

Lawyer as Midwife: Making Liberty and Prosperity A Lived Reality

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In Plato's *Theaetetus*, Socrates defines his life's work through a domestic lens: "*My art of midwifery is in general like theirs... the only difference is that my concern is not with the body but with the soul that is in travail of birth.*"¹ As a Philosophy major, I was captivated by this Socratic tradition of *maieutics*—the belief that a teacher's highest calling is not to instill wisdom, but to facilitate its delivery from within.

When I transitioned to the University of Southeastern Philippines School of Law (USEP-SoL) and heard my Legal Ethics professor likewise describe the lawyer as a "midwife," I laughed. In a room of ambitious students aiming to be tenacious lawyers, the term sounded whimsical, and perhaps even fragile.

However, as I progressed to my third year, the laughter became a profound realization. Socrates knew that his role was to assist others in giving birth to the wisdom and knowledge already present within their own souls. In the same way, a developmental lawyer acts as a midwife in society. Developmental lawyers are not merely facilitators of agreements or mediators of disputes, but are builders of understanding and midwives of peace.

Understanding the Philosophy of Liberty and Prosperity Under the Rule of Law

With this in mind, I recognize that the philosophy of liberty and prosperity under the rule of law, is the understanding that a just and thriving society is built on a foundation where every individual is free from arbitrary power and has the opportunity to flourish and to participate in meaningful opportunities.

True liberty is not merely the absence of restraint, but the presence of conditions that allow every single person to pursue their aspirations without fear of oppression and without discrimination and distinction. Similarly, true prosperity is not simply the accumulation of wealth or material comfort, but the presence of conditions that allow every individual to develop their potential, to access education, opportunity, and resources, and to contribute meaningfully to society. Prosperity is the freedom to thrive, not just to survive. Liberty and prosperity are

¹Plato, *Theaetetus* 150b-151d (Benjamin Jowett trans., 1871).

interdependent and not mutually exclusive. Each relies on the other to secure the true essence of social justice.

Similarly, liberty without prosperity is empty. A person may be free, yet he is unable to move forward, and is trapped in a life of mere survival. In that situation, freedom loses its meaning because it does not afford him a chance to experience real progress. On the other hand, prosperity without liberty is pointless. A growth that ignores rights becomes a tool for control. A person living a self-sustaining life but devoid of freedom to act through his own will is not truly living in prosperity.

Concomitantly, the rule of law is the bedrock upon which this philosophy rests. It means that everyone, including the State, is subject to the principle of accountability under the law. This, by itself, ensures fairness and equality in the application of legal standards. To be sure, when laws are clear, consistently enforced, and accessible to every single individual, they create a stable environment where individuals and businesses can thrive and operate with confidence. It is from this framework that liberty finds its protection and prosperity finds its direction — for the rule of law does not merely restrain — it enables individuals to exercise their freedoms in ways that lead to meaningful human flourishing.

Corollarily, liberty, embraces fundamental human rights – the freedom of speech, assembly, religion, and the right to due process. It is the freedom to make choices about one's life, to pursue education, to engage in lawful work, and to participate in the political process. Prosperity, therefore, becomes the natural and inevitable outcome of such a system. When people are free to innovate, to invest, and to engage in commerce without undue interference, and when they are assured that their rights will be protected, they will likewise flourish. As a student of philosophy, I view this not merely as an economic goal, but as a fulfillment of the social contract. John Locke in his *Second Treatise of Government* opined:

*“For law, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest... The end of law is not to abolish or restrain, but to preserve and enlarge freedom.”*²

In this light, prosperity is the "proper interest" toward which the law directs us. It is the tangible evidence that our liberty has been successfully enlarged.

² John Locke, *Second Treatise of Government* § 57 (1689).

Imagine this: when a father in a marginalized community can finally start a small business, or when an indigenous farmer can protect his harvest through clear property rules, the law is not “restraining” them; it is directing them toward a life of dignity and security. In these moments, liberty finds its meaning in opportunity, and prosperity becomes the natural expression of that freedom. The essence of nurturing prosperity is creating the conditions where well-being, healthcare, and education are not just aspirations, but the lived results of a functioning legal order.

However, this philosophy is not without its challenges. It requires constant vigilance and a commitment to ensure that the law serves all members of society, and not just the privileged few. *This is where the concept of "developmental" and "non-traditional" lawyers becomes critical.* We are trained to look beyond the strict letter of the law to its spirit and its potential to effect positive change, especially for those who have historically been marginalized.

Promoting the Philosophy of Liberty and Prosperity as a Student

True enough, my journey in USeP-SoL has been profoundly shaped by the commitment to serve the *"least, the lost, and the last."* This principle has been instilled in me throughout my first three years in law school and it is a constant reminder that the true value of legal education is not centered on academic accolades or passing the bar, but in its application to uplift those most in need.

However, even before entering law school, I had already been aware of the realities of society and during such times, my commitment to service was already evident. At the University of the Immaculate Conception, I actively participated in the National Service Training Program – Literacy Training Service, where I led, and dedicated my time to teach young children basic literacy in underprivileged communities in the different barangays of Davao City.

Upon entering law school at USeP-SoL, I was determined to carry this ethos forward. My involvement in the Clinical Legal Education Program (CLEP) has been instrumental in bridging academic learning with practical application. In CLEP Level 1, observing proceedings at the Regional Trial Court Branch 9 provided a great glimpse into how legal principles translate into real-world outcomes, and how it can impact the lives of ordinary citizens. In this experience, my eyes were opened to the universe of those who have less access to justice. Those who come to court without lawyers and those who just really depend on the

help of public attorneys verify the ugly truth in our society – that those who have less in life, certainly often have less in law as well.

On the other hand, CLEP Level 2 offered a more direct, hands-on engagement where I had the opportunity to apply my legal knowledge to help the people who are in need.

For the first half of our externship, we were immersed in the Office of the City Prosecutor (OCP). I noticed that some clients, especially those from poor or marginalized backgrounds, struggled to keep up with the process. At that moment, I could not help but hope that the legal process would allow them to be heard, protect their rights, and ensure that justice would not leave them behind. True enough, the said experience taught me the inseparable link between liberty and prosperity. True freedom is hollow if individuals cannot access justice or meaningful opportunities. Conversely, prosperity — having the means or support to thrive — loses its value if rights and dignity are not protected. In the OCP, I saw both sides of this equation. Liberty without the ability to navigate the system leaves clients vulnerable, and resources without fairness or access offer no real empowerment. Real justice, like real social progress, requires that liberty and prosperity be interdependent, each reinforcing the other, so that every person, regardless of background, can be both free and able to flourish.

For the latter half of CLEP Level 2, we were given the significant opportunity to take on a case under the guidance of our supervising lawyer. As of writing, we are in the process of building a case for a Petition for Declaratory Relief in response to the inconsistent implementation of the 20 percent discount for persons with disabilities (PWDs) across establishments in Davao City. Through this public interest case, we stand with the marginalized sectors and give concrete form to the ideals of liberty and prosperity. Empathically, liberty is realized not when rights exist only on paper, but when individuals can exercise them without barriers. Correspondingly, prosperity is meaningful not when resources exist in theory, but when people can access the opportunities and protections they need to thrive – and for me, this case is a deliberate step toward ensuring that both liberty and prosperity are not abstract concepts, but lived realities for those who need them most.

Applying the Philosophy in a Legal Career

The Foundation for Liberty and Prosperity's (FLP) Legal Scholarship represents more than financial assistance. It is an opportunity for me to amplify

my capacity to serve and solidify my commitment to the philosophy of liberty and prosperity. My future career aspirations are firmly rooted in public interest law and legal aid programs. It is my conviction that access to justice should not be a privilege, but a fundamental right — especially for marginalized communities who often face systemic barriers beyond their control.

Chief Justice Artemio V. Panganiban, in *Safeguard Liberty, Conquer Poverty, Share Prosperity Part Two*, articulated a philosophy that resonates with my vision of developmental lawyering:

*“I end this speech with my hope that the [Philippine Bar Association], as the home of the more enlightened and well-to-do lawyers of our country, will heed my call: first, for a rededication to competent and ethical practice; second, for a fresh look into the globalization of political and economic rights; and finally and consequently, for the legal profession not only to safeguard the liberty of our people, but also to help them conquer their poverty and nurture their prosperity. Yes, justice and jobs; freedom and food; ethics and economics; democracy and development; liberty and prosperity must always go together. One is useless without the other.”*³

Such guidance informs my approach to developmental lawyering. I envision my legal career as an extension of the “lawyer as midwife” metaphor I first learned in law school — actively helping people overcome obstacles and realize their full potential through public interest litigation, legal aid, and community empowerment.

In public interest litigation, I aim to take on cases that create systemic change, challenging laws and practices that disproportionately affect the poor and vulnerable. Our ongoing Petition for Declaratory Relief regarding the proper implementation of the 20 percent PWD discount is one such example — an effort to ensure that legal protections translate into real liberty and tangible prosperity for the marginalized communities.

I also aspire to advocate for the rights of Indigenous Peoples. Through our Human Rights Law project, we are drafting the Implementing Rules and Regulations for Ordinance No. 1376, the Indigenous Peoples Welfare and Development Code of Kidapawan City. Here, liberty means more than freedom

³Artemio V. Panganiban, Retired Chief Justice, Supreme Court of the Philippines, *Safeguard Liberty, Conquer Poverty, Share Prosperity (Part Two – For the Legal Profession)*, Address at the Philippine Bar Association Monthly Luncheon Fellowship (Mar. 26, 2014).

from restraint — it is their ability to pursue their aspirations in accordance with their ancestral traditions, free from discrimination. In turn, it is my hope that they would experience prosperity from these opportunities – to have justice and jobs, freedom and food, which do not come at the cost of their cultural or economic marginalization.

Legal aid and community empowerment are also central to my vision. I plan to work with organizations that provide direct legal assistance to those who cannot afford services, drawing on my CLEP experiences and editorial work to guide, represent, and empower clients.

Finally, developmental lawyering remains the core thrust of my legal journey. My training towards becoming a developmental lawyer would help me in approaching legal issues with a holistic perspective by considering the social, economic, and political contexts in which I operate. I intend to work and collaborate with communities to identify their needs and develop legal strategies that are not only sustainable, but also empowering on their end. I will also endeavor to embrace non-traditional approaches, such as alternative dispute resolution, community organizing, and participatory research.

Picture a community facing displacement due to a large-scale development project. What would a traditional lawyer and non-traditional lawyer do?

A traditional lawyer might focus solely on negotiating compensation. A developmental, conflict-sensitive lawyer, however, would first engage deeply with the community. He will try to understand their cultural ties to the land, their livelihood concerns, and their aspirations in life. More significantly, a non-traditional lawyer will advocate not just for fair compensation, but for alternative housing, livelihood programs, and meaningful participation and actual involvement of the affected community members in the decision-making process.

In doing so, he recognizes that liberty is not merely the right to be heard, but the power to shape one's future; and that prosperity is not simply monetary gain, but the ability to live with dignity, security, and opportunity. As a future developmental lawyer, this is the path I will take — one that ensures that neither liberty nor prosperity stands alone, but that both are realized together in the lives of these people.

In fine, the FLP's Legal Scholarship will allow me to build on the practical foundations I have gained as a student, and to transform such foundations into a purposeful career in the future.

It is my commitment to combine academic excellence with a sustained dedication to service, to ensure that the philosophy of liberty and prosperity under the rule of law is not merely abstract, but a lived reality – *especially for the least, the lost, and the last. In this way, I will have embodied the lawyer as a midwife, guiding justice, opportunity, and dignity into the lives of those who need it most.*