

Filipino Legal Philosophy and its Essential Natural Law Content (A Concurrence in the Absolute with Aquinas, Finnis, and Fuller)

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This Essay seeks to revisit the Filipino philosophy of law and affirm it as an indispensable basis for Philippine law and jurisprudence. This involves the Filipino approach to be more duty-oriented rather than the right-duty approached favored by Western legal minds. Thus, Filipinos approach both public and private relationships in search of obligations. Another aspect of Filipino legal thinking is the concept of interiority, where Filipinos believe in the innate goodness of human persons and it is from this innate goodness that responsibility springs.

These two aspects of Filipino legal thinking show that what the law is to Filipinos primarily comes from within. Corollary to this is the personality-oriented approach to making and enforcing the law. The Filipino view of law therefore is inseparable from morality.

The Essay also relates the Filipino legal theory with classical natural law theory as well as with John Finnis' natural law theory and Lon L. Fuller's Internal Morality of Law, where there are two moralities — the morality of aspiration and morality of duty. The unity of these two moralities indeed echoes the unified notion of law as perceived by Filipinos.

The Essay also discusses the anti-Filipino and anti-human nature of relativism and legal positivism. This has led to the inherent objectionable features of a pending bill called the Responsible Parenthood and Population Act, which the Author believes run counter to the Filipino's philosophy of law. This law should be struck down as it is anti-Filipino, anti-human, and anti-life. Finally, the Author concludes that the Filipino's idea of law rests on firm ground. It is only upon acceptance of what is absolute will the country's legal system become stable as there is order and definitiveness.