

Should Bill of Rights Include Economic and Social Rights?

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In view of the coming Philippine Constitutional Convention, the author here makes a timely suggestion to include economic and social rights in our Bill of Rights.

Through the Bill of Rights in our Constitution, the Filipino people have made a declaration of faith in the dignity and worth of man; of our love for freedom; and of our commitment to justice. Though our Constitution is barely 30 years old, the rights embodied therein are not new—they evolved out of the bloody struggles of men through the centuries against tyranny, oppression, and abuse. They are rights which are considered basic and sacred in every civilized society today.

With the approach of a constitutional convention in 1971, I believe that a re-study and a review of the Bill of Rights by our people would be a refreshing and enriching experience. It would lead us to the sobering realization that, weighed on the balance, we may be found wanting in the observance and in the fulfillment of the Bill of Rights. Such a study and review would also lead us, I believe, to a reaffirmation of our faith in Man—in his dignity, in his rational capacity, and in his capacity to achieve goodness and justice.

Just a few days ago, our country was shaken by the massacre in cold blood of nine security guards and a jeepney driver in Capas, Tarlac. That the finger of suspicion is being pointed at the direction of agents of the law makes the killing more chilling and shocking. This is not an isolated case—this is only a part of a series of murders and killings. Should we not now wonder whether or not a way of life is already here—that of gun for gun and goon for goon; whether or not life has become so cheap that our profession of faith in the sacredness of human personality is becoming a mockery; and whether or not our Bill of Rights is becoming just empty words?

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If this is the tragic situation we find ourselves in today, then there is validity in the words of Justice Learned Hand who said:

"I often wonder whether we do not rest our hopes too much upon Constitutions, upon laws, upon Congress, upon our courts. These are false hopes, believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no congress, no court can save it; none can do much to help it. While it lies there, it needs no constitution, no law, no congress, no court to save it. And what is this liberty which must lie in the hearts of men and women? It is not the ruthless, the unbridled will; it is not freedom to do as one likes. That is the denial of liberty, and leads straight to its overthrow. A society in which men recognize no check upon their freedom soon becomes a society where freedom is the possession of only a savage few, as we have learned to our sorrow. What then is the spirit of liberty? I cannot define it; I can only tell you my faith."

What does this mean then to us? It would mean that, more than ever, there is need for a rekindling and a quickening of the spirit of liberty in the hearts of our people.

Could this task be done? I believe that education will play a major role in this task. The cultivation of the finest qualities of the mind and spirit—the love for truth, for justice, for freedom, for decency, for mutual respect, for human dignity—all these should be taught and practised in our campuses. Unfortunately, our educational efforts cannot be separated or insulated from the social milieu. It is rather difficult, even frustrating, to teach the love for truth in a society where there is such a wide gap between promise and performance by our leaders—where there is so much hypocrisy and pretense.

Not only is there a need for the rekindling of the spirit of liberty but, just as important, also the need to be aware of the forces that threaten to erode our Bill of Rights.

The Assembly for Human Rights held at Montreal, Canada, last year, declared:

"In countries where the great bulk of the population is illiterate, unskilled, where job opportunities are limited, where there is no access to medical or educational facilities, where the stilling of hunger is the one all-pervasive aspiration, it is difficult for any other human right to be enjoyed."

I would, therefore, propose that the highest priority of concern be given to the recognition and enjoyment of the economic and social rights so that we could build a society where the basic goal is the preservation and enhancement of human dignity.

When our Constitution was adopted in 1935, there were rights still in the emergent state. Today, if we examine the Universal Declaration of Human Rights, we find certain rights, mainly economic and social in nature, now recognized as universal in character which should be incorporated in our Bill of Rights.

Among these are:

Art. 23. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interest.

Art. 24. (1) Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Art. 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Art. 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be accessible to all on the basis of merit.

While some of these rights are now found in our statute books, they should be raised to the level of constitutional rights to give them permanence and stability.

Due to technological advances and changes, no list of protected rights could be considered exhaustive.

In an age of radio and television, the problem of free access to information is no longer a problem of the freedom of the press. Likewise, there is a lurking threat in the Philippines that the press could be held in captivity by powerful combinations of power and wealth; that the other instruments of mass media could be shaped and manipulated at will by "the few patronizing captains of industry and trade."

In an age of drugs and psychological techniques, the problem of control over one's body is no longer a problem of protection against physical violence. It is said that the day is not far off when a government authority, by adding appropriate drugs to our water supply or by some other similar device, would be able "to elate or depress, stimulate or paralyze the minds of whole populations for its own purposes."

Finally, we find that the rights embodied in our Bill of Rights assume a new relevance and a new meaning with the changing times. Thus, while the Right to Life may have meant during the frontier days protection of life and limb, today--as thousands of our people depend solely upon their jobs in order to live--such right to life would mean that "society shall not proceed in such a way and the right to property shall not be construed, as to deny to human beings the possibility of living--that is to say, in modern society, of earning a living."

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Art. 25. (1) Everyone has the right to education. Education shall be free at least in the elementary and kindergarten stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be accessible to all on the basis of merit.

While some of these rights are now found in our state constitutions, they should be raised to the level of constitutional rights to give them permanence and stability. Factors of modern science, technology, and industry have brought about changes and changes, no list of protected rights could be considered exhaustive.