

Social Justice

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The Philippines is one of the few countries that has institutionalized social justice in its Constitution. This is a result of the growing global call for social justice because of the worsening inequality within and among countries. However, the Philippines continues to be the laggard in the part of the world in addressing mass poverty and inequality for the past 50 years which is mainly attributable to its people.

This Article submits that, despite the lofty promises of the Constitution and political leaders, social justice, the central theme and “heart” of the Constitution, has not been delivered because the society “do not want to.” This is manifested in social legislation that contain loopholes, their implementation that is marked by under-funding and shameless deference to the interests of the rich and the powerful, and jurisprudence that gets in the way of substantial justice. The Constitution contains many economic principles and prescriptions on poverty and inequality such that avoiding economic issues especially on landmark cases leaves a gaping hole in the delicate balance of separation of powers and in the scope of judicial review. As a result, social justice is not served.

The Author therefore aims to start a discourse that will give the legal profession a better grasp of the state of jurisprudence on social justice to arrive at a clear consensus on what needs to be done to make it more responsive to the plight of the poor.