

# Only for the Tolerant: Personal Observations on the Legal Mind and the Business Mind

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## I. INTRODUCTION

Having been the beneficiary of a legal education and a business education as well as a third generation lawyer surrounded by businessmen of renown, it is an honor and privilege to share some personal observations on the legal mind and the business mind. At the outset, sincere apologies must be extended for the informality of this work. It is by no means intended to be a slur on the intelligence or stature of the reader or the publication. This work is primarily intended for lawyers and not law students. Except for purposes of the J.D. thesis, law students should read this work with caution, prudence, and discernment. With heartfelt gratitude to the Tan Yan Kee Foundation, in whose honor this humble work is dedicated, and to quell the incessant prodding from friends and family, these personal observations are set out below.

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## II. LINEAR AND CIRCULAR

The legal mind is trained to discuss and debate in a clear linear manner. With the use of deductive reasoning or any other rational process, the legal mind usually follows a clear linear mental path.<sup>1</sup> Irrelevant, immaterial, and impertinent comments and remarks are dismissed.<sup>2</sup> The legal mind prefers to follow rules of order and orderly proceedings.<sup>3</sup> While the business mind may strive for similar clarity and order; sometimes, however, the business mind may indulge in a fuzzy circular approach, i.e., discussion and debate may go around in circles.<sup>4</sup> While the legal mind may become impatient and upset,

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1. *See generally* People v. Magtuloy, 224 SCRA 153, 155 (1990). This case provides:

There was no eyewitness to the actual killing of the one year and five month old victim in this case. A resort to circumstantial evidence thus became a necessity. The prosecution ascertained the guilt of the accused-appellant through the testimonies of the mother of the victim, the aunt of the victim, a neighbor and the doctor, who provided *facts of such nature from which the trial court was led, by a process of deductive reasoning inferred from proven facts pieced together the accused-appellant's guilt.* (emphasis supplied). *Id.*

2. REVISED RULES ON EVIDENCE, rule 128, § 4. (“Evidence must have such a relation to the fact in issue as to induce belief in its existence or non-existence. *Evidence on collateral matters shall not be allowed, except when it tends in any reasonable degree to establish the probability or improbability of the fact in issue.*”) (emphasis supplied).
3. HENRY M. ROBERT, ROBERT’S RULES OF ORDER 15 (1951). This provides:
- The vast number of societies — political, literary, scientific, benevolent, and religious — formed all over the land, though not legislative, are *deliberative in character, and must have some system of conducting business and some rules to govern their proceedings, and are necessarily subject to the common parliamentary law where it does not conflict with their own special rules.* (emphasis supplied). *Id.*
4. A.J. DE KONING & D.F. MUZYKA, THE CONVERGENCE OF GOOD IDEAS: HOW DO SERIAL ENTREPRENEURS RECOGNIZE INNOVATIVE BUSINESS IDEAS? 15 (1996). (“We were intrigued by the *strong though non-linear patterns* (i.e., they didn’t just begin with and stay within the confines of one industry) which emerged among the entrepreneurs, even in those who did not have a defined career specialty *a priori.*”) (emphasis supplied).

JIM PRITCHARD & SHARON LINDENBURGER, THE WARRIOR MIND: ANCIENT WISDOM FROM THE MARTIAL ARTS FOR LIVING A MORE POWERFUL LIFE 50 (2006). This provides:

Some people think that one way to experience undulation energy is to make lists of pros and cons regarding any problem or situation. *But such linear lists force your mind into rigidity.* You’re too busy trying to make your lists balance. A far more effective strategy for mental undulation is the following “cluster-circular” exercise ... (emphasis supplied). *Id.*

sometimes visibly, at this nebulous mental approach, the business mind may find comfort in it.<sup>5</sup>

### III. REASON AND INTUITION

One basic quality of the legal mind is its superior use of reason and logic. Its depth of insight and analysis is one of its hallmarks and perhaps its greatest strength. No decision is arrived at without having some kind of rational or logical process behind it.<sup>6</sup> While to a great extent the business mind is the same, one striking difference is that the business mind is comfortable with irrational and illogical thinking. This may come across as surprising to the legal mind. The legal mind usually frowns on decisions bereft of reason and logic. *Ratio est legis anima*. Reason is the spirit or soul of the law.<sup>7</sup> However,

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5. TIM HINDLE, *THE ECONOMIST GUIDE TO MANAGEMENT IDEAS* 11-12 (2d ed. 2003). This provides:

Brainstorming is a rather dramatic name for a semi-structured business meeting whose chief purpose is to come up with new ideas for business improvement ... To be most effective, brainstorming sessions require a trained facilitator and some basic ground rules. Without a facilitator, such sessions can degenerate into an effort to find as many negative points as possible about each new idea. Ultimately, the idea is cast aside and the group prepares to give the same treatment to the next one ... Research into the effectiveness of brainstorming suggests that individuals working on their own generally come up with more original and higher quality ideas. But groups come up with more ideas as such, even though they may be of inferior quality. Groups also go on being productive for much longer; individuals on their own tire easily and dry up. *Id.*

6. *La Bugal B'Laan Tribal Association v. Ramos*, G. R. No. 127882, Feb. 1, 2005. Justice Carpio-Morales, in her dissenting opinion, said:

As Aristotle put it, "*Law is reason free from passion.*" And, since the authority of this Court — possessed of neither the purse nor the sword — ultimately rests on sustained public confidence in its moral sanction, it must ultimately *depend on the power of reason, its sole currency* to paraphrase Justice Thurgood Marshall, *for sustained public confidence* in the justness of its decisions. (emphasis supplied). *Id.*

7. ISABELO C. MORAN, *HANDBOOK OF LEGAL MAXIMS* 170-71 (1955). This provides:

*Cessante ratione legis cessat, et ipsa lex*. Reason is the soul of the law, and where the reason for the existence of law ceases, the law itself should also cease. *Et lex plus laudatur, quando ratione probatur*. Any law is the more praiseworthy when it is approved by reason. *Et ubi eadem est ratio idem est jus*. And where the reason is the same, there the law is the same. *Lex plus laudatur quando ratione probatur*. The law is more praised when it is consonant with reason. *Lex semper intendit quod convenit rationi*. The law always intends what is agreeable to reason. *Nihil quod*

the business mind is different. It may accept, and even encourage, irrational and illogical, sometimes, unthinkable unbelievable decisions.<sup>8</sup> Decisions based on instinct, intuition, and “gut feel” are welcome.<sup>9</sup> Some of the best business decisions were made this way.<sup>10</sup>

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*est contra reitionem est licitum.* Nothing is lawful which is contrary to reason. *Lex est dictamen rationis.* Law is the dictate of reason. *Id.*

8. DAVID G. MYERS, INTUITION ITS POWERS AND PERILS 153 (2002). This provides:

People, it’s increasingly apparent, buy, sell, and invest not like computers but like, well, imperfect people. “People are not stupid,” says another psychology-savvy behavioral economist, Robert Shiller, “but they have their limitations.” *When following our instincts we make decisions mostly swiftly, often smartly, but sometimes stupidly. Economic intuition sometimes defies economic logic.* (emphasis supplied). *Id.*

- OMAR ISSING, VITOR GASPAR, ORESTE TRISTANI & DAVID VESTIN, THE STONE LECTURES IN ECONOMICS IMPERFECT KNOWLEDGE AND MONETARY POLICY 1 (2005). This provides:

Uncertainty is a pervasive fact of life. *Many decisions have to be taken with limited information, imperfect knowledge, in an ever-changing environment. The decision to purchase any consumption good is always taken based on limited information* about, for example, the distribution of prices across retailers. One can cross-check prices from a couple of small shops and large retailers, but very quickly the costs of gathering and processing new information become prohibitively high. *It is evident that the rational thing to do is to be irrational, where deliberation and estimation cost more than they are worth.* (emphasis supplied). *Id.*

9. JOANNE BADEAUX, ET AL., INTUITION AT WORK: PATHWAYS TO UNLIMITED POSSIBILITIES 229 (1996). This provides:

Well, if you ask me, General Powell, or a growing number of highly successful people, the answer is clear. In our high-speed, high-risk, highly-changing business landscape, *we need a lot more than data and facts to make decisions* — in our organizations as well as in our own individual lives. *We need to trust our instincts. We need to trust our gut feelings.* We need to allow all our senses to inform us. *We need to embrace our intuitive nature as well as our intellectual mind.* (emphasis supplied). *Id.*

10. WILLIAM DUGGAN, STRATEGIC INTUITION THE CREATIVE SPARK IN HUMAN ACHIEVEMENT 83-84 (2007). This provides:

Our next field of action is *business strategy*. Here we find a recent example of major change that matches Kuhn’s scientific revolution from Copernicus to Newton: the revolution in personal computers — from PCs — from Microsoft to Google. The scientific revolution from *Copernicus to Newton took 170 years*, yet the PC revolution from *Microsoft to Google took only 23 years*. That speaks volumes about developments in modern business. Both revolutions changed the world, but the second one much faster than the first ... *The great success of the PC revolution*

## IV. WHY AND HOW

The legal mind is trained to seek answers to the question why. The business mind is trained to seek answers to the question how. When the legal mind and the business mind meet; invariably, the legal mind will concern itself with questions on whether something “should be done” while the business mind will concern itself with questions on whether something “can be done.”<sup>11</sup> For instance, if a company is planning to launch a new product line, the legal mind may ask questions relating to why the company “should” launch; while the business mind may ask questions on whether the company “can” launch.

## V. FACTS AND ASSUMPTIONS

The legal mind avoids and sometimes rejects assumptions. The legal mind is trained never to assume. If the legal mind makes an assumption and the same

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serves as an outstanding case of what all businesses seek to some degree: *strategic innovation* ... The PC revolution featured strategic innovation on the part of big-time winners like *Microsoft and Google* but also of second-tier firms like *Apple and IBM*. This chapter asks *how the leaders of these firms came up with the winning ideas* at the heart of their strategic innovations. Sure enough, we find that *the answer is strategic intuition*. (emphasis supplied). *Id.*

MYERS, *supra* note 8, at 169-71:

Many successful executives say that they often make important decisions by “what my gut tells me,” by “the seat of my pants,” or “on a hunch.” “It was this subconscious, visceral feeling. And it just felt right,” recalled *Chrysler’s former president Bob Lutz* in describing his vision for the *Dodge Viper*, which helped save his company during the 1990s ... *Ralph Larsen, CEO of Johnson & Johnson*, also uses his visceral sense when making big decisions. “When someone presents an acquisition proposal to me, the numbers always look terrific: the hurdle rates have been met; the return on investment is wonderful; the growth rate is just terrific. And I get all the reasons why this would be a good acquisition. But it’s at that point — when I have a tremendous amount of quantitative information that’s already been analyzed by very smart people — *that I earn what I get paid*. Because I will look at that information and *I will know, intuitively, whether it’s a good or bad deal*.” (emphasis supplied). *Id.*

11. Haji Zulkifly Baharom, *Innovation Engine of Economic Growth*, AIM ALUMNI LEADERSHIP MAGAZINE, APR. – JUNE 2008, at 26. This provides:

“*Merely having knowledge is not enough. Implementing it is what we are required to do immediately!* We need to convert knowledge into economic value,” said Tan Sri Ahmad Sarji Abdul Hamid, chairman of Institute Islamic Understanding Malaysia (IKIM) and a member of the AIM Board of Governors, who delivered the opening address. (emphasis supplied). *Id.*

turns out wrong, it may lead to disaster. Instead, the legal mind prefers facts.<sup>12</sup> The legal mind is comfortable with facts and may have an innate disdain for assumptions.<sup>13</sup> Decisions based on a “hunch” or a “best guess” may result in dire consequences.<sup>14</sup> In contrast, the business mind is trained to embrace assumptions.<sup>15</sup> It is taught that decisions sometimes have to be made

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12. *Lim v. Executive Secretary*, 380 SCRA 739, 782 (2002). Justice Panganiban, in his dissenting opinion, said:

*I stress that cases cannot be decided by this Court on the basis of speculative or hypothetical assumptions like “If the facts were these, then our decision would be this; on the other hand, if the facts change, then our ruling would be modified as follows.” Decisions of this Court especially in certiorari and prohibition cases are issued only if the facts are clear and definite. As a rule, courts may not consider or judge facts or matters unless they are alleged in the pleadings and proven by the parties. Our duty is to apply the law to facts that are not in dispute. (emphasis supplied). Id.*

13. *Veterans Security Agency, Inc. v. Gonzalvo, Jr.*, 478 SCRA 298, 313 (2005) (citing *San Jose v. NLRC*, 294 SCRA 336 (1998)). This case provides:

With unfading fervor, the Court again strikes a chord among the quasi-judicial agencies to *shun from treating labor cases flippantly*. In the avuncular case of *San Jose v. NLRC*, the Court smote hard blows on the Labor Arbiter therein for his *slapdash manner of deciding a case*, viz: Labor Arbiters should exert *all efforts to cite statutory provisions and/or judicial decisions* to buttress their dispositions. An Arbiter cannot rely on *simplistic statements, generalizations, and assumptions*. These are *not substitutes for reasoned judgment*. Had the Labor Arbiter exerted more research efforts, support for the Decision could have been found in pertinent provisions of the Labor Code, its Implementing Rules, and germane decisions of the Supreme Court. (emphasis supplied). *Id.*

14. CODE OF PROFESSIONAL RESPONSIBILITY, rule 18.03. (“A lawyer shall not neglect a legal matter entrusted to him and his negligence in connection therewith shall render him liable.”).

15. JAMES M. HIGGINS, CREATIVE PROBLEM SOLVING TECHNIQUES THE HANDBOOK OF NEW IDEAS FOR BUSINESS 22 (1994). This provides:

It is *necessary to make assumptions* about the condition of future factors in the problem situation. For example, what will the state of the economy be when the new product is to be launched? Or, how will your manager react to a suggestion? Remember that *assumptions may be a major constraint* on the potential success of a solution, or *may cause you to overestimate* the potential of a particular alternative to solve the problem effectively. *One of my assumptions in writing this book was that there was a growing number of people interested in innovation processes. Therefore, this book would sell many copies. When I started in 1985, my assumption was wrong. But by 1993 it was right.* (emphasis supplied). *Id.*

and are often made with incomplete information.<sup>16</sup> As long as the assumptions are fair and reasonable, the same may be used.<sup>17</sup> To the business mind, a bad decision is better than no decision.”<sup>18</sup> To the legal mind,

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16. Margaret J. King, *Failure is Not an Option: Apollo 13 Creativity*, R&D INNOVATOR, SEP. 1996, at 236, available at [http://www.winstonbrill.com/bril001/html/article\\_index/articles/201250/article236\\_body.html](http://www.winstonbrill.com/bril001/html/article_index/articles/201250/article236_body.html) (last accessed Aug. 3, 2009). This provides:

The solution was derived from a series of inductions, deductions, calculations, simulations, decisions, trials, errors, planning, re-planning, and execution, all driven by *on-the-spot creativity, fuzzy logic, and incomplete data*. These are the same factors that drive many of our day-to-day innovations — innovations that surface, under pressure, in coping with crisis. (emphasis supplied). *Id.*

17. STEPHEN J. HOCH, ET AL., WHARTON ON MAKING DECISIONS 148 (2001). This provides:

Bringing your organizational frames to the surface helps you to understand what type of thinking dominates your organization. It’s likely that *some of these assumptions are explicit, while others exist below the surface*. For example, GM’s assumptions about itself and the world in the 1970s presumed an isolated US market, an abundance of cheap gas, dominance of styling over technology, alienated workers due to unions, and little social unrest. *These assumptions*, which worked when technology was simple and gas was cheap, kept the company from noticing the many signals that the world has changed. *Recognize how your assumptions direct your attention and lead you to filter information*. Ask yourself *whether changing an assumption would change the preferred course of action, or whether changing several assumptions, in an internally consistent way, would create entirely new scenarios*. (emphasis supplied). *Id.*

18. LOREN GRAY, MAKING SMART DECISIONS, THE RESULTS-DRIVEN MANAGER 26 (2006). This provides:

In the real world of managerial decision making, where (research indicates) the average manager engages in a different activity every nine minutes, *managers seldom have the luxury of the time it takes for such careful processes*. Nobel laureate Herbert Simon has shown that in such settings *purely rational judgment is “bounded” by time and cost constraints that limit the quality and quantity of available information*, and also by the misperceptions and motivational biases to which decision makers fall prey. (emphasis supplied). *Id.*

Interview by Clayton Christensen and Walter Kiechel with Andrew S. Grove, Chairman of the Board, Intel, in *The Results-Driven Manager* (Jan. 01, 2006). Here, it was said that:

Journeying from one business model to another is a formidable leadership challenge, especially in an industry so given to continual technological transformation. How do you handle that? None of us have a real understanding of where we are heading. I don’t. I have senses about it. *But decisions don’t wait; investment decisions or personal*

however, a bad decision is a bad decision. It is unacceptable. The legal mind will exert much time and effort in search of the complete picture. Without the facts, a decision cannot be made. The business mind is not the same.<sup>19</sup>

## VI. THOUGHTS AND EXPRESSION

The legal mind is trained to think first before expressing itself.<sup>20</sup> Sometimes, the legal mind does not think once, it thinks twice, even thrice, before speaking or writing. As a general rule, subject to exceptions, once something is out in the open, it may no longer be taken back.<sup>21</sup> It may even be recorded.<sup>22</sup> The legal mind is exceptionally adept at destroying and

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*decisions don't wait for that picture to be clarified. You have to make them when you have to make them.* (emphasis supplied). *Id.*

19. DUGGAN, *supra* note 10, at 113. This provides:

Strategic innovation depends on *subjective probability for its assumptions about the future*. Economists further distinguish between risk, where you know the likelihood of all possible outcomes, and uncertainty, *where many outcomes are possible we don't know their likelihood*: in strategic innovation *we don't know which innovation will work; the future is uncertain*, and our risk projections don't apply. *Uncertainty and subjective probability* leave us with *no formal method* for simulating strategic innovation through finance, economics or statistics. (emphasis supplied). *Id.*

20. *Concerned Employees of the RTC of Dagupan City v. Falloran-Aliposa*, 327 SCRA 427, 437 (2000). This case provides:

Respondent apparently had forgotten that she was presiding in a *court of record* where the attendance of the court interpreter and stenographer in *all proceedings is required*. Under the Manual for Clerks of Court, the interpreter has the duty to attend all court hearings, administer oaths to witnesses, mark all exhibits introduced in evidence, prepare and sign all minutes of session, maintain and keep in custody a record book of cases calendared for hearing; while the stenographer is charged with *taking stenographic notes on all matters that transpire during court hearings and transcribing them*. (emphasis supplied). *Id.*

21. REVISED RULES ON EVIDENCE, rule 129, § 4. (“An admission, verbal or written, made by a party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.”).

22. *Bugaring v. Español*, 349 SCRA 687, 690 (2001). This case provides:

COURT: *That is recorded*. This is a Court of record and *everything that you say here is recorded*... The Court of Appeals found that from a *thorough reading of the transcript of stenographic notes* of the hearing held on December 5, 1996, it was obvious that the petitioner was indeed arrogant, at times impertinent, too argumentative, to the extent of being disrespectful, annoying and sarcastic towards the court. (emphasis supplied). *Id.*



demolishing thoughts and ideas, especially the premises, assumptions and arguments in support thereof, from any angle and can be quite wary and alert about being subjected to the same treatment. Therefore, to the legal mind, a new thought or an unconventional idea must be thought out very carefully. It must be correct and precise, or at the very least, sensible or defensible, before the same is expressed.

Similarly, the business mind can also be quite careful in expressing thoughts and ideas; however, its approach is somewhat different.<sup>23</sup> It is more receptive and amenable.<sup>24</sup> The business mind is encouraged to generate new thoughts and unconventional ideas and to curb the inclination to destroy and demolish. To the legal mind, a maverick idea should be considered very carefully. It may turn out wrong and crazy and a waste of time. To the business mind, however, a maverick idea should not be kept to oneself. It

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The Corporation Code of the Philippines, Batas Pambansa Blg. 68, § 74 (1980). Section 74 provides:

Every corporation shall, at its principal office, keep and carefully preserve a record of all business transactions, and *minutes of all meetings* of stockholders or members, or of the board of directors or trustees, in which shall be *set forth in detail* the time and place of holding the meeting, how authorized, the notice given, whether the meeting was regular or special, if special its object, those present and absent, and *every act done or ordered done at the meeting ...* (emphasis supplied). *Id.*

23. See, e.g. JACK WELCH, *WINNING* 74 (2005). This provides:

Winning companies embrace risk taking and learning. But in reality, these two concepts often get lip service — and little else. *Too many managers urge their people to try new things and then whack them in the head when they fail ...* If you want people to experiment and *expand their minds*, set the example yourself. Consider risk taking. *You can create a culture that welcomes risk taking by freely admitting your mistakes and talking about what you've learned from them.* (emphasis supplied). *Id.*

24. MARIE MCINTYRE, *THE MANAGEMENT TEAM HANDBOOK FIVE KEY STRATEGIES FOR MAXIMIZING GROUP PERFORMANCE* 245-46 (1998). This provides:

When someone objects to an idea or change that you are proposing, *the natural tendency is to fight that resistance, giving all the reasons why your views are correct.* This approach usually just locks other people into their own perspective as they try to counteract your arguments with their own. A more effective strategy is to *ask questions, listen, and learn* their view of the situation. Establishing real two-way communication often gives you valuable information ... When disagreements arise, *try to avoid a "tennis match" conversation* in which everyone repeats his or her own point of view more and more emphatically. Instead, attempt to identify the underlying problem that needs to be solved. *Find the goals the parties can agree on, and explore their different perspectives* on how to solve the problem. (emphasis supplied). *Id.*

may turn out wrong and crazy, but brilliant, albeit, uncanny, at the same time.<sup>25</sup>

#### VII. STARE DECISIS AND KAIZEN

The legal mind is trained to stick to precedent and enjoys stability and security.<sup>26</sup> It is naturally averse to risk and conservative about change. It is careful and circumspect. Although it will acknowledge that change is necessary, it may be hard-pressed and timid in its actual implementation. In order for change to happen, the legal mind must first be given a myriad of impregnable reasons that validate it. While the business mind may also enjoy stability and security, it is more pliant. Sometimes, it may even be bold and reckless.<sup>27</sup> Depending on its risk appetite, the business mind will welcome

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25. See, e.g. PowerHomeBiz.com, Learning from Starbucks: 10 Lessons for Small Businesses, available at <http://www.powerhomebiz.com/vol144/starbucks.htm> (last accessed Aug. 3, 2009). This provides:

Starbucks has well demonstrated this behavior in their approach to real estate, which in itself is legendary. *Contrary to established tenets of retailing*, the company does not choose a location based solely on demographics, traffic patterns, location of competitors, and even spacing of its own stores. Instead, it *clusters its stores* in chosen areas, making Starbucks ubiquitous in many city streets. *Traditional retailing mindset warns against locating stores nearby* as it can cut sales at existing outlets ... *Starbucks went against the accepted norm* and pursued clustering, using this strategy to increase total revenue and market share. The risk paid off — its practice of *blanketing an area* with stores helped achieve market dominance quickly. The strategy also made it cheaper to deliver supplies and manage each store. The size of the company has enabled it to *absorb any losses* that would result from the *cannibalizing* of store sales when a new one opens up nearby. (emphasis supplied). *Id.*

26. *Saguiguit v. People*, 494 SCRA 128, 135 (2006) (citing *Ladanga v. Aseneta* 471 SCRA 381, 388 (2005)). This case provides:

*Stare decisis et non quieta movere*. Let the decision stand and disturb not what is already settled. The doctrine of *stare decisis* is a salutary and necessary rule. When the Court lays down a principle of law applicable to a certain set of facts, it must adhere to such principle and apply it to all future cases where the facts in issue are substantially the same. *Else, the ideal of a stable jurisprudential system can never be achieved*. (emphasis supplied). *Id.*

27. WELCH, *supra* note 23, at 165–66. This provides:

Forget the arduous, intellectualized number crunching and data grinding that gurus say you have to go through to get strategy right. *Forget the scenario planning, yearlong studies, and hundred-plus-page reports*. They're time-consuming and expensive, and you just don't need them. In real life, strategy is actually very straightforward. *You pick a general*

and may even yearn for change.<sup>28</sup> It is taught that creativity and innovation are essential to stay on top.<sup>29</sup> Without continuous improvement, business

*direction and implement like hell.* Yes, theories can be interesting, charts and graphs can be beautiful, and big, fat stacks of PowerPoint slides can make you feel like you've done your job. But you just should not make strategy too complex. The more you think about it, and the more you grind down into the data and details, the more you tie yourself in knots about what to do. That's not strategy, that's suffering ... If you want to win, when it comes to strategy, *ponder less and do more.* (emphasis supplied). *Id.*

HINDLE, *supra* note 5, at 27. ("In this world, managers have to learn to live with uncertainty, to *set out without knowing their destination.*") (emphasis supplied). *Id.*

GRAY, *supra* note 18, at 26. This provides:

*GE is adamantly opposed to the notion that one approach to problem solving will fit all situations.* Mercer says, "At the corporate level, we try to avoid edicting processes to our constituent businesses, because then you create clones. *A process that works for one of our manufacturing businesses may not be the best one for GE Capital.* So we may expose people to *five or six different approaches* to problem solving in our executive education classes, but *we don't promote any one particular model.* Rather, we *delegate* the problem-solving courses to the training and development departments of the respective businesses. We tell each department to come up with the processes that make the most sense for its business. (emphasis supplied). *Id.*

28. HINDLE, *supra* note 5, at 27. This provides:

Businesses are *perpetually torn* between their desire to *define for all time* their organisation's *structure and strategy*, and their *recognition that their world is in a constant state of flux.* For the larger part of the 20th century they were more concerned with the static elements of this dichotomy. *Only in later years did they come to focus on the dynamic side*, on how to manage and *live with the change* that was inevitably making redundant their latest business plans, *even as the ink was drying on them.* (emphasis supplied). *Id.*

29. See, e.g. W. CHAN KIM & RENÉE MAUBORGNE, BLUE OCEAN STRATEGY: HOW TO CREATE UNCONTESTED MARKET SPACE AND MAKE THE COMPETITION IRRELEVANT 102 (2005). This provides:

Think of Callaway Golf. It aggregated new demand for its offering by looking to noncustomers. While the U.S. golf industry fought to win a greater share of existing customers, Callaway created a blue ocean of new demand by asking why sports enthusiasts and people in the country club set had not taken up golf as a sport. By looking to why people shied away from golf, it found one key commonality uniting the mass of noncustomers: Hitting the golf ball was perceived as too difficult. The small size of the golf club head demanded enormous hand-eye coordination, took time to master, and required concentration. As a result, fun was sapped for novices, and it took too long to get good at the sport ... This understanding gave Callaway

may lose market share and may never enjoy the benefits of being “first-to-market.”<sup>30</sup> Top-line management<sup>31</sup> needs change. Therefore, while the legal mind may use the classic timeless adage: “If it ain’t broke why fix it,” the business mind may use the more modern progressive adage: “Just because it ain’t broke does not mean it cannot be improved.”<sup>32</sup>

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insight into how to aggregate new demand for its offering. The answer was BigBertha, a golf club with a large head that made it far easier to hit the golf ball. BigBertha not only converted noncustomers of the industry into customers, but it also pleased existing golf customers, making it a runaway bestseller across the board. (emphasis omitted). *Id.*

HINDLE, *supra* note 5, at 118-19. This provides:

Everybody knows an innovative company when they see one. In lists of such companies, the same names come up again and again — 3M, Hewlett-Packard, General Electric, Sony — companies where *continual innovation* has produced higher returns than ordinary business investment. 3M's *progressive policy* on innovation used to commit it to *earning 30% of its revenue from products that had been brought to market within the previous four years.* (emphasis supplied). *Id.*

30. See, e.g. NetLingo, available at <http://www.netlingo.com/lookup.cfm?term=first-to-market> (last accessed Aug. 3, 2009). This provides:

When a company thinks they have a hot new idea or product, it will try to operate at hyperspeed in order to seize first-mover advantage and gain market share. First-to-market means being the first not necessarily to launch a new product, but to gain consumer confidence and hence market share. (Netscape is a prime example: Technically Mosaic was the first browser, but Netscape was first-to-market.) (emphasis omitted). *Id.*

31. John Reh, About.com Management, Top Line, available at <http://management.about.com/cs/generalmanagement/g/topline.htm> (last accessed Aug. 3, 2009). (“Top Line refers to the top line of an Income Statement. The top line shows the Total Sales Revenue. When a company [sic] goal is to increase the top line, it means to concentrate on increasing gross sales.”) (emphasis omitted).
32. MASAAKI IMAI, *KAIZEN: THE KEY TO JAPAN’S COMPETITIVE SUCCESS* 3 (1986). This provides:

Thinking all this over, I came to the conclusion that the key difference between how change is understood in Japan and how it is viewed in the West lies in the KAIZEN concept — a concept that is so natural and obvious to many Japanese managers that they do not even realize that they possess it! The KAIZEN concept explains *why companies cannot remain the same for long in Japan.* Moreover, after many years of studying Western business practices, I have reached the conclusion that this KAIZEN concept is non-existent, or at least very weak, in most Western companies today. Worse yet, they reject it without knowing what it really entails. It’s the old “not invented here” syndrome. And this lack of KAIZEN explains why an *American or European factory can*

## VIII. THINKING AND DOING

The legal mind loves to think. Discussion, debate, argument, and analysis are hallmarks of solid legal training. The legal mind may consume an entire hour or entire day thinking, deliberating, discussing, and debating an issue. Thereafter, the legal mind will go home pleased that the day was well spent. It was a productive day. To the business mind, however, spending an entire hour or entire day thinking, deliberating, discussing, and debating is a waste of time without execution or implementation.<sup>33</sup> If nothing gets done, it was not a productive day.<sup>34</sup>

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*remain exactly the same for a quarter of a century ... The essence of KAIZEN is simple and straightforward: KAIZEN means improvement. Moreover, KAIZEN means ongoing improvement involving everyone, including both managers and workers. The KAIZEN philosophy assumes that our way of life — be it our working life, our social life, or our home life — deserves to be constantly improved.* (emphasis supplied). *Id.*

33. RAM CHARAN, WHAT THE CEO WANTS YOU TO KNOW: USING YOUR BUSINESS ACUMEN TO UNDERSTAND HOW YOUR COMPANY REALLY WORKS 93 (2001). This provides:

Each of us can practice what CEOs with superb business acumen do instinctively: cut through all the clutter using the universal laws of business, and select the right business priorities. But *understanding how to make money is one thing. Making it happen, getting it done, executing it is something else.* That's why CEOs with great business acumen *can falter.* (emphasis supplied). *Id.*

CHAN KIM & MAUBORGNE, *supra* note 29, at 184. This provides:

The question companies wrestle with is how to create trust, commitment, and voluntary cooperation deep in the organization. *You don't do it by separating strategy formulation from execution.* Although this disconnect may be a hallmark of most companies' practice, it is also a *hallmark of slow and questionable implementation, and mechanical follow-through at best.* (emphasis supplied). *Id.*

34. MCINTYRE, *supra* note 24, at 138, 247. This provides:

Since the primary function of a management team is to make decisions, the team's true effectiveness must be determined by *evaluating the results that the decisions produce.* The first four success factors are necessary but not sufficient for a management team to achieve successful outcomes. *Without action,* the other four factors are *meaningless.* A management team with clear goals, comprehensive information, supportive relationships, and a good decision-making process is nevertheless *totally ineffective* unless the members are able to *translate decisions into results.* Although the other success factors create the foundation for effective performance, *results can only be obtained* if the team moves successfully *from discussion to action ... Finish what you*

## IX. PROBLEMS AND SOLUTIONS

The legal mind is trained to thoroughly study, examine, and analyze a problem from all directions. With use of its reasoning and analytical skills, it will carefully sift through and exhaustively dissect the problem. On the other hand, the business mind may focus more on the solution rather than the process of finding it.<sup>35</sup> For instance, if an accident happens, at the scene of the accident, the legal mind may think: “This is terrible. What happened?” while the business mind may think: “This is terrible. What should be done now?” Thus, while the legal mind has a tendency to focus on the problem, the business mind has a tendency to focus on the solution.<sup>36</sup>

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start – as long as what you start is worthwhile. If you have a good idea, implement it. If you see a problem, solve it. If you start a valuable project, complete it. *Intentions are worthless without action.* (emphasis supplied). *Id.*

35. PETER F. DRUCKER, *THE ESSENTIAL DRUCKER* 241-42 (2001). This provides:

*Effective people do not make a great many decisions. They concentrate on the important ones ... They want to know what the decision is all about and what the underlying realities are that it has to satisfy. They want impact rather than technique; they want to be sound rather than clever ... They know that the most time-consuming step in the process is not making the decision but putting it into effect. Unless a decision has “degenerated into work,” it is not a decision; it is at best a good intention. This means that, while the effective decision itself is based on the highest level of conceptual understanding, the action to carry it out should be as close as possible to the working level and as simple as possible.* (emphasis supplied). *Id.*

Veritas Online, Apollo 13 hero recounts ill-fated mission, *available at* <http://www6.miami.edu/veritas/dec2001/whatsnews.html> (last accessed Aug. 3, 2009). This provides:

Lovell credited the dedication and teamwork of ground controllers in Houston for getting him and his crew home safely. “There are three types of people in this world: *people who make things happen, people who watch things happen, and people who just wonder what happened,*” Lovell said. “Back in the control center in Houston, we had people who had the ability to think outside the box and *make things happen.*” (emphasis supplied). *Id.*

36. King, *supra* note 16, at 236. This provides:

As Kranz put it somewhere around the third day of the mission, “*I don't want to know what anything is for.* The question now is, *what can it do?*” The crew set out to find out, transferring systems from one capsule to the other, *adapting each operation to match this change of venue.* (emphasis supplied). *Id.*

## X. PAST, PRESENT, AND FUTURE

The legal mind is trained to look into the past. When confronted with a problem, the legal mind will usually look into the past for similar situations that have been successfully resolved.<sup>37</sup> While the business mind may also look into the past for historical solutions,<sup>38</sup> the business mind may also look into the future and try to see (rather foresee) how the problem might unfold<sup>39</sup> and how present (not past) facts may solve it.<sup>40</sup> Thus, in handling a

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37. PEPSICO, Inc. v. Lacanilao, 490 SCRA 615, 622-23 (2006). This case provides:

When a court has laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same. *Stare decisis et non quieta movere*. Stand by the decision and disturb not what is settled. It simply means that a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It comes from the basic principle of justice that like cases ought to be decided alike. Thus, where the same question relating to the same event is brought by parties similarly situated as in a previous case already litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to relitigate the same issue. *Id.*

38. MICHAEL E. PORTER, COMPETITIVE STRATEGY: TECHNIQUES FOR ANALYZING INDUSTRIES AND COMPETITORS 86 (1998). This provides:

Studying the historical relationship between a firm's announcements and its moves, or between other varieties of potential signals and the subsequent outcomes, can greatly improve one's ability to read signals accurately. Searching for signs a competitor may have inadvertently given before making changes in the past can also help to uncover new types of unconscious signals unique to that competitor ... Of course, in interpreting such signals there is always the possibility of divergence from past behavior; ideally a full competitor analysis will uncover economic and organizational reasons why such a divergence might occur ahead of time. *Id.*

39. DUGGAN, *supra* note 10, at 112. This provides:

Kahneman's work and behavioral economics overall seem to show the limits of expert intuition. But those limits do not apply to strategic intuition. The IQ experiment above does not ask the subjects to make a strategic decision. Kahneman knew beforehand the right answer was 101, because a statistical formula says so. This is *very different from real time strategy*, where *nobody knows what will happen in the future*. Strategic innovation is *precisely a game of making guesses about the future*. Nobody knows the answer beforehand. As a result behavioral economics has yet to design an experiment to test strategic intuition. It is hard to imagine what such an experiment might be. *Real-time strategic decisions* are simply too complex and uncertain to replicate in an experiment. (emphasis supplied). *Id.*

40. DE KONING & MUZYKA, *supra* note 4, at 15. This provides:

crisis situation, the natural instinct of the legal mind is to immediately find out the proximate cause<sup>41</sup> — what went wrong or who was responsible — and the appropriate penalty or liability that should be imposed.<sup>42</sup> On the other hand, in handling a crisis situation, the business mind will usually deal with the problem first, solve it, and move forward.<sup>43</sup> After the problem has

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The point of departure is the concept of path dependency, which emphasises that the past affects the present and future, *but the path itself is not deterministic*. By this concept, we recognize that at any step of the way, the entrepreneurs could have — and in some cases did — move into a completely different industry or venture. Though the past, in complex ways heavily influences the future path, *the past does not determine the future path*. Also, the path of the entrepreneur's evolution is not decided at the beginning, but *each step is a unique decision point, apparently independent of the past and future*. (emphasis supplied). *Id.*

PRITCHARD & LINDENBURGER, *supra* note 4, at 42. This provides:

Most of us spend all our time *locked in the past or worrying about the future*. We carry our past and our hopes for the future with us wherever we go. We carry both the happy and unhappy stuff of our lives. And so if we want a *powerful and clear mind* that makes us feel *centered within ourselves*, we need to cultivate a practice of just *laying down the thoughts of past and future* and “coming home” to the now. Otherwise, the “then” or the “yet to be” dominates our experience and we miss out on what is happening right now. *The only moment you truly have is right now*. The past is gone. The future hasn't happened yet. I know many spiritual teachers from many traditions say this, and it may be a cliché. *But it's a cliché that holds a lot of truth*. (emphasis supplied). *Id.*

41. *Calimutan v. People*, 482 SCRA 44, 60 (2006) (*citing* *Vda. De Bataclan, et al. v. Medina*, 102 Phil. 181, 186 (1957)). Proximate cause has been defined as “that cause, which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury, and without which the result would not have occurred.”

42. *Aya-Ay, Sr. v. Arpaphil Shipping Corp.*, 481 SCRA 282, 293-94 (2006) (*citing* *Belarmino v. Employees' Compensation Commission*, 185 SCRA 304, 308 (1990) & *Seagull Shipmanagement and Transport, Inc. v. NLRC*, 333 SCRA 236, 243 (2000)). This case provides:

It is, therefore, *crucial to determine* whether Aya-ay died as a result of, or in relation to, the eye injury he suffered during the term of his employment. *If the injury is the proximate cause*, or at least increased the risk, of his death *for which compensation* is sought, *recovery may be had* for said death. (emphasis supplied). *Id.*

43. HINDLE, *supra* note 5, at 50. This provides:

It is the first few hours that count, *the period when news of the crisis first breaks*. Everyone will build on the information that is disclosed during that time. One of the most difficult things is handling the ambiguity in



been solved and things have settled down, it will then concern itself, although sometimes it may not even bother, with what went wrong or who was responsible and the appropriate penalty or liability.<sup>44</sup>

#### XI. QUESTIONS AND ANSWERS

In law school, professors usually ask questions and students usually give answers. This teaching method is what distinctly sets law school apart from other schools.<sup>45</sup> The legal mind is often the result of exceptional academic performance and superior educational attainment. When the legal mind is not examining a witness in court or not asking questions in Congress, the legal mind is answering all kinds of questions. It is trained to handle a diverse range of questions and is expected to give a diverse range of answers. On the other hand, in business school, like most other schools, students usually ask questions and professors usually give answers. The business mind is trained that there is nothing wrong in not having all the answers and can be quite comfortable asking questions rather than giving answers.<sup>46</sup> The business

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the first hours and days after a crisis breaks. *There will be gaps and inconsistencies* in the information available. (emphasis supplied). *Id.*

44. King, *supra* note 16, at 236. This provides:

*Defining the problem came by fits and starts.* It was soon apparent that this crisis had *less to be "defined" and more "worked."* A new goal was forged from which solutions had to be devised (then tested on the ground) in rapid sequence. In fact, *the event that caused the tank to explode wasn't understood until after the astronauts had landed.* (emphasis supplied). *Id.*

45. See Statemaster, Encyclopedia: Socratic Method, available at <http://www.statemaster.com/encyclopedia/Socratic-method> (last accessed Nov. 3, 2009). ("The Socratic Method is widely used in contemporary legal education by many law schools in the United States. In a typical class setting, the professor asks a question and calls on a student who may or may not have volunteered an answer. The professor either then continues to ask the student questions or moves on to another student.").

46. ROGER FISHER & ALAN SHARP, GETTING IT DONE: HOW TO LEAD WHEN YOU'RE NOT IN CHARGE 156-57 (1998). This provides:

*You may be reluctant to ask others for advice because you fear it reflects badly on you.* A manager may be reluctant to ask subordinates for fear that she will lose their confidence. There is a certain romanticism about rugged individualism. The hero of a movie is often a loner. By seeking help we may be abandoning this hero's role ... But if you think about times when someone asked you for advice, you probably did not lose respect for them ... *We never know how much we don't know.* The tanker captain could not have known what the radio operator knew. We all make assumptions about the contributions that others can make. And we are often mistaken ... The Chairman of a Canadian conglomerate who had been promoted rapidly within the company noted that one of his big lessons had been to learn that *he was not chairman because he knew*

mind may also not have achieved exemplary academic performance or high educational attainment.<sup>47</sup> Thus, while the legal mind can be quite comfortable being the smartest person in a room, the business mind is even encouraged to look like the dumbest person in the room.<sup>48</sup>

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*answers* but because he knew how to find them, and had the *judgment to separate good answers from bad ones*. As he went up the ladder, he said, *his job had changed* from telling subordinates to asking them. (emphasis supplied). *Id.*

47. ROBERT KIYOSAKI & SHARON L. LECHTER, *RICH DAD'S CASH FLOW QUADRANT: RICH DAD'S GUIDE TO FINANCIAL FREEDOM* 13 (2003). This provides:

Many successful people have left school without receiving a college degree. People such as Thomas Edison, founder of General Electric; Henry Ford, founder of Ford Motor Co.; Bill Gates, founder of Microsoft; Ted Turner, founder of CNN; Michael Dell, founder of Dell Computers; Steve Jobs, founder of Apple Computer; and Ralph Lauren, founder of Polo. A college education is important for traditional professions, but not for how these people found great wealth. *Id.*

See also CHARAN, *supra* note 33, at 1-2. This provides:

But if you did talk with *street vendors* about how they make a living, you would notice something surprising. No matter where they live, what they sell, or what culture they come from, they talk about — and think about — their business in remarkably *similar ways*. They speak a universal language of business. They practice a *universal law of business* ... Even more surprising is that the street vendor's language is *the same* as Jack Welch's language (he's the former chief executive officer of General Electric, named the best manager of the century by *Fortune* magazine) and Michael Dell's language (you've heard of Dell Computer) and Dick Brown's language (CEO of EDS). It's the same as Jorma Ollila's (CEO of the Finnish company Nokia) and Nobuyuki Idei's (CEO of Sony) ... In other words, when it comes to running a business successfully, *the street vendor and the CEOs* of some of the world's largest and most successful companies *talk and think very much alike*. There are differences, of course, between running a huge corporation and a small shop, and we'll get to those, but the fundamentals, or basics, of business are *the same*. (emphasis supplied). *Id.*

48. WELCH, *supra* note 23, at 74. This provides:

When you are an individual contributor, you try to have all the answers. That's your job — to be an expert, the best at what you do, maybe even the smartest person in the room ... When you are a leader, your job is to have all the questions. *You have to be incredibly comfortable looking like the dumbest person in the room*. Every conversation you have about a decision, a proposal, or a piece of market

## XII. BOOKS AND OPINIONS

To the legal mind, books are authoritative sources of information and opinions of people do not carry much weight. Under the Rules of Court, opinions of people are inadmissible<sup>49</sup> unless the same are made by experts;<sup>50</sup> and even if an opinion is made by the latter, the same may be disregarded.<sup>51</sup> Therefore, as a general rule, subject to exceptions,<sup>52</sup> opinions of people are unacceptable and may be rejected. The legal mind will consider such sources of information as inherently unreliable and hearsay.<sup>53</sup> To the business mind,

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information has to be filled with you saying, “What if?” and “Why not?” and “How come?” (emphasis supplied). *Id.*

49. REVISED RULES ON EVIDENCE, rule 130, § 48. (“The opinion of a witness is not admissible, except as indicated in the following sections.”).
50. *Id.* § 49. (“The opinion of a witness on a matter requiring special knowledge, skill, experience or training which he is shown to possess, may be received in evidence.”).
51. *Cebu Shipyard and Engineering Works, Inc. v. William Lines, Inc.*, 306 SCRA 762, 777 (1999). This case provides:

The word “may” signifies that the use of opinion of an expert witness as evidence is a *prerogative of the courts*. It is *never mandatory for judges to give substantial weight to expert testimonies*. If from the facts and evidence on record, a conclusion is readily ascertainable, there is no need for the judge to resort to expert opinion evidence. In the case under consideration, the testimonies of the fire experts were not the only available evidence on the probable cause and origin of the fire. There were witnesses who were actually on board the vessel when the fire occurred. *Between the testimonies of the fire experts who merely based their findings and opinions on interviews and the testimonies of those present during the fire, the latter are of more probative value*. Verily, the trial court and the Court of Appeals did not err in giving more weight to said testimonies. (emphasis supplied). *Id.*

52. REVISED RULES ON EVIDENCE, rule 130, § 50. Its provision on the opinion of ordinary witnesses provides:

The opinion of a witness for which proper basis is given, may be received in evidence regarding — (a) The identity of person about whom he has adequate knowledge; (b) A handwriting with which he has sufficient familiarity; and (c) The mental sanity of a person with whom he is sufficiently acquainted. The witness may also testify on his impressions of the emotion, behavior, condition or appearance of a person. *Id.*

53. *Gulam v. Santos*, 500 SCRA 463, 473 (2006). This case provides:

It is a hornbook doctrine of evidence that a witness can testify only to those facts which he knows of his personal knowledge, which means those facts which are derived from his perception. *A witness may not testify as to what he merely learned from others* either because he *was told or read or heard the same*. Such testimony is considered hearsay and *may not*

however, opinions of people are better sources of information for being more current. Books have less weight for being outdated sources of information. Therefore, the business mind may give more premium to information sourced from surveys, interviews, market research, customer feedback sessions, and focus group discussions rather than books. In conducting research, the legal mind will prefer the library; the business mind will prefer the street.<sup>54</sup>

### XIII. INDIVIDUALS AND TEAMS

One of the most admirable traits of the legal mind is its ability to “shoulder” responsibility.<sup>55</sup> It is trained to work alone and to accept full and complete responsibility for success or failure.<sup>56</sup> Therefore, the proficiency, discipline, and attitude of the legal mind are similar to those of boxers, swimmers, runners, golfers, tennis players, and race car drivers. By and large, they work alone and are fiercely independent. For this reason, the legal mind may experience difficulty trusting others and delegating power and responsibility.<sup>57</sup> On the other hand, one of the most admirable traits of the

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*be received as proof of the truth of what he has learned. (emphasis supplied). Id.*

54. See A.J. ALMANEY, STRATEGIC MANAGEMENT A FRAMEWORK FOR DECISION MAKING AND PROBLEM SOLVING 32-34 (1992). Checklist on the Subcomponents of Marketing — Products, Marketing Research, Target Market, Sales Volume, Market Share, Pricing, Distribution, Advertising and Promotion.
55. Gutierrez v. Zulueta, 187 SCRA 607, 610 (1990). This case provides:  
The explanation given by the respondent lawyer to the effect that the failure is attributable to the negligence of his secretary is devoid of merit. A responsible lawyer is expected to supervise the work in his office with respect to all the pleadings to be filed in court and *he should not delegate this responsibility, lock, stock and barrel, to his office secretary*. If it were otherwise, irresponsible members of the legal profession can avoid appropriate disciplinary action by simply disavowing liability and attributing the problem to the fault or negligence of the office secretary. Such situation will not be countenanced by this Court. (emphasis supplied). *Id.*
56. CODE OF PROFESSIONAL RESPONSIBILITY, rule 9.01. (“A lawyer shall not delegate to any unqualified person the performance of any task which by law may only be performed by a member of the bar in good standing.”).
57. Lijauco v. Terrado, 500 SCRA 301, 307 (2006). This case provides:  
Rule 18.03 of the Code of Professional Responsibility is a *basic postulate in legal ethics*. When a lawyer takes a client’s cause, he covenants that he will exercise due diligence in protecting his rights. The failure to exercise that degree of vigilance and attention makes such lawyer *unworthy of the trust* reposed in him by his client and makes him

business mind is its ability to “share” responsibility.<sup>58</sup> It is trained to work well with others.<sup>59</sup> Therefore, the proficiency, discipline, and attitude of the business mind are similar to those of basketball, football, baseball, volleyball, and hockey players.<sup>60</sup> By and large, they work with others and are not expected to do great things alone.<sup>61</sup> For this reason, the business mind may find it easier trusting others and delegating power and responsibility.<sup>62</sup>

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*answerable not just to his client but also to the legal profession, the courts and society.* (emphasis supplied). *Id.*

58. GRAY, *supra* note 18, at 20. This provides:

These situations emphasise the extent to which solving problems is central to the work of the manager. And in the age of teams, *managers don't solve problems alone.* They must operate from a business discipline that will enable a *group of workers* to frame a problem and agree on the most efficient way to solve it. (emphasis supplied). *Id.*

59. MCINTYRE, *supra* note 24, at 10. This provides:

Members of management teams have a challenging assignment, but a potentially rewarding one. A highly functioning leadership group challenges assumptions, pushes the limits, and insists on excellence. *Team members combine their resources, explore their differences, and have fun while they work hard.* And they can achieve amazing results. *Being part of such a group makes you more effective as a manager and a leader.* (emphasis supplied). *Id.*

60. FISHER & SHARP, *supra* note 45, at 144-45. This provides:

One way in which working in a group is different from working alone is that we rely on others to do a given task — and they rely on us. The most commonly noted aspect of group behavior is a diminished sense of personal responsibility. The larger the group, the less responsibility each person feels. You mind your own garden and assume that someone will do anything else that needs to be done. *Id.*

See also CHARAN, *supra* note 33, at 112. This provides:

A synchronized organization is like a champion rowing team — *people working together* with a certain rhythm that allows the group to do things the individuals could not do. Synchronization expands the capacity of the whole group ... An *edge in execution* requires mechanisms that synchronize individual contributors, what I have begun to call “Social Operating Mechanisms.” Social Operating Mechanisms are critical to an edge in execution. (emphasis supplied). *Id.*

61. See Aviation Explorer, Lockheed Martin Skunk Works: History, Facts and Pictures — Kelly Johnson, available at [http://www.aviationexplorer.com/lockheed\\_martin\\_skunk\\_works\\_kelly\\_johnson.html](http://www.aviationexplorer.com/lockheed_martin_skunk_works_kelly_johnson.html) (last accessed Nov. 3, 2009). (“Skunk Works, an official alias for Lockheed Martin's Advanced Development Programs and formerly called Lockheed Advanced Development Projects, is responsible for a number of famous aircraft designs, including the U-2, the SR-71, the F-117, and the F-22. Its largest current project is the F-35

## XIV. CONCLUSION

The legal mind and the business mind are different. Neither is superior. Neither is inferior. The difference lies more in character, attitude, and training rather than in intellect, acumen, or knowledge. This perhaps explains why businessmen sometimes find difficulty understanding their lawyers and why lawyers sometimes find difficulty doing business. At any rate, it may also be because either may fall under any one of the sixteen personality types.<sup>63</sup> The foregoing are only personal and general observations. As with general rules, there are qualifications, limitations, caveats, exceptions, and exclusions.

While some lawyers are blessed in having a business mind in addition to their legal mind and while some businessmen are blessed in having a legal mind in addition to their business mind, some have just one or the other. For the latter group, hopefully, this work will bridge the gap and help the legal mind understand the business mind better and vice-versa. For those in the former group, hopefully, this work will help them utilize their blessing. Both are valuable assets. Like the best *adobo* and the best *sinigang*, these may be eaten together; however, these must not be mixed in the mouth or on

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JSF (Joint Strike Fighter), which will be used in the air forces of several countries around the world. Production is expected to last for up to four decades.”).

62. FISHER & SHARP, *supra* note 45, at 152. This provides:

Day-to-day responsibility for carrying the ball — for example, keeping a particular customer happy — is too often kept at the level of the senior person who is ultimately responsible. *It is generally a good idea to delegate a task down.* Delegation does not mean that the recipient now has the discretion to make all decisions with respect to that job. Rather, the recipient now has the job of going forward until further guidance or authority is needed, and of seeking that guidance or authority. The amount of instruction to give when delegating is a function of the recipient’s competence. If the person knows enough about the task to complete it, he does not need detailed instructions. *Explain the desired result, and leave the rest up to the subordinate.* (emphasis supplied). *Id.*

63. See Personality Pathways, Background of the MBTI, available at [http://www.personalitypathways.com/type\\_inventory.html](http://www.personalitypathways.com/type_inventory.html) (last accessed Aug. 3, 2009). This provides:

Over the sixty years since its inception in 1943, the MBTI or Myers-Briggs Type Indicator has evolved and been perfected through continual research and development of ever more accurate questions. Many, many millions of people have taken the test (actually the Indicator is an inventory or psychological instrument rather than a test — as a test suggests right and wrong answers. All answer choices in the MBTI are equally desired). (emphasis omitted). *Id.*

the plate. If this happens, it will be a waste. The same is true with the legal mind and the business mind. Enjoy separately.