

The Dignity Factor: Interpreting the Philippine Constitution

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Abstract

The 1987 Philippine Constitution entrenched the right to human dignity—a concept that the Philippine Supreme Court has already been invoking since the 1940s. This article argues that Filipino Justices have been using “dignity” or “human dignity” as a tool for judicial interpretation, allowing them to avoid a strict original or textual interpretation of constitutional provisions. They cite dignity as justification to expand the metes and bounds of existing constitutional rights that limit governmental action, or to uphold governmental action that seeks to pursue the ability of every person to enjoy fully such constitutional rights. They employ the dignity language mainly to further individual self-fulfillment, autonomy, or self-realization, subject only to select community interests that are expressly recognized in the Constitution. Such understanding and use of dignity in judicial interpretation has been largely shaped by culturally traumatic historical events, Catholic teachings, and non-municipal laws. Despite almost 80 years of invoking dignity in judicial interpretation and adjudication, however, the right to human dignity has yet to be consistently and faithfully used for what it was meant to be—a standard principle of interpretation to which Filipino Justices must adhere in human rights adjudication.

Supreme Court Justice Sanchez once observed: “A high regard for human dignity is the hallmark of our institutions.”¹ Indeed, the Legislature has invoked the pursuit of

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¹ Manila Railroad Co. v. Yatco, 132 Phil. 223 (1968).

human dignity in enacting new laws and outlining measures that protect, elevate, assert, or restore one's civil, political,² economic, social, and cultural rights.³ Presidents have also made explicit reference to a person's dignity in the instructions, proclamations and orders they issued.⁴ Meanwhile, the Supreme Court has considered and employed the dignity language countless times,⁵ especially when it is called to rule on challenges against official acts of government.

Scholars,⁶ however, have noted the lack of any canonical and universalistic definition of "dignity" in legal discourse. They pointed out how its meaning can be highly context-specific and contingent on local circumstances, which may significantly differ between jurisdictions, and even vary within the same jurisdiction. As Waldron recognizes,⁷ "[i]f you glance quickly at the way in which 'dignity' figures in the law, you will probably get the impression that its usage is seriously confused" requiring readers to employ patience and thoughtfulness in understanding its meaning and purpose.

² E.g., Safe Spaces Act (2019); Bangsamoro Basic Law (2018); Human Rights Victims Reparation and Recognition Act (2013); Expanded Anti-Trafficking in Persons Act (2013); The Responsible Parenthood and Reproductive Health Act (2012); Anti-Enforced or Involuntary Disappearance Act (2012); Free Legal Assistance Act (2010); Act on Crimes Against International Humanitarian Law (2009); Anti-Torture Act (2009); Rights of Persons Arrested, Detained or Under Custodial Investigation Act (1992).

³ E.g., Pantawid Pamilyang Pilipino Program (4Ps) Act (2019); Philippine HIV and AIDS Policy Act (2018); Filipino Sign Language Act (2018); Domestic Workers Act (2013); Expanded Senior Citizens Act (2010); Magna Carta of Women (2009); Juvenile Justice and Welfare Act (2006); Indigenous Peoples' Rights Act (1997); Migrant Workers Act (1995, 2010); Mail-Order Bride Law (1990); Comprehensive Agrarian Reform Law (1988); Philippine Environmental Policy (1977); Revised Population Act (1972); Civil Code of the Philippines (1949).

⁴ E.g., Executive Order No. 100 (2019) on the Diversity and Inclusion Program (Duterte); Memorandum Circular No. 48 (2013) on gender equality guidelines for media (B. Aquino); Proclamation No. 586 (2004) on defense of life from the moment of conception (Macapagal-Arroyo); Memorandum (Dec. 1998) on review of laws and jurisprudence to ensure protection and promotion of human rights (Estrada); Proclamation No. 851 (1996) on support for national campaign of Amnesty International-Pilipinas (Ramos); Memorandum Order No. 393 (1991) on adherence to principles of human rights and humanitarian law in the conduct of operations (C. Aquino); Letter of Instructions No. 549 (1977) on environmental quality (Marcos).

⁵ A Boolean search at the time of writing suggests that the term *human dignity* appears in 171 Supreme Court decisions since its establishment in 1901. Additionally, other search terms were used such as *dignidad humana*, *dangal*, *personal dignity*, and others.

⁶ Jeremy Waldron, *Dignity, Rank, and Rights* (New York: Oxford University Press, 2012), 31; Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," *European Journal of International Law* 19, no. 4 (2008): 698; Oscar Schachter, "Human Dignity as a Normative Concept," *American Journal of International Law* 77, no. 4 (1983): 849.

⁷ Waldron, *Dignity*, 31.

This introductory exposition seeks to wade through such confusion by examining the adjudicative function of dignity in the Court's decision-making process. Part I traces the historical references to a person's "dignity" by looking into the decisions of the Philippine Supreme Court⁸ from the time it was established in 1901 until 1987 when the country promulgated its present Constitution. The selected cases would show that early references to dignity largely involved the significance of one's supposed high-ranking societal status in the application of civil and criminal laws until the more egalitarian conception of dignity had begun to dominate discourse during the drafting of the 1935 Constitution.

Part II of this chapter explores the socio-historical events and local circumstances that appear to have considerable influence in shaping how dignity would color the Court's interpretation of laws. The cases suggest that certain cultural "traumas" suffered by Filipinos have helped push the further development of an egalitarian conception of dignity. The cases also indicate that other factors such as the nation's dominant religion and non-municipal laws have contributed to the molding of the domestic conception of dignity.

Part III will then argue how Justices employ the concept of dignity as a lens through which laws are interpreted albeit in varying ways – dignity was invoked as a basis to discover or expand the scope of existing rights in limiting governmental action, or as justification for upholding governmental measures that seek to advance or further the people's conditions. Ultimately, dignity empowered Justices to avoid a strict original or textual interpretation of constitutional provisions, increasingly so following the inclusion of an entire article dealing with the "right of all the people to human dignity"⁹ under the 1987 Constitution.

Understanding human dignity can certainly be confusing; however, this may only be at the surface. As we look deeper, we will realize that how the court and society understand human dignity is heavily influenced by the cultural trauma and the historical events that are shaping their ways of understanding the relationship between individual and society.

⁸ I focused on the apex court given that its decisions have precedential value unlike that of lower-level courts. See *De Mesa v. Pepsi Cola*, 504 Phil. 685 (2005).

⁹ Constitution (1987), art. xiii.

B. Dignity and Status: 1901 –

The earliest allusion to a person's dignity involved the application of Spanish colonial-era Civil and Penal Codes.¹⁹ In those codes, the term dignity was interpreted to mean one's high social or public rank, stature, or authority such that a violation of one's dignity (*e.g.*, high position in government) would aggravate the severity of an act committed. This would usually equate to a higher amount of damages or harsher penalty to be imposed.

"Dignity" in the context of these codes is reminiscent of *dignitas*—a classical Roman concept that is largely associated with one's "status," which is valued and respected. As Cancik explains,²⁰ the term denotes "worthiness, the outer aspect of a person's social role which evokes respect, and embodies the charisma and the esteem presiding in office, rank or personality." Honor and respect are thus accorded to those worthy of them because of a particular status that they hold, usually a specific role or rank in a societal system of nobility and hierarchical office. This concept of dignity was said to have been carried on in legal systems based on Roman law.²¹ It might be that the modern Philippine legal system was one of those that received such legal concept, entering through the Spanish colonial-era laws.

An example of the Court's use of dignity can be seen in the case of *Pardo de Tavera v. Garcia Valdez* (1902),²² which affirmed the conviction of the accused for *grave insult* as opposed to the less severe crime of *insult*. According to the Court, the offended person's "condition, dignity, and personal circumstances" as a private prosecutor was material in ascertaining the crime committed and the corresponding penalty pursuant to the Codigó Penal of 1870. In terms of civil claims, *Lilius v. Manila Railroad Co.* (1934)²³ demonstrated how the Court took into account the claimant's

¹⁹ *E.g.*, *Legarda v. Valdez*, 1 Phil. 562 (1902); *U.S. v. Lucinario*, 6 Phil. 325 (1906); *US v. Ocampo*, 18 Phil. 1 (1910); *Barnuevo v. Fuster*, 29 Phil. 606 (1913); *Legare v. Cuerques*, 34 Phil. 221 (1916); *U.S. v. Bustos*, 37 Phil. 731 (1918).

²⁰ Hubert Cancik, "'Dignity of Man' and 'Persona' in Stoic Anthropology," in *The Concept of Human Dignity in Human Rights Discourse* eds. David Kretzmer and Eckart Klein (The Hague: Kluwer Law International, 2002) 19. *See also* McCrudden, "Human Dignity," 656-657; Jeremy Waldron, "Citizenship and Dignity," in *Understanding Human Dignity* ed. Christopher McCrudden (Oxford: British Academy, 2013) 327.

²¹ Arthur Chaskalson, *Human Dignity as a Constitutional Value*, in *Concept of Human Dignity*, 133-135.

²² 1 Phil. 468.

²³ 59 Phil. 758. *Compare*, *Gutierrez v. Gutierrez*, 56 Phil. 177(1931). *See also*, *Domingding v. Ng*, 103 Phil. 111 (1958).

social and financial standing in appraising the amount of moral damages to be awarded. In justifying granting double the amount of damages compared to an earlier case decided by the Court, the Justices reasoned among others that the plaintiff in that earlier case “was neither young nor good-looking, nor had he suffered any facial deformity, nor did he have the social standing that ... Lilius enjoys.”

C. Dignity and Social Justice: 1935 –

Dignity appeared to have acquired another meaning beyond the context of social rank and status contemplated in the Spanish-era codes following the promulgation of the 1935 Constitution. This became evident in the framers’ deliberations on the constitutional provisions on social justice and women’s suffrage.

According to the framers, the inclusion of a specific constitutional provision on social justice as a “concern of the State”²⁴ was founded on their understanding that the state should play an active part in promoting and protecting a person’s dignity, particularly in alleviating the economic and social conditions of the poor and marginalized. They opined²⁵ that the state should actively seek the people’s “social dignification,” “common good,” “social equality,” and the “safeguarding of man from the inhumanity of his fellow man” through the promotion of social welfare. The framers saw it fit to constitutionally enshrine a governmental policy that favors the poor who have especially sacrificed their “freedom and human dignity” during centuries of oppressive treatment under the prior Spanish colonial government. Thus, in the landmark case of *Calalang v. Williams*²⁶ (1940), the Court pronounced that its judicial task was to ensure the “humanization of laws and the equalization of social and economic forces by the State so that justice in its rational and objectively secular conception may at least be approximated.”²⁷ The social justice provision was meant to “change the spirit of the laws”,²⁸ so that they are construed broadly²⁹ in order to

²⁴ Constitution (1935), art. ii, sec. 5.

²⁵ See, *Constitutional Convention Records 1934-1935*, Volume (I), Journal No. (15) (Manila: House of Representatives, 1965-1967). Also at (I)(15), (I)(19), (III)(49), (VI)(94), (IX)(128), (X)(132).

²⁶ 70 Phil. 726.

²⁷ Ibid.

²⁸ Ibid.

²⁹ *Philippine Sugar Estates v. Prudencio*, 76 Phil. 111 (1946).

vindicate the people's "just claims to human dignity."³⁰ Human dignity was the core substance of social justice.³¹

The deliberations on the 1935 Constitution also bared that the framers used the dignity language in discussing the proposal on women's suffrage.³² However, unlike the unanimous support for the inclusion of the social justice provision, the move to recognize women's right to vote was met with division as both sides of the aisle invoked dignity in justifying their own positions. On the one hand, anti-suffragists³³ emphasized the societal role of women to remain home and take care of the family, as their "dignity" supposedly dictated that they focus on such responsibility. They also referred to women's dignity, purity, and honor in arguing for the need to protect women from "moral and social degradation" brought about by dirty politics. For them, it was the men's role to worry about governance, while it was the women's to take charge of ensuring peace and harmony at home. On the other hand, those in favor³⁴ of women's suffrage assailed the very idea of according dignity only to particular persons or classes, arguing that women must be granted "political dignification" as free citizens in a democracy and, simply, for being "part of humankind." They maintained that women must be allowed to achieve freedom from their social roles, "complete" the totality of their "personality," and enjoy the "full" set of rights encompassing civil, political, economic, and social aspects that men had enjoyed. In the end, a compromise solution was reached—a plebiscite was held to ask Filipinas to decide for themselves if they wanted the right of suffrage.³⁵ That the women were seen as being able to decide for themselves could be seen as a sign of respect for their dignity.

By unpacking their deliberations, we can appreciate how the constitutional framers had also viewed and used dignity beyond the context of one's social rank or status. For them, the pursuit of dignity justified the idea that every person should be able to enjoy the same high-level of status and respect, regardless of gender or economic status, simply because they were all human beings inherently imbued with dignity. All persons should equally be able to enjoy the full rights, benefits, and privileges under the law,

³⁰ Gallego v. Kapisanan Timbulan, 83 Phil. 124 (1949).

³¹ Reynato Puno, *Equal Dignity and Respect* (Quezon City: UP College of Law, 2012) 507.

³² Constitution (1935), art. v, sec. 1.

³³ See, *1935 Convention*, at (IV)(72), (IV)(74), (IV)(79).

³⁴ Ibid. at (IV)(72), (IV)(74), (IV)(77), (IV)(78), (V)(78), (V)(84).

³⁵ Aruego, *Framing*, 220–221.

and live a dignified life. Dignity was a major, underlying basis for the inclusion of the provision on social justice and on women's suffrage. Just like what Jimmy Hsu had noted after analyzing the discussions of the framers of the ROC (Taiwan) Constitution when it was first passed in 1946,³⁶ the Filipino constitutional framers were also familiar with the dignity language although no explicit reference to dignity was made in the final text of the 1935 Constitution.

One might wonder if there is any connection or relation between the classical Roman conception of *dignitas* and human dignity. Waldron theorizes³⁷ that, perhaps, such connection/relation can be understood in two general ways—the first is that it tells a story about the human dignity conception prevailing over the *dignitas* conception, while the second is that the *dignitas* conception has morphed into a more egalitarian conception. In the latter story, the connection between dignity and rank is not broken; rather, there is a “transvaluation of *dignitas*” in which every human person, without exception, is assigned a high-ranking legal, political, and social status—a nobility for everyone. It is unfortunately unclear from the discussions of the framers if they had *dignitas* in mind when they were invoking the term dignity, or if they had intentionally sought its development towards an egalitarian idea in which every person, “from the highest to the lowest,” is invested with dignity.³⁸ What the constitutional debates did show was that both the social rank/status-based and the egalitarian conceptions of dignity had been strongly considered, especially when the issue of women's suffrage and their role in society was being debated. The resulting compromise solution then suggests that the egalitarian conception gained preference, but without completely superseding the *dignitas* conception.³⁹

D. Human Dignity as a Tool for Interpretation: 1945 –

The cases decided by the Justices following the Second World War served as catalyst for them to begin exploring dignity as a possible lens through which laws are to be interpreted, as opposed to a mere legal term that impacted the severity of an offense. Lacking textual support in the 1935 Constitution, the Justices looked to the inclusion of “human dignity” in the preamble of the UN Charter and deemed this fact as

³⁶ Jimmy Hsu's chapter, “Human Dignity in the Jurisprudence of Taiwan Constitutional Court.”

³⁷ Waldron, “Citizenship and Dignity,” 327; Waldron, *Dignity*.

³⁸ *Ibid.*

³⁹ *E.g.*, *Spouses Fernando v. Northwest Airlines*, 805 Phil. 501 (2017).

recognition that the inherent worth of a human being was a value that must be considered when they rule on the rights to be accorded to accused members and supporters of the invading Japanese Imperial Army. In *Raquiza v. Bradford* (1945),⁴⁰ for example, they deliberated on what constituted proper treatment that must be extended to detained Japanese Military collaborators in the light of the “‘dignity of the human person,’ which is one of the cardinal principles of democracy for which the [UN] have fought in [the] war.” The Justices followed through in the 1951 *Deportation Cases*⁴¹ when they quoted Article 1 of the Universal Declaration of Human Rights (“UDHR”) that “[a]ll human beings are born free and equal in dignity and rights” in ultimately ordering the release of Japanese spies who were being detained for an unreasonable period of time pending deportation.

The Justices also used the dignity language outside the context of reviewing governmental actions concerning wartime criminals. In *Margolari v. Tancinco* (1949),⁴² Justice Ozaeta in his concurring opinion invoked one’s dignity in explaining why the Court could not force a daughter to return to her mother’s custody, as ordering her to do so would amount to a “violence to her dignity as a human person.” This reflects an interpretative shift from the social rank/status-based understanding of dignity, especially as the Spanish-era Código Civil required the prior consent of one’s parents before unmarried daughters under 25 years old could leave the parental home. Later in *Morfe v. Mutuc* (1968),⁴³ the majority decision considered the dignity and integrity of an individual in justifying a stricter scrutiny of laws that facilitated state intrusion into one’s personal life.

E. Dignity as a Constitutionally Recognized Concept: 1973 –

Although the Court has been employing the egalitarian conception of dignity since the mid-1940s, it made its constitutional debut only in the 1973 Constitution. The first mention of dignity was under the article on the *Declaration of Principles and State Policies*, which formalizes dignity’s foundational role in the promotion of social justice: “The State shall promote social justice to ensure the dignity, welfare, and security of all

⁴⁰ 75 Phil. 50 (Dis. Op. Ozaeta).

⁴¹ *Andreu v. COI*, 90 Phil. 347 (1951) (Padilla); *Chirskoff v. COI*, 90 Phil. 256 (1951); *Borovsky v. COI*, 90 Phil. 107 (1951); *Mejoff v. Director of Prisons*, 90 Phil. 70 (1951).

⁴² 84 Phil. 865.

⁴³ 130 Phil. 415. *See Ople v. Torres*, 354 Phil. 948 (1998).

the people.”⁴⁴ Meanwhile, the second mention of dignity appears under the article on the *Duties and Obligations of Citizens*: “It shall be the duty of every citizen to engage in gainful work to assure himself and his family a life worthy of human dignity.”⁴⁵

One of the most important cases decided under the aegis of the 1973 Constitution was *Philippine Blooming Mills* (1973),⁴⁶ as it helped reinforce the Justices’ increasing use of dignity as a tool for judicial interpretation. In that case, the Court invalidated a private employer’s decision to dismiss union leaders who induced about 400 workers to leave their workstations and join a solidarity walkout against government officers on the ground that the dismissal violated the workers’ freedom of speech and of assembly. While acknowledging that these constitutional guarantees were traditionally invoked against the government, the Justices reasoned that it was still the Court’s responsibility to preserve and enhance “the dignity and worth of the human personality [which] is the central core as well as the cardinal article of faith of our civilization.” Given the “inviolable character of man as an individual,” it was the Court’s duty to protect an individual “in his thoughts and in his beliefs as the citadel of his person” such that it would not issue any ruling that would put an individual’s human rights inferior to another’s property rights. Implicitly, the Court pronounced that private individuals are equally obliged to recognize another’s dignity, emphasizing that freedoms of expression and of assembly are “essential to man’s enjoyment of his life, to his happiness and to his full and complete fulfillment.”

The Justices also continued to develop, broaden, and strengthen the nexus between human dignity and the various constitutional rights of an individual. As I will discuss in other parts of this chapter, the concept of human dignity has been invoked by Court members even during the martial law era in cases involving due process,⁴⁷ admissibility of extrajudicial confessions,⁴⁸ national security,⁴⁹ and religious freedom.⁵⁰

⁴⁴ Constitution (1973), art. ii, sec. 6; *Guijarno v. CIR*, 152 Phil. 286 (1973).

⁴⁵ Constitution (1973), art. v, sec. 3.

⁴⁶ *Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co.*, 151-A Phil. 656 (1973).

⁴⁷ *Aquino v. Military Commission*, 159-A Phil. 163 (1975) (Dissenting Opinion, Teehankee) (Concurring Opinion, Barredo).

⁴⁸ *Magtoto v. Manguera*, 159 Phil. 611 (1975) (Dissenting Opinion, Castro) (Concurring Opinion, Antonio).

⁴⁹ *In Re: Parong v. Enrile*, 206 Phil. 392 (1983) (Dissenting Opinion, Teehankee).

⁵⁰ *Victoriano v. Elizalde Rope Workers’ Union*, 158 Phil. 60 (1974) (Concurring Opinion, Fernando).

F. Dignity Under the 1987 Constitution

The 40-year judicial discourse on the egalitarian conception of dignity may have helped pave the way for the express recognition of the right of every person to human dignity in the present 1987 Constitution.⁵¹ For the framers of the 1987 Constitution, the protection of human dignity meant the promotion and protection of a whole gamut of rights “pertinent to the existence of the human person” and those that they may eventually discover.⁵² Human rights were not to be considered the end in themselves but, rather, “as means to achieve greater ends.”⁵³ As a result, the country’s current 1987 Constitution ensured the “supremacy of human dignity over things”⁵⁴ so much so that it dedicated the entire Article XIII, composed of 16 sections, to detail various forms of social justice reforms that specifically tackles labor, agrarian and natural resources, urban land and housing, health, women, and indigenous peoples. Crucially, it established a Commission on Human Rights for the promotion and protection of human dignity.⁵⁵ Some of the important cases decided by the Court under the 1987 Constitution will be discussed in Part III of this chapter.

II. Forming the Philippine Conception of Human Dignity

I have briefly discussed a select number of cases that showed the historical references to dignity in Philippine judicial discourse, while foreshadowing the factors that could have helped push its development. In Part II, I will dig deeper into those factors and, in so doing, refer to Joas’s claim⁵⁶ on the effect of cultural trauma to a people’s commitment to values as a useful framework.

A. Cultural Trauma

According to Joas, analyzing socio-historical events would reveal that a significant portion of our commitment to values and our notion of what is valuable emerged from

⁵¹ Constitution (1987), art. xiii, sec. 1; art. ii, sec. 11.

⁵² See, Record of the Constitutional Commission of 1986, Volume No. (II), Record No. 46. Also at (II)47, (III)66, (IV)81, (IV)84, (IV)87, (IV)89. The proceedings of the 1971 Constitutional Convention were never published.

⁵³ *Ibid.*, at (III)66.

⁵⁴ *Ibid.*, at (IV)89.

⁵⁵ Constitution (1987), art. xiii, secs. 17-19.

⁵⁶ Hans Joas, *The Sacredness of the Person* (Washington; Georgetown University Press, 2013), 5.

B. Other Factors

1. Catholic Teachings

The pervasiveness of Catholic teachings⁷⁰ in Philippine legal discourse and in Filipino culture⁷¹ is undeniable. Justice Perfecto once appealed to his colleagues' sense of faith to revisit the denial of bail to a prisoner of war: "Are we Christians? Do we believe in the teachings of the Bible? Have we faith in the biblical doctrines which are the vitalizing essentials of the Democracy?"⁷²

The Roman Catholic Church viewed human dignity as an attribute possessed by humans as beings created in the *Imago Dei*—the image and likeness of God. In the writings of Saint Thomas Aquinas, for example, Man is an intellectual and rational being whose ultimate end is to understand God.⁷³ The interference with this goal through the restriction of Man's freedom and rationality, therefore, would be considered an infringement on human dignity.⁷⁴ It is with the concept of *Imago Dei* that the Church characterized the value of human life and dignity, that it is derived from God, because He created Man in His image.⁷⁵

The sway of Catholic teachings is so powerful that Justices would openly and expressly invoke it in their decisions. For example, in the death penalty cases (1997/1999), Justice Panganiban (later Chief Justice) reminded his colleagues that "'Thou shall not kill' is a fundamental commandment to all Christians, as well as to the rest of the 'sovereign Filipino people' who believe in Almighty God" and that the punishment of death should be meted out only "in cases of absolute necessity" quoting Pope John Paul II's encyclical *Evangelium Vitae* and its reference to humans being created in the *Imago Dei*.⁷⁶ In *Re: Parong v. Enrile* (1983), Justice Teehankee criticized the majority opinion's pronouncement that "the duty of the judiciary to protect

⁷⁰ There is no clear evidence of a significant influence of Islamic teachings in judicial discourse. (Note: Justice Bidin was the only Muslim Justice who served at the Court from 1987 to 1995.)

⁷¹ See Jonathan Chow's chapter, "Catholicism and Human Dignity in the Philippines".

⁷² *Duran v. Santos*.

⁷³ See, Thomas Aquinas, *Summa Contra Gentiles*.

⁷⁴ See, Pope Leo XIII, "Rerum Novarum: Encyclical on Capital and Labor," *The Holy See*, 15 May 1891, http://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html.

⁷⁵ See, Chow, "Catholicism and Human Dignity."

⁷⁶ *Echegaray v. Secretary of Justice*, 361 Phil. 73 (1999); *People v. Echegaray*, 335 Phil. 343 (1997).

individual rights must yield to the power of the Executive to protect the State,” while quoting the exhortation of Pope John Paul II to the Filipino nation: “Any apparent conflict between the exigencies of [the security of a nation] and of the citizens’ basic rights must be resolved according to the fundamental principle—upheld always by the Church—that social organization exists only for the service of man and for the protection of his dignity, and that it cannot claim to serve the common good when human rights are not safeguarded.”

As further discussed by Jonathan Chow in his chapter, central to the Catholic faith is the preferential respect for the poor and those living on the margins of society.⁷⁷ Such Catholic teachings were concurrent with the concept of social justice, which strives to address the inequalities present in society through affirmative action and policies. It is also these considerations of charity and other Christian values that served as guidance for some of the Justices. The Court had even acknowledged the influence of the Christian faith in the rejection of the *laissez-faire* philosophy, explaining that it had been “superseded by the benign Christian shibboleth of live-and-help others to live,” thus denouncing biblical Cain’s “selfish affirmation that he is not his brother’s keeper.”⁷⁸

Crucially, Catholic teachings influenced the drafting of the current Constitution. When the dictator Marcos was toppled and the opposition leaders began preparations to advance their reformist agenda, the CBCP immediately issued an appeal to the would-be framers of the new constitution to bear in mind the “human dignity of all,” the “common good,” and the protection of “basic human freedoms won at so hard a price.”⁷⁹ It also reminded them that the Philippines is a “nation founded on selfless service where [people] are responsible for one another.”⁸⁰ More significantly, the Church directly influenced the drafting of the Constitution through several respected members of the clergy who served as constitutional framers—Fr. Joaquin Bernas, Bishop Teodoro Bacani, Sr. Christine Tan, and Rev. Cirilo Rigos, among others—securing the Church’s ability to ensure the incorporation of Catholic teachings in the

⁷⁷“Catholicism and Human Dignity.” See, Pope Paul VI, “Octogesima Adveniens,” *The Holy See*, 14 May 1971, http://www.vatican.va/content/paul-vi/en/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens.html.

⁷⁸ *Floresca v. Philex Mining*, 220 Phil. 533 (1985).

⁷⁹ Ricardo Vidal, “Pastoral Exhortation on the Constitutional Commission And Its Work,” *CBCP Online*, 18 May 1986, <https://cbcponline.net/pastoral-exhortation-on-the-constitutional-commission-and-its-work>.

⁸⁰ *Ibid.*

nation's fundamental law. Ultimately, the Constitution reflected the Church's position such as a ban on abortion, abolition of the death penalty, a provision for religious instruction in public schools, and an acknowledgement of parental rights in educational and family planning decisions.⁸¹

2. International Law

Just like in the Taiwanese constitutional discourse, international instruments such as the UN Charter and the UDHR were also crucial in setting up the stage for human dignity's eventual debut in the Philippine Constitution.⁸² I have discussed in Part I that the Justices have first relied on these international instruments for textual support in introducing the idea that human dignity was a value that must be considered in the interpretation and application of laws as they dealt with the rights of an accused.⁸³ Subsequent cases would show that Justices continue to cite the UDHR, as well as the Covenant on Civil and Political Rights, and the Convention on the Elimination of all Forms of Discrimination Against Women in stressing the nation's commitment to valuing the inherent dignity and worth of every human being.⁸⁴ Indeed, international legal norms have aided the development of domestic law in various ways, with the Justices even using treaties or conventions to which the Philippines is not a party as an underpinning treaty to resolve a legal question.⁸⁵

3. US Constitutional Law

The "close and personal contact"⁸⁶ of American political institutions in the formative years of the Court fostered the transplantation of American constitutional law in the islands. The extent and potency of this contact can be seen in *Kepner v. United States*

⁸¹ See, Ricardo Vidal, "A Covenant Towards Peace," *CBCP Online*, 21 Nov. 1986, <https://cbeponline.net/a-covenant-towards-peace>.

⁸² See, Hsu, "Jurisprudence of Taiwan."

⁸³ *Raquiza v. Bradford*; *Peralta v. Director of Prisons*; *Reyes v. Crisologo*, 75 Phil. 225-271 (1945) (Dissenting Opinion, Perfecto); *Duran v. Santos* (Dissenting Opinion, Perfecto).

⁸⁴ See, *David v. Senate Electoral Tribunal*, GRN 221538, (2016); *Poe-Llamanzares v. Commission on Elections*, GRN 221697 (2016) (Concurring Opinion, Leonen); *Enrile v. Sandiganbayan*, 767 Phil. 147 (2015); *Government of Hongkong Special Administrative Region v. Olalia*, 550 Phil. 63 (2007); *Government of the United States of America v. Purganan*, 438 Phil. 417 (2002) (Separate Opinion, Puno); *Romualdez-Marcos v. Commission on Elections*, 318 Phil. 329 (1995) (Separate Opinion, Romero); *Hildawa v. Enrile*, 222 Phil. 450 (1986) (Separate Opinion, Teehankee).

⁸⁵ Francis Temprosa, "Reflections of a Confluence: International Law in the Philippine Court 1940-2000," 19 *Asian Yearbook of International Law* 19 (2013): 120-121.

⁸⁶ See Malcolm, "Constitutional History," 110-111.

when the US Supreme Court reversed a decision made by the Philippine Supreme Court concerning the interpretation of the guarantee against double jeopardy in the Philippine Bill. According to *Kepner*, Philippine courts should “look to the origin and source of the expression and the judicial construction put upon it,” which “makes evident the intention of Congress to carry some, at least, of the essential principles of American constitutional jurisprudence to these islands.”⁸⁷ The American Court reiterated in *Serra v. Mortiga*, that “guaranties equivalent to the due process and equal protection of the law clause of the 14th Amendment, the twice in jeopardy clause of the 5th Amendment, and the substantial guaranties of the 6th Amendment, exclusive of the right to trial by jury, were extended to the Philippine Islands.”⁸⁸ Consequently, these guarantees were interpreted the way US constitutional provisions would have been interpreted, applying “the same criteria which [the US Supreme Court] would apply to a case arising in the United States and controlled by the Bill of Rights expressed in the Amendments to the Constitution of the United States.”⁸⁹

While the umbilical cord between the American and Philippine constitutional laws has long been cut,⁹⁰ Filipino Justices continue to consider opinions of US Supreme Court Justices as persuasive, especially in buttressing their own justifications as to how the concept of human dignity should color the interpretation of constitutional issues. For example, in explaining the significance of observing the right of an accused against self-incrimination, Justices have often considered Chief Justice Warren’s statement in *Miranda v. Arizona* that “the constitutional foundation underlying the privilege is the respect a government ... must accord to the dignity and integrity of its citizens.”⁹¹ With respect to issues involving personal autonomy, Justices have several times cited *Lawrence v. Texas* in reinforcing their argument that “matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected”⁹² by the Philippine

⁸⁷ *Kepner v. United States*, 195 U.S. 100, 121-122 (1904)

⁸⁸ *Serra v. Mortiga*, 204 U.S. 470, 474 (1907).

⁸⁹ *Ibid.* See, Malcolm, “Constitutional History,” 111.

⁹⁰ *Francisco v. House of Representatives*, 460 Phil. 830 (2003).

⁹¹ *Miranda v. Arizona*, 384 U.S. 436, 460 (1966) *cited in, e.g.*, *People v. Mojello*, 468 Phil. 944 (2004) (Ynares-Santiago); *Galman v. Pamaran*, 222 Phil. 588 (1985) (Concurring Opinion, Dela Fuente); *People v. Buscato*, 165 Phil. 652 (1976) (Antonio); *Magtoto v. Manguera*; *Pascual v. Board of Medical Examiners*, 138 Phil. 361 (1969) (Fernando).

⁹² 539 U.S. 558 (2003) (*quoting* *Planned Parenthood v. Casey*, 505 U.S. 833 [1992]) *cited in, e.g.*, *Zabal v. Duterte*, G.R. No. 238467, 12 February 2019 (Dissenting Opinion, Leonen); *Capin-Cadiz v. Brent Hospital and Colleges*, 781 Phil. 610 (2016) (Concurring Opinion, Jardeleza); *Ang Ladlad v.*

Constitution. Filipino Justices have also readily referred to scholarly works of US constitutional law experts in examining issues involving searches and seizure,⁹³ free speech,⁹⁴ privacy,⁹⁵ and the privilege against self-incrimination.⁹⁶

The purpose of highlighting these factors is to gain a better understanding of the dominant influences that the Justices have expressed as they attempted to use dignity as a tool for interpretation. Although these factors are in no case exhaustive considering that the Justices may have been influenced by other unwritten considerations, discussing these would still provide a richer picture of how the current conception of dignity in Philippine judicial discourse has developed and in understanding the flavor it has acquired.

III. The Emergence of the Present Conception of Dignity

As we have seen so far, the Justices appear to be using the dignity language in a variety of contexts, whether it involved social justice, rights of an accused, and even in personal relations. My next inquiry, then, is to make sense of these varieties—Clapham’s⁹⁷ general categorization of the aspects of dignity can be useful in organizing these cases and to contextualize how the Justices have referred to and eventually developed the domestic conception of dignity. The four aspects he mentioned are (A) the prohibition of all types of inhuman treatment, humiliation, or degradation by one person over another; (B) the assurance of the possibility for individual choice and the conditions for ‘each individual’s self-fulfillment’, autonomy, or self-realization; (C) the recognition that the protection of group identity and culture may be essential for the protection of personal dignity; and (D) the creation of the necessary conditions for each individual to have their essential needs satisfied. In view of this categorization, it would seem from the cases I will discuss that the Justices have been invoking dignity as a basis to discover

Commission on Elections 632 Phil. 32 (2010) (Separate Opinion, Puno); *City of Manila v. Laguio*, 495 Phil. 28 (2005) (Tinga).

⁹³ *Villanueva v. Querubin*, 150-C Phil. 519 (1972) (Fernando) *quoting* Jacob Landynski, *Search and Seizure and the Supreme Court* (1966).

⁹⁴ *Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co.*, *citing* *American Communications Assn. v. Douds*, 339 U.S. 382 (1950).

⁹⁵ *Morfe v. Mutuc*, *quoting* Thomas I Emerson, “Nine Justices in Search of a Doctrine,” *Michigan Law Review* 64 (1965).

⁹⁶ *Chavez v. Court of Appeals*, 133 Phil. 661 (1968) (Concurring Opinion, Castro) *quoting* Erwin N. Griswold, *The Fifth Amendment Today: Three Speeches* (1955).

⁹⁷ Andrew Clapham, *Human Rights Obligations of Non-State Actors* (Cheltenham: Edward Elgar Publishing, 2006) 545-546.

or expand the scope of existing rights in limiting governmental action, or as justification of governmental measures that seek to advance or further the people's welfare. Further, Justices seem to have considered the express recognition of dignity in the present 1987 Constitution as a clear basis to avoid a strict textual or original meaning of constitutional provisions.

⁹⁸ Parong v. Enrile.

⁹⁹ *Ibid.*

B. Individual Choice

The second aspect revolves around the concepts of autonomy and freedom of choice which allows the person to achieve self-fulfillment. Here I will consider two areas of human existence where the Court has expressly used the dignity language to ascertain and balance the extent of allowable government interference that may be seen to encroach upon the person's private sphere: (1) informational privacy and (2) decisional privacy.

1. Informational Privacy

The Court characterized the right to privacy as the “embodiment of a spiritual concept – the belief that to value the privacy of home and person and to afford its constitutional

protection against the long reach of government is no less than to value human dignity.”¹²⁰ To violate one’s right to privacy, therefore, is to violate one’s dignity.

On the strength of its connection to dignity, the Court has recognized the right to privacy as an “unwritten” right having a constitutional status.¹²¹ In *Morfe* (1968),¹²² the Court explained that it fully deserved constitutional protection, since an intrusion into one’s personal life would amount to an infringement of one’s dignity and integrity as an individual. *Morfe* is seminal for it continues to be regarded as the main basis for recognizing the right to privacy as an unenumerated constitutional right even as the subsequent 1973 and 1987 Constitutions still failed to bestow it its pride of place in the Bill of Rights.¹²³

The inclination of the Court to grant a constitutional status to a right (privacy) that has not been expressly mentioned in the Constitution based on a seeming constitutional value (dignity) can be seen as, perhaps, a clear manifestation of what McCrudden describes¹²⁴ as the “thick view” of dignity. He explains that having a thick view entails an approach to human rights adjudication that considers dignity as expressing a value unique to itself, helping in the identification and further explication of a catalogue of rights. In contrast, having a “thin view” entails approaching dignity as simply another way of expressing the idea of a catalogue of human rights, neither adding to nor detracting from, and is rather coterminous with, human rights. Such a thin view adds little to the debate on what rights there are or how they should be interpreted.

2. Decisional Privacy

Imbong v Ochoa (2014)¹²⁵ offers us a good picture of the debates surrounding the use of dignity in assessing the constitutionality of a law that affects one’s personal choice concerning marriage and founding of a family. The case concerned various provisions of the Reproductive Health Law, including a clause that gives a spouse absolute autonomy over medical procedures done to his or her body in view of the

¹²⁰ 20th Century Fox Film Corp. v. Court of Appeals, 247 Phil. 624 (1988); *People v. Burgos*, 228 Phil. 1 (1986); *Villanueva v. Querubin*.

¹²¹ *Disini v. Secretary of Justice*, 727 Phil. 28 (2014).

¹²² *Morfe v. Mutuc*.

¹²³ *See Ople v. Torres*; *Disini v. Secretary of Justice*.

¹²⁴ McCrudden, “Human Dignity,” 680-681.

¹²⁵ *Spouses Imbong v. Ochoa*, 732 Phil. 1 (2014).

constitutionally enshrined state policy to protect and strengthen the family as a “basic autonomous social institution.”¹²⁶ On one side, Justice De Castro (later Chief Justice) relied on the dignity of the family in rationalizing the majority’s decision to strike down the provision on spousal autonomy, explaining that the law undermined the sanctity of the family and assaulted the family’s “inherent dignity as an instrument to God’s creation.” She argued that the law’s guarantee of “universal access to so-called ‘medically-safe, non-abortionifacient ... reproductive health care services, methods, devices, supplies’ ... seriously impairs the constitutional protections extended to the family,” especially as the assailed provision does away with spousal consent.

On the other side, Justice Leonen made a connection between personal autonomy and social justice by arguing for the need to even up the playing field and promote the dignity of vulnerable groups such as the women and the poor. He had emphasized on the “differential impact of lack of knowledge and access to reproductive health technologies between the rich and the poor,” and argued that “informed choices provide greater chances for a better quality of life for families.” He then pushed for an interpretation that would provide “choices so that the quality of life improves,” and to “assure human dignity” beyond “corporeal existence.” It is in these discussions that we can appreciate, firstly, how the Justices on both sides engaged with the dignity argument in supporting their diametrical positions (as in the *Enrile* case); and secondly, how they grappled with their opposing understanding of whose dignity should be respected—the family’s or the individual’s.

We can then compare the analyses of the Justices in *Imbong* with the ruling in *People v. Jumawan* (2014),¹²⁷ which similarly involved issues concerning founding a family and personal autonomy. In *Jumawan*, the Court found the husband guilty of raping his wife, rejecting arguments on the possible recognition of the old common-law marital exemption rule in rape. Writing the majority opinion, Justice Reyes emphasized that “[a] husband who has sexual intercourse with his wife is not merely using a property, he is fulfilling a marital consortium with a fellow human being with dignity equal to that he accords himself.” He explained that the ancient customs and ideologies that justified the irrevocable implied consent theory had already been superseded by “modern global principles on the equality of rights between men and women and

¹²⁶ Constitution (1987), art. ii, sec. 12.

¹²⁷ 733 Phil. 102 (Reyes). *See also*, *City of Manila v. Laguio*, 495 Phil. 289 (2005).

respect for human dignity established in various international conventions, such as the CEDAW.” He then stressed that rape “is an abhorrence to a woman’s value and dignity as a human being.”

The ways in which the Justices analyzed and employed dignity in these cases reflect an ongoing tug-of-war on how dignity could function in the interpretation of laws that involve personal and joint spousal decisions affecting marriage and founding a family. The unanimous view in *Jumawan* suggests that marriage would not empower the husband to insist on the supposed “marital obligations” of the wife on account of her dignity as an autonomous individual. However, the varying opinions in *Imbong* indicate a competing conception of dignity as it relates to the spouse’s personal autonomy to make the final decision on his or her own body, even those that do not involve abortion. It would thus seem in these discussions that, in disputes concerning marriage and family, the question is whether to put a premium on the integrity of a collective, *i.e.* the couple or family, over the autonomy of the individual, and under what circumstances such preference would be regarded.

Based on these cases, we can see that when it comes to informational privacy, the Court has considered human dignity to further justify limiting governmental action to the extent that it would recognize the constitutional status of an unwritten right. However, when it comes to decisional privacy, it appears that the Court would be slow to sanction a governmental measure that expressly recognizes individual choice especially if it would affect marriage and founding a family. Unlike in the issues discussed in Section A on due process and penalties, however, we can see that Justices have been openly teasing out the role of dignity in interpreting various constitutional provisions.

C. Group Identity and Culture

In the third aspect, Clapham appears to relate dignity to group identity and culture, suggesting that a person’s dignity is also tied to that of a group with which one identifies, such as those defined by their sexuality, culture, or any other collective characteristic. Oftentimes, it is based on these characteristics that the state makes classifications, and equal protection then becomes a paramount concern. Foreign judicial decisions have

thus been seen to use dignity in interpreting anti-discrimination laws.¹²⁸ For instance, in the landmark case of *Obergefell v. Hodges* (2015),¹²⁹ the US Supreme Court drew from the precepts of liberty and equality when it found that the challenged laws prohibiting the recognition of same-sex marriage in certain states “burden the liberty of same-sex couples” and “serves to disrespect and subordinate them.” In arriving at this decision, Justice Kennedy traced the evolution of the tradition of marriage—from the acceptance of interracial marriages to the acknowledgement of the unequal power dynamics between husband and wife—pointing out that such differences in treatment was due to the perception that these particular groups of individuals did not have the same “dignity.” He then explained that the US Constitution grants same sex couples “equal dignity in the eyes of the law.”

We can also see that members of the Philippine Supreme Court are beginning to use dignity in relation to the struggle of individuals with discrimination, as they seek full expression of their identity. In *Ang Ladlad v. Commission on Elections* (2010),¹³⁰ for example, the Court invalidated the commission’s denial of accreditation for a political organization representing lesbians, gays, bisexuals, and trans-genders (“LGBTs”) reiterating that “homosexual conduct is not illegal in this country” and that “the activity of forming a political association that supports LGBT individuals are protected.” Chief Justice Puno, through a separate opinion, further elaborated that freedom of thought, belief, expression, and certain intimate conduct are protected liberties under the Constitution and that these matters, which are intimate and personal, are central to personal dignity and autonomy, thereby limiting governmental regulations.

The positions taken by the parties in *Falcis v. Civil Registrar General*¹³¹ would also show the relevance of a dignity analysis in the constitutional adjudication of marriage equality.¹³² During the oral arguments, the petitioner asserted that to deny LGBTs of their right to marry, “a decision so personal, so intimate, and so life-changing,” would be to devalue their dignity. He then quoted the majority decision in *Imbong*—that “the right to chart their own destiny together falls within the protected

¹²⁸ McCrudden, “Human Dignity,” 689-692.

¹²⁹ 135 S. Ct. 2584 (2015).

¹³⁰ 632 Phil. 32 (2010).

¹³¹ GRN 217910, 3 September 2019.

¹³² Oral Arguments Transcript (19-Jun-2018) at 10-15, (26-Jun-2018) at 44-46.

zones of marital privacy, and such state intervention would encroach into the zones of spousal privacy guaranteed by the Constitution.” Meanwhile, the Solicitor General argued that the intent of the framers of the constitution—reflecting the Catholic view¹³³ of marriage as a vehicle to create life—should be paramount. As such, he explained that it was unlikely that the constitutional right to human dignity could be interpreted to allow marriage of same sex couples, even when read with the provisions on founding a family and equal protection of the laws.

Falcis was dismissed on predominantly technical grounds.¹³⁴ However, “[a]ware of the need to empower and uphold the dignity of the LGBTQI+ community,” an overwhelming majority of Justices¹³⁵ made sure to pronounce through Justice Leonen that the plain text of the Constitution “does not define or restrict, marriage on the basis of sex, gender, sexual orientation, or gender identity or expression” and that it “is capable of accommodating a contemporaneous understanding of sexual orientation, gender identity and expression, and sex characteristics.”

These cases suggest that dignity has in fact helped color the Court’s appreciation and interpretation of the equal protection clause of the Constitution. Dignity can be seen to contribute in the interpretation of what restricts governmental action. It is also evident that the textual support provided by the 1987 Constitution has empowered the Justices to analyze open-ended constitutional provisions with due regard to the full realization of one’s dignity.

¹³³ According to the CBCP, “the union of man and woman ... is also ordered towards the procreation and education of children.” See, Socrates Villegas, “The Dignity and Vocation of Homosexual Persons,” *CBCP Online*, 28 Aug. 2015, <https://cbconline.net/the-dignity-and-vocation-of-homosexual-persons>.

¹³⁴ *E.g.*, the case did not present an actual controversy before the Court.

¹³⁵ Justice Leonen wrote the majority opinion. Out of the 15 Supreme Court Justices, only Justice Peralta (later Chief Justice) presented a contrary analysis.

Observations

McCrudden argues¹⁵¹ that the basic minimum content of “human dignity” seems to have at least three elements: first, that every human being possesses an intrinsic worth, merely by being human (an ontological claim); second, that this intrinsic worth should be recognized and respected by others, and some forms of treatment by others are inconsistent with, or required by, respect for this intrinsic worth (a relational claim); and third, that recognizing the intrinsic worth of the individual requires that the state should be seen to exist for the sake of the individual human being, and not vice versa (a limited-state claim). Indeed, we have seen manifestations of all of these elements in

¹⁴⁸ *Southern Luzon Drug v. DSWD*, 809 Phil. 315 (2017).

¹⁴⁹ 238 Phil. 462 (1987).

¹⁵⁰ GRN 238467, 12 Feb. 2019.

¹⁵¹ McCrudden, “Human Dignity,” 679-680.

the cases mentioned above, whether or not it involves the aspect of “treatment of others,” “individual choice,” “group identity and culture,” or “satisfaction of essential needs.”

McCrudden further posits¹⁵² that courts around the world have used dignity either to express a communitarian ideal or to further individual autonomy, in the sense of advancing individual liberty based upon the choice of the individual. Some courts lean towards one side or the other side, while others appear to be significantly split on the issue. In understanding where the Philippine approach to dignity lies, the recurring theme I found is that the interest of the broader community could restrict individual autonomy under very limited circumstances, such as those involving national security, founding a family, and environmental protection. In other words, while the autonomy of individuals must always be protected, there may be instances in which their freedom of action might be limited in view of a constitutionally recognized interests of the community. The Court has yet to verbalize, however, if the constitutional right to human dignity would amount to a stricter scrutiny of such laws as proposed by Justice Leonen in *Zabal*.

IV. Conclusion

The Court has been using dignity as a tool for judicial interpretation. Exhibiting a thick view of dignity, the Justices have invoked it either as a basis (1) to discover or expand the scope of existing rights that limits governmental action, or (2) to justify governmental measures that seek to advance or improve people’s condition. In both instances, the dignity language has provided Justices with a conceptual justification for considering the evolving meaning of an existing right thereby unshackling them from having to adopt a strict textual or original meaning interpretation of constitutional provisions in favor of human dignity.

Based on the cases examined in various sections of this chapter, it seems that any possibility of attaining a more common conception of dignity (at least within the same aspect of dignity as categorized in Part III) would require the confluence of the factors influencing the conception of dignity. For example, we saw the Justices speaking with one voice when they discussed how the pursuit of dignity would be realized if the Court were to uphold social legislations that sought to satisfy the people’s essential needs. It

¹⁵² *Ibid.*, at 699-700.

may be that they reached consensus on this aspect given that the factors they drew from (discussed in Part II) have aligned in favor of the preferential treatment of the underprivileged and marginalized. In contrast, we have seen how the Justices had varying views on how (and whose) dignity should be pursued when it comes to issues on decisional privacy, perhaps because the factors they drew from were not aligned with each other (e.g., varying views on extent of individual autonomy). Indeed, achieving such a common conception even within the same legal system or across all human rights laws beyond the minimum core posited by McCrudden may be difficult. Of course, this is not at all impossible—a comparison of the chapters on the judicial discourse in Indonesia,¹⁵³ Philippines, Singapore¹⁵⁴ and Taiwan¹⁵⁵ shows that, up to a certain extent, there are some common grounds in these jurisdictions' conception of dignity especially in the area of social welfare and security.

Final Words

Although the use of dignity in judicial interpretation has a long history, it has yet to be consistently and faithfully invoked for what it was meant to be—a standard principle of constitutional interpretation to which Filipino Justices must adhere. This is indeed peculiar given that the Justices have been using the dignity language for the past 80 years.¹⁵⁶ This is especially so when the Court has now been armed with two key provisions under the 1987 Constitution—(1) the right to human dignity; and (2) the expanded power of judicial review—texts that did not exist during the period of *Raquiza* (1945), *Morfe* (1968), *Bagasala* (1971), and *Philippine Blooming Mills* (1973) yet the Justices in those cases were still able to exhibit a thick view of dignity.

The right to human dignity should be treated as a right that evokes a constitutionally-mandated interpretative principle that reads laws in favor of allowing every person to pursue one's own happiness and full and complete fulfillment.¹⁵⁷ It is a directive for the Court to consider removing barriers to aspirational goals, especially if these goals are traceable to constitutional rights. If human dignity is not meant to

¹⁵³ See, Nadirsyah Hosen, "Human Dignity in the Jurisprudence of the Indonesian Constitutional Court."

¹⁵⁴ See, Thio Li-ann, "Human Dignity and Relational Constitutionalism in Singapore."

¹⁵⁵ See, Hsu, "Jurisprudence of Taiwan."

¹⁵⁶ For context, most of the names of the jurists who invoked dignity have been mentioned in the footnotes to showcase how very few of the around 150 Supreme Court Justices (appointed from the promulgation of the 1935 Constitution) have engaged in the dignity analysis.

¹⁵⁷ See, *Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co.*

expand and to constantly re-explore the current metes and bounds of other human rights provisions, then what is this constitutional right for?