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In any form of a contract, it is a well-settled principle that there must be a meeting of the minds between parties. This 'meeting of the mind' shows that both have agreed upon the provisions and its terms and conditions. However, things come differently when two minds collide and do not reach a common understanding, resulting in a conflict. The problem comes in here. The question of how they will settle and solve the problem is an art of how to reach a compromise agreement.

A compromise agreement is a common solution to resolve through negotiations and mediation with the disagreeing parties who have not reached settlements¹. The parties must agree to disagree, for they cannot get everything they prefer. There must be justifiable settlements that would produce a win-win situation.

A lot of disputes these days are susceptible to compromise agreements. These agreements clear the bench in congested court dockets. One of the reasons why conflict arises is raging pride². If the sin of pride exists between the parties, reaching a settlement would be difficult. No one wants to back down because a common yet erratic notion states that conceding is a sign of weakness. When you yield, you lose. When people have this mindset, no one will ever obtain peace. An inconvenient tragedy that gives people sleepless nights. Nonetheless, that is when the fundamentals of coming into a compromise agreement come in.

There are several ways to convince parties of the compromise agreement, such as giving them the benefit of a speedy resolution that would hasten justice for themselves. No one would want to spend most of their days thinking about the tenor of the case, whether the verdict would favor them. Stress turns into distress—endless suffering of waiting and false hopes that the odds would ever be in their favor. Each party shall give their preferences, terms, and conditions through a compromise agreement and then meet halfway. In that manner, there would be a consensus that would settle matters much faster.

Moreover, the benefit of saving money from hiring lawyers during litigation is evident. The cost of hiring legal counsel is getting much higher these days. More time spent in court means more money spent. When there is a chance to put your dispute to an



Unmasking The Barriers

end, you would have to drop the pride, pick up the pen, speak what is best, and live in peace. A cost to settle is cheaper than the cost to litigate.

Nonetheless, every conflict has its reasons. When the reason remains undetermined, the solution goes along with it. Hence, it is a domino effect. It would be tough to solve a problem when the root of the problem is not distinctive.

A lot of problems exist abstractly. What one sees is not always what is real. Some issues exist because of a deep-

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rooted cause that aggregates through time. A doctrine in criminal law provides that the cause of the cause is the cause of the evil caused. The root of all roots and the cause of all the causes are critical points in determining and targeting the very chink of the situation that needs reparation.

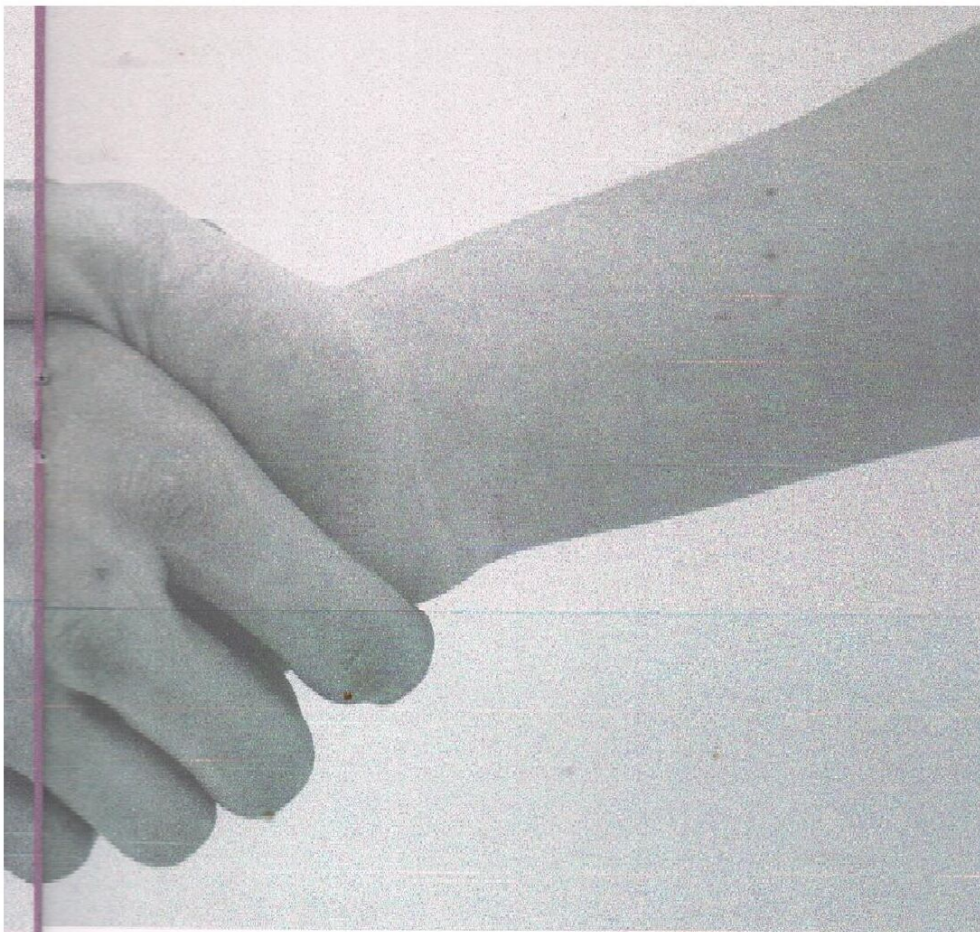
The same is true with how we deal with the dreadful COVID-19 pandemic. The culprit has claimed many lives. The cause of the patient's demise is respiratory failure³, which results from

the fluid buildup in the lungs, giving the patient the feeling of drowning. This feeling is due to the lack of oxygen that reaches the heart and other parts of the body. However, all the deadly mechanisms that happen inside the human body when it gets infected are due to one cause – the COVID-19 virus. To determine the cause is to determine how to fix the problem, including how to prevent them, which includes vaccination and wearing a face mask.

The face mask has been clinically proven to prevent the spread of the virus. It serves as a shield that bars the virus from entering the mucosal opening where it would propagate and incubate through time.

However, as people constantly wear face masks, some wear them differently. A face mask is no longer a mechanical tool but a metaphorical act. They wear them to mask themselves from how and what they truly feel. They mask themselves to hide the truth. They conceal their identity, showing only a glimpse of themselves.

A face mask covers the nose and the mouth. While eyes are the windows to the soul, the mouth is the door of affirmation. Words coming from the mouth are tools for determining the true nature of a person's desires. Whether it is a lie or the truth, it still speaks for what it intends to express.



Nevertheless, that is the job of the mediator, or the person tasked to deliver a compromise agreement between the parties, to unmask the barriers of the unspoken truth.

When one puts up a face mask, it filters the microorganism that goes in and out of the body and the microfeelings that were hidden through time. Many cases are difficult to settle because some of the words told and written were just screensavers. It is not what it truly is. For instance, in a case of physical injury where the agreement is to pay a sum of money, the other party will not compromise because all the said party desires are to take revenge on the adverse party¹. In the case of non-payment of debt, the plaintiff is not willing to compromise on the preferred payment date because all she wants is to take the respondent's property because of the latter's non-payment⁵.

This problem of hiding true intentions is the cause of the unsettlement of disputes. When there is no settlement, there is no compromise agreement. To solve the problem mentioned above, the ways of effective compromise agreements between parties, according to Monaco Solicitors, include the following:

Have each party speak to themselves privately with the mediator without the other party hearing it. In

this manner, the mediator will give each party a chance to talk about everything, including the hidden truth that is difficult to be divulged publicly. After this, the mediator shall match the desires of one party to the other.

Fix a certain amount of money, if any, to be paid that would compensate both parties. The determination of the amount shall be compared to the possible payment provided under the pertinent law in the case at bar. Explain the benefits of this compensation, such as saving the cost of litigation and the

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cost of time.

Make the compromise agreement confidential. Have each party sign and, as much as possible, show a gesture of peace. This gesture may include a handshake or any human gesture showing the end of a conflict and the start of a harmonious journey.

The above ways are suggestions that can be used as a guide to let parties bring themselves to a compromise agreement. It can either be modified or improved over time. The mediator

should know how to unmask the unspoken truth's barriers as to the problems' intent and roots.

The provision of Article 2028 of the Civil Code states that a compromise is a contract whereby the parties avoid litigation or put an end to one already commenced by making reciprocal concessions. By the word concession itself, both parties must concede, admit their mistakes and compromise to reach an agreement favorable to both. Meanwhile, in a real setting of a compromise agreement, there is no such thing as a win-win situation. You will lose some to win some. Nonetheless, if one can settle matters between parties, it should be settled, but they can choose the tumultuous road of litigation, which will take time and cost a lot of money. The end is still to give appropriate justice to the aggrieved party.

The courts cannot give all justice. One can also secure justice through a compromise agreement. A settlement occurs when the parties unmask themselves and set forth the truth and their desires on the table.

Most conflicts and disputes made in this world are products of misunderstanding driven by pride and ego. The law itself is crafted for the protection and welfare of the people who suffer from dreadful felonies. As reiterated, a compromise agreement cannot settle all cases. However, should there be a window of opportunity to take it, a rational and knowledgeable person must be convinced to do the same. Life is short for one to spend years of his life rolling dice on the case's verdict when he can also obtain justice by facing the conflict for several hours. With this solution comes a peaceful mind and sound sleep at night.

¹ Eilerman, D. (2006, October 22). *Agree to Disagree – The Use of Compromise in Conflict Management*. Mediate.

² Staff, P. (2019, September 23). *Conflict Management and Negotiating When Pride is at Stake*. Harvard Law School Program on Negotiation.

³ Elezkurtaj, S. et al. (2011). *Causes of death and comorbidities in hospitalized patients with COVID-19*. Scientific Reports 11 (1), 1-9.

⁴ Wagner, B. (2019, February 20). *Emphasizing Physical Injuries in Settlement Agreements*. Wagner Tax Law.

⁵ Clark, K. (2021, September 28). *Debt Settlement: A Guide for Negotiation*. Investopedia.