



## **The Natural Rights of Man on the Social Contract Theory of John Locke in Relation to Section 1 of Article 3 of the 1987 Philippine Constitution**

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### **Abstract**

The new Philippine Constitution is one of the essential sources of rights of the Filipino people. The study aimed to determine the status of the new Philippine Constitution in the application of natural rights of man on the Social Contract Theory of John Locke as a basis for enhancement. The study utilized the historical method of research using expository technique based on the idea of John Locke.

Section 1 of the Article 3 of the 1987 Philippine Constitution provides that no 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. This research is significant since it deals with the individual rights of man specifically the natural rights that are protected by the government otherwise the people can have the right to revolt.

The idea of the Philippine Constitution on the natural rights of man insignificantly differs from the Social Contract Theory of John Locke. John Locke's idea particularly on the foundation of the Declaration of Independence could be realized by the Filipinos with the help of the legislatures and experts on this field.

**Keywords:** Constitution, Natural Rights, Social Contract, John Locke

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### **Introduction**

This study intends to find the relation between John Locke's Social Contract Theory and Section 1, Article 3 of the 1987 Philippine Constitution. Locke mentioned that, "man by nature is good" and is endowed with natural rights. In his social contract theory, Locke speaks of the protection and promotion of the natural rights of man. He further contends that people establish the government, and the government, in turn, protects the people and their natural rights (Locke, 1690).

In relation to Locke's perception, Fr. Joaquin Bernas, SJ relates that Filipinos are bestowed with natural rights and guaranteed to enjoy equal protection of the laws (Bernas, 2006). This statement is specifically inscribed and given emphasis in Article 3 of the 1987 Philippine constitution, a section which provides the Bill of Rights. This constitutional provision informs everyone that one of the reasons why a government is established is primarily to protect the people's life, liberty, and property. Whenever the same government fails to carry out its tasks

and obligations to the people, the latter has the right to overthrow that government and create a new one that will fulfill its obligations (Zulueta, 2011).

Section 1 of Article 3 of the 1987 Philippine constitution provides that no 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 (Bernas, 2006). Thus, the observance and compliance of the Bill of Rights is important to preserve the dignity of the natural rights of every Filipino.

It is a common knowledge that many parts of the Philippine constitution are greatly influenced by the Constitution of the United States of America. However, it is not widely known that there is a close relation between the Philippine constitution's provision on the Bill of Rights and Locke's social contract theory.

In this study, the researcher strives to trace the influence of Locke not only to the American constitution but also to the Philippine constitution, specifically section 1 of article 3 which contains the Bill of Rights.

### **Research Design / Methodology**

The study has utilized expository technique as a method of research. With this method, the researcher has taken the pain of providing detailed explanation of Locke's view on natural rights of man in his social contract theory and section 1, article 3 of the 1987 Philippine constitution. The end point or summit of this study lies in its effort to set forth the influence of Locke to Jefferson and to the 1987 Philippine constitution.

To shed more light on the Bill of Rights, the researcher makes use of some decided cases of the Supreme Court of the Philippines to give further substance to the contemporary explanation of the meaning of rights.

### **Discussion**

The social contract theory of Locke is a covenant made by the people in order to balance the governmental functions, so that the rights of the individual shall be protected. It has been said that "social contract theory is exercised through elections of some people to form the government, but the systems of many elections in the world do not reflect the reality" (Nyamaka, 2014). The major problem faced by many countries is non-adherence by the governments to the social contract principles as propounded by Locke (Nyamaka, 2014).

However, the said principles require the cooperation between the government and the people to exist with due respect and adherence to the duties and rights arising therefrom. In every political community of people there is a constitution and the constitution is supposed to reflect the will of the people. Since the constitution is the will of the people, it then enjoins every person to abide by the provisions of this constitution, that is, to live according to their agreed procedures and respect the community. The jurisprudence behind social contract theory is to promote peace and harmony, and that it is the bed rock of democratic societies (Nyamaka, 2014).

Locke is among the most influential political philosophers of the modern period. In the *Two Treatises of Government*, he defended the claim that men are by nature free and equal against claims that God had made all people naturally subjected to monarch. He argued that people have rights, such as the right to life, liberty, and property that has a foundation independent of the laws of any particular society. Locke used the claim that men are naturally free and equal as part of the justification for understanding legitimate political government as the result of a social contract where people in the state of nature conditionally transfer some of their rights to the government in order to better ensure the stable, comfortable enjoyment of their life, liberty and property. His defense of the right to revolution is importantly considered. He also defends the principle of majority rule, and separation of legislative and executive powers (Locke, 2005).

Locke postulated that society originated also in the social contract entered into by human beings in the past. While people enjoyed all the rights, such as the right to life, to liberty, to property, to punish and to judge, they agreed, by a compact, to abandon the state of nature in order to form a society. In the formation of a society, the individuals did not surrender all the rights, but only some of them, namely, the right to punish and the right to judge. The three rights: to life, to liberty and to property were deemed inalienable so that the state cannot, without “due process,” encroach upon them. Should the state, according to Locke, violate the rights of the people “to life, liberty and property”, the people can rescind the original contract, if only to “alter or to abolish” that form of government (Tuibeo, 1995).

First, the Right to Life shall be protected by the government otherwise the people can challenge against the officials for non-fulfillment of their functions and obligations (Locke, 1690). The right to life is the fundamental right, of which all other rights are corollaries. The right to life states that everybody owns respective body. It is the property to do with as one pleases. No one may force another to do anything, no one may injure the same and above all, no one may take one’s life without consent (Locke, 2014).

The opposite to the right to life is life as a slave, where someone or some people essentially control another being -- some can dictate another when doing an action, and take another’s life if they are pleased to do so (Locke, 1690).

It should be noted that rights are guarantees to freedom of actions. It does not mean to provide for anything but freedom of action. There is no right to food, for example; only the right to work and keep the proceeds with which a person may buy food (Locke, 2014).

Second, the Right to Liberty shall be promoted by every man and woman and it is absolutely granted to all persons without any discrimination or deprivation of the others (Locke, 1690). The right to liberty is a part of the right to life, specifically referring to freedom of action. A person is free to do anything provided his or her action does not trample upon the rights of anyone else. This is a necessity for man's life because man's means of survival is reason. Survival by reason requires man’s ability to act upon based on reason otherwise that reason is of no avail. Man can only act on his reason if he is [or she is] free from the coercion of others (Locke, 2014).

If society were to permit some actions and not others, it would be permitting some reason and no other reason. It would be effectively destroying individual reason by making reason second place to some other standard. However, when a society prevents its citizens from the initiation of force, it is not circumventing reason, because there is never a reason for the initiation of force (Locke, 2014).

The third right is the Right to Property. This shall also be given importance in order for individuals to have the full enjoyment of ownership and possession of a thing. Moreover, the purpose of the *Second Treatise on Government* of Locke is to protect property rights. He was very protective with property for he was also a big landowner.

Property rights are an extension to the right to life. In order to support a man's reason and to stay alive, he must be able to own and use the product of his labor. If the tools of one's survival are subject to random confiscation, then his life is subject to random destruction (Locke, 2014).

The right to the pursuit of happiness is freedom of action. To live, man must achieve values. To achieve values, man must be free to think and act. The right to the pursuit of happiness means a man is free to do anything he pleases, as long as it doesn't conflict with the rights of others. Since man must use his own mind to live, he must be able to choose his values and act towards them. Even acts which are destructive to himself must be allowed, or a man cannot live by his own mind. Ultimately, man must be free to pursue his own goals and happiness (Locke, 1690).

For Locke, individual rights state explicitly the requirements for a person to benefit rather than suffer from living in a society. They codify man's protection from the initiation of force, as required by his rational nature. Being required by man's rational nature, rights are not arbitrary or negotiable. They are absolute requirements for life within a society. Therefore, rights are absolute (Locke, 1690).

Locke is a British Philosopher who championed the natural rights of man and the cause of limited government in England. He influenced the proponents of the American Revolution such as Jefferson, Thomas Paine and other patriots (Zaide, 2006). He is considered the Father of Classical Liberalism (Wootton, 2003). Classical liberalism is a philosophy committed to the ideal of limited government and liberty of individuals including freedom of religion, speech, press, assembly, and free markets.

It was during the Middle Ages where the rights of cities, corporations, church, and the feudal lords were defined and written in charters with the character of a contract. According to some political analysts, these charters were the precursors of the written constitution. The concept of "fundamental law" first appeared in the writings of eminent political writers during the sixteenth century in France and in England. It was during the middle of the seventeenth century when the term "Constitution" was recorded as a political document. Gradually, the term constitution grew and developed. This was either granted by ruling sovereigns to their subjects or drafted by subject peoples through ordinary legislated bodies or constitutional conventions (Zulueta, 2011).

The social contract theory was developed during the transition period from feudalism to capitalism where the feudal system based on absolutism and the absolute right of kings was being fought. The theory came as a means of explaining and justifying the existence of governments -- governments should come from the will of the people. The theory was thus invented to challenge the system of absolutism that existed in the monarchies (Nyamaka, 2014).

Powerful control which came from the monarch existed in the period of English Revolution and the people at that time developed a hunger for a kind of freedom represented by the social contract theory of Locke. In this theory the people are given the power to exercise their rights and are recognized as having a will in governing the land.

Prior to the proclamation of the 1987 Philippine constitution, the Republic of the Philippines was under martial law declared by then President Ferdinand E. Marcos. Marcos became a dictator for 14 years – from 1972 to 1986. For the second time in the history, the Philippines had a Filipino president who was a dictator. The first time was President Aguinaldo who ruled as a dictator in 1898. A dictator is a ruler who has total power. He controls the government and can rule or decide on anything or against anyone. Nobody in the country is higher than he is. He does not have to share the power with other officials. He can appoint or change any official in the government or military. His word is the law, and he can make decrees. A dictatorship is the opposite of a democracy. So while President Marcos was a dictator, democracy died in our country from 1972 to 1986 (Zaide and Zaide, 2004).

The 1987 Constitution was drafted by a Constitutional Commission created under Article V of Proclamation No. 3, issued on March 25, 1986, by President Corazon C. Aquino which promulgated the Provisional Constitution or Freedom Constitution following the installation of a revolutionary government “through a direct exercise of power of the Filipino people,” after the “people power” revolt culminating the twenty years of former President Ferdinand E. Marcos’ rule and his ouster (Zulueta, 2011).

## **Findings**

This study is very relevant to the lives of the Filipino people since it helps spread the awareness of every man’s right. The primary role of the government is to protect the individual rights otherwise the people would challenge the validity of the government.

It was found out that the concept of the natural rights of man on the social contract theory of Locke has established a connection to the rights propounded in the 1987 Philippine constitution. It may be unfortunate that Locke’s ideas are not widely considered as a guiding light in the making of the Philippine constitutions. However, it cannot be denied that his ideas are evidently present since the Philippine constitutions were patterned after the constitution of the United States of America. Considering the fact that the ideas of the framers of the American constitution were influenced by the ideas of Locke, it can be logically inferred that the Philippine

constitution, specifically on the Bill of Rights section, is strongly connected to the ideas of Locke.

### **Conclusion**

Based on the results of the presentation of this study, the researcher hereby concluded that there is really a relation between Locke's idea and section 1, article 3 of the 1987 Philippine constitution. The necessity to adopt the implementation of this law lies to every individual possessing knowledge, rationality, and specifically the enjoyment of rights. Thus, with the assistance of the government leaders as well as the legislature of the Philippine Republic, enhancement of the fair enjoyment of freedom and equality has been achieved.

Filipinos should also be grateful to the liberal ideas of Locke which he never thought would influence the laws of the land as far as the Philippines. These liberal ideas are shining example that all men have the same aspiration, that is, to live in a society where all men are treated equal and all men enjoy the rights accorded to them.

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