitable access to digital infrastructure and opportunities.

In all these areas, the guiding principle remains constant: the law must function as an enabler of human potential. It must protect, empower, and create conditions under which individuals can meaningfully participate in both civic and economic life.

From Expectancy to Reality: Liberty and Prosperity are the North Star in our Moral Quandary

Is liberty and prosperity a mere ideology? If we leave it in the hands of the "disengaged" and the "close-minded," it is mere rhetoric. But if we view the law as a dynamic force for social engineering, it becomes a reality. The "silence" I encountered from that newly-minted lawyer serves as a haunting reminder of what

happens when we lose our moral compass. The law is not self-executing; it derives its meaning and force from those who study, interpret, and apply it. A profession that retreats into silence cannot respond to a society in crisis.

The moral quandary of our time is a call to action. It demands that we move beyond passive observation and toward active participation in the pursuit of justice. The philosophy of Retired Chief Justice Artemio V. Panganiban reminds us that the law is a living, breathing instrument. It must be played with both the heart of a defender of liberty and the mind of a builder of prosperity.

In this time of doom, the FLP philosophy is my compass. Liberty and Prosperity under the Rule of Law are the north star in our moral quandary. It is the reminder that the way out of the "unlivable economy" is through the diligent, fair, and innovative application of the Rule of Law. To safeguard liberty is to ensure that every voice may be heard without fear. To nurture prosperity is to create conditions in which every individual has the opportunity to live with dignity. Together, they form the foundation of a just and inclusive society.

I choose to believe that the moral dilemma is not an impasse, but a turning point. The law, when wielded with integrity and purpose, remains our most powerful instrument for transformation. By safeguarding liberty and nurturing prosperity under the rule of law, we move these ideals from aspiration to reality—not for the few, but for every Filipino. Now more than ever, we are called upon to move from the silence of privilege to the resonance of justice.