

## FIRST DIVISION

[ G.R. No. 189218, March 22, 2017 ]

### OUR LADY OF LOURDES HOSPITAL, PETITIONER, VS. SPOUSES ROMEO AND REGINA CAPANZANA, RESPONDENTS.

#### D E C I S I O N

##### SERENO, C.J.:

We resolve the instant Petition for Review on Certiorari<sup>[1]</sup> assailing the Decision<sup>[2]</sup> and Resolution<sup>[3]</sup> rendered by the Court of Appeals (CA), Second Division, in CA-G.R. CV No. 89030.

#### THE ANTECEDENT FACTS

Regina Capanzana (Regina), a 40-year-old nurse and clinical instructor pregnant with her third child, was scheduled for her third caesarean section (C-section) on 2 January 1998. However, a week earlier, on 26 December 1997, she went into active labor and was brought to petitioner hospital for an emergency C-section. She first underwent a pre-operative physical examination by Dr. Miriam Ramos<sup>[4]</sup> (Dr. Ramos) and Dr. Milagros Joyce Santos,<sup>[5]</sup> (Dr. Santos) the same attending physicians in her prior childbirths. She was found fit for anesthesia after she responded negatively to questions about tuberculosis, rheumatic fever, and cardiac diseases. On that same day, she gave birth to a baby boy. When her condition stabilized, she was discharged from the recovery room and transferred to a regular hospital room.<sup>[6]</sup>

At 2:30 a.m. the following day, or 13 hours after her operation, Regina who was then under watch by her niece, Katherine L. Balad (Balad), complained of a headache, a chilly sensation, restlessness, and shortness of breath. She asked for oxygen and later became cyanotic. After undergoing an x-ray, she was found to be suffering from pulmonary edema. She was eventually transferred to the Intensive Care Unit, where she was hooked to a mechanical ventilator. The impression then was that she was showing signs of amniotic fluid embolism.<sup>[7]</sup>

On 2 January 1998, when her condition still showed no improvement, Regina was transferred to the Cardinal Santos Hospital. The doctors thereat found that she was suffering from rheumatic heart disease mitral stenosis with mild pulmonary hypertension, which contributed to the onset of fluid in her lung tissue (pulmonary edema). This development resulted in cardio-pulmonary arrest and, subsequently, brain damage. Regina lost the use of her speech, eyesight, hearing and limbs. She was discharged, still in a vegetative state, on 19 January 1998.<sup>[8]</sup>

Respondent spouses Capanzana filed a complaint for damages<sup>[9]</sup> against petitioner hospital, along with co-defendants: Dr. Miriam Ramos, an obstetrician/gynecologist; Dr. Milagros Joyce Santos, an anesthesiologist; and Jane Does, the nurses on duty

stationed on the second floor of petitioner hospital on 26-27 December 1997.<sup>[10]</sup>

Respondents imputed negligence to Drs. Ramos and Santos for the latter's failure to detect the heart disease of Regina, resulting in failure not only to refer her to a cardiologist for cardiac clearance, but also to provide the appropriate medical management before, during, and after the operation. They further stated that the nurses were negligent for not having promptly given oxygen, and that the hospital was equally negligent for not making available and accessible the oxygen unit on that same hospital floor at the time.<sup>[11]</sup>

They prayed for actual damages amounting to P814,645.80; compensatory damages, P3,416,278.40; moral damages, P5,000,000; exemplary damages, P2,000,000; attorney's fees, P500,000 as well as P5,000 per hearing and the costs of suit. They likewise prayed for other just and equitable reliefs.<sup>[12]</sup>

Petitioner hospital, defendants Dr. Ramos and Dr. Santos filed their respective Answers.<sup>[13]</sup> On the other hand, the service of summons on the nurses was unsuccessful, as they were no longer connected with the hospital. Thus, only defendant Florita Ballano (Ballano), who was later proven to be a midwife and not a nurse, filed her Answer.<sup>[14]</sup>

Petitioner hospital and defendant Ballano claimed that there was no instruction to the hospital or the staff to place Regina in a room with a standby oxygen tank. They also claimed that the nurses on duty had promptly attended to her needs. They prayed that the complaint be dismissed and respondents ordered to pay unpaid medical bills.<sup>[15]</sup>

Meanwhile, defendant Dr. Ramos claimed that in all of the consultations and prenatal check-ups of Regina in the latter's three pregnancies, she never complained nor informed the doctor of any symptom or sign of a heart problem. Before the last C-section of Regina, Dr. Ramos examined her and found no abnormal cardiac sound, murmur or sign of rheumatic heart ailment. The doctor further claimed that since the operation was an emergency, she had no time or chance to have Regina undergo any cardiac examination and secure a cardiac clearance. Moreover, Dr. Ramos claimed that the cardio-pulmonary arrest took place 14 hours after the operation, long after she had performed the operation. She prayed that judgment be rendered ordering spouses Capanzana to pay her moral damages amounting to P500,000; exemplary damages, P200,000; and attorney's fees, P100,000.<sup>[16]</sup>

On the other hand, defendant Dr. Santos claimed that she was the anesthesiologist in Regina's first and second childbirths via C-section. The doctor further stated that prior to the third emergency C-section, she conducted a pre-operative evaluation, and Regina showed no sign or symptom of any heart problem or abnormality in the latter's cardiovascular, respiratory, or central nervous systems. She then administered the anesthesia to Regina. She also stated that Regina's condition before, during, and after the operation was stable. Dr. Santos prayed that the complaint against her be dismissed.<sup>[17]</sup>

Trial ensued. Plaintiffs presented Dr. Erwin Dizon, a cardiologist; Dr. Godfrey Robeniol, a neurologist; Mrs. Elizabeth Tayag; Dr. Eleonor Lopez, a cardiologist;

Kathleen Lucero Balad; Romeo Capanzana; and Dr. Asuncion Ranezes, a physician.  
[18]

After the plaintiffs rested their case, an amended complaint was filed, this time identifying and impleading as defendants the nurses on duty who included Czarina Ocampo, H.R. Bolatete, Evelyn S. David, and Angelica Concepcion.<sup>[19]</sup> After conducting a deposition of the person in charge of the nurses' schedule, spouses Capanzana further amended their complaint to implead nurses Rochelle Padolina and Florita Ballano, while dropping defendants Czarina Ocampo, H.R. Bolatete, and Angelica Concepcion.<sup>[20]</sup>

The trial continued with the presentation of defense evidence. The defense presented Dr. Santos; Dr. Ramos; Atty. Nicolas Lutero III, director of the Bureau of Licensing and Facilities of the Department of Health; Lourdes H. Nicolas, the assistant nursing service director; Dr. Grace de los Angeles; Ma. Selerina Cuvin, the account receivable clerk; and Milagros de Vera, the administrative supervisor of the hospital.<sup>[21]</sup>

On 11 May 2005, and pending the resolution of the case before the trial court, Regina died and was substituted by her heirs represented by Romeo Capanzana.<sup>[22]</sup>

### **THE RULING OF THE RTC**

On 29 December 2006, the RTC rendered judgment, finding no negligence on the part of Dr. Ramos or Dr. Santos. It found that the medical community's recognized standard practices in attending to a patient in connection with a C-section had been duly observed by the doctors.<sup>[23]</sup>

The RTC also found that the primary cause of Regina's vegetative state was amniotic fluid embolism, an unfortunate condition that was not within the control of any doctor to anticipate or prevent. This condition was the root cause of the pulmonary edema that led to hypoxic encephalopathy, brain damage and, ultimately, Regina's vegetative state. On the other hand, the trial court noted that hypoxic encephalopathy was manageable. It could have been prevented, or at least minimized, had there been a timely administration of oxygen.<sup>[24]</sup>

On the strength of the testimony of Balad, the RTC found that negligence on the part of the nurses contributed to the injury of Regina. It found that they failed to respond immediately when Regina was experiencing shortness of breath. It took the nurses more or less 10 minutes after being informed of the condition of Regina before they checked on her, called for the resident doctor, and requested oxygen. While the trial court acknowledged that the immediate administration of oxygen was not a guarantee that Regina's condition would improve, it gave credence to the testimony of the expert witness. The latter opined that the delay contributed to the onset of hypoxic encephalopathy or diffuse brain damage due to lack of oxygen in Regina's brain. The expert witness also said that had there been a timely administration of oxygen the risk of brain damage would have been lessened, if not avoided, and the onset of hypoxic encephalopathy reduced. The RTC therefore found the nurses liable for contributory negligence.<sup>[25]</sup>

On the issue of whether petitioner hospital could be held liable for the negligence of its nurses, the RTC ruled that the hospital was able to discharge the burden of proof that it had exercised the diligence of a good father of a family in the selection and supervision of its employees. The trial court arrived at this finding on the basis of the testimony of the assistant nursing director, Lourdes Nicolas. She stated that the selection and hiring of their nurses was a rigorous process, whereby the applicants underwent a series of procedures - examination, orientation, training, on-the-job observation, and evaluation - before they were hired as regular employees. The nurses were supervised by their head nurses and the charge nurse. The nurses were also inspected by their clinical supervisor and nursing director. Consequently, only the nurses were held liable to pay damages. However, since the trial court acquired jurisdiction only over Ballano among those on duty on that day, she was the only one held liable.<sup>[26]</sup> The dispositive portion of the RTC decision states:

WHEREFORE, all foregoing considered, judgment is rendered as follows:

A. Ordering the defendant FLORITA BALLANO to pay the plaintiff Romeo R. Capanzana and the children of the spouses Capanzana, namely: Roxanne, Rizelle, and Reginald (all minors) who are represented by plaintiff Romeo R. Capanzana in respect to the children's right to the interest of their deceased mother Regina in this case:

1. The amount of Pesos: Two Hundred Ninety Nine Thousand One Hundred Two and 04/100 (P299,102.04), as and by way of actual damages;
2. The amount of Pesos: One Hundred Thousand (P100,000.00), as and by way of moral damages;
3. The amount of Pesos: One Million Nine Hundred Fifty Thousand Two Hundred Sixty Nine and 80/100 (P1,950,269.80), as and by way of compensatory damages;
4. The amount of Pesos: One Hundred Thousand (P100,000.00), as and by way of attorney's fees;
5. The cost of suit.

B. Ordering the DISMISSAL of the case as against defendants Our Lady of Lourdes Hospital, Inc., Dr. Mirriam Ramos and Dr. Milagros Joyce (Jocelyn) Santos; and

C. DISMISSING the counterclaims of the defendants.

SO ORDERED.<sup>[27]</sup>

Respondents Capanzana filed their appeal<sup>[28]</sup> before the CA, arguing that the RTC committed error in holding that amniotic fluid embolism, which could not have been foreseen or prevented by the exercise of any degree of diligence and care by defendants, caused the cardio-pulmonary arrest, brain damage, and death of the patient (instead of rheumatic heart mitral valve stenosis which could have been

detected and managed). Respondents further argued that it was error for the trial court to hold that defendants Dr. Ramos and Dr. Santos and petitioner hospital exercised due diligence and to absolve them from liability for the untimely death of Regina.<sup>[29]</sup>

Petitioner hospital also filed its notice of appeal.<sup>[30]</sup> It imputed error to the trial court for holding that the nurses had not exercised due diligence in attending to the needs of Regina, particularly because (1) respondent spouses failed to prove any breach of duty on the part of the nurses, particularly Ballano; (2) there was no delay in the delivery of oxygen to Regina; and (3) Regina was afflicted with amniotic fluid embolism, a condition that could not have been foreseen or prevented by any degree of care by defendants.<sup>[31]</sup> Also, petitioner hospital decried the dismissal of its counterclaims and the exclusion of the material testimony of one of the hospital nurses.<sup>[32]</sup>

### **THE RULING OF THE CA**

The CA rendered the assailed decision affirming the RTC ruling with modification. The appellate court upheld the finding of the trial court that the proximate cause of Regina's condition was hypoxic encephalopathy, a diffuse brain damage secondary to lack of oxygen in the brain. Specifically, the cause was hypoxic encephalopathy secondary to pulmonary cardiac arrest on the background of pulmonary edema. The CA decreed that the failure of Dr. Ramos to diagnose the rheumatic heart disease of Regina was not the proximate cause that brought about the latter's vegetative condition as a probable or natural effect thereof. Even if the appellate court were to concede that Regina indeed suffered from rheumatic heart mitral valve stenosis, it was not established that Dr. Ramos ignored standard medical procedure and exhibited an absence of the competence and skill expected of practitioners similarly situated.<sup>[33]</sup>

The CA especially took note of the fact that when Regina was operated on for the third time, albeit in an emergency situation, she had the benefit of her complete medical history. Also, even the expert witness presented by the plaintiffs, Dr. Dizon, testified that most patients suffering from mild mitral valve stenosis are asymptomatic, so the disease cannot be detected on physical examination. He further testified that a request for cardio-pulmonary clearance is discretionary, and that a referral to a pulmonologist can be done away with if the attending physician finds the patient's heart normal. Thus, the appellate court upheld the ruling of the trial court absolving Dr. Ramos.<sup>[34]</sup>

On the issue of the liability of Dr. Santos, the CA discredited the theory of Dr. Dizon that the normal post-operation dosage of 3 liters of intravenous fluid for 24 hours, or 1 liter every 8 hours, could be fatal to a patient with a heart problem. It ruled that Dr. Dizon was presented as an expert witness on cardiology, and not on anesthesiology. Upholding the RTC, the appellate court gave more credence to the testimony of Dr. Santos, who was accepted as an expert witness in the fields of anesthesiology and obstetric anesthesiology. She had testified that even if the dosage was beyond the recommended amount, no harmful effect would have ensued if the patient's kidney were functioning properly. She examined Regina before the operation and found no edema - an indication that the latter's kidney was functioning well. The testimony of Dr. Santos remained uncontroverted. The CA also