

Title: Dr. Rubi Li v. Spouses Reynaldo and Lina Soliman: A Philippine Supreme Court Case on the Doctrine of Informed Consent

Facts:

Angelica Soliman, an 11-year-old, was diagnosed with osteosarcoma, a highly malignant cancer of the bone, at St. Luke's Medical Center (SLMC). Following her diagnosis, her right leg was amputated to remove the tumor. Dr. Jaime Tamayo, who performed the amputation, recommended chemotherapy as an adjuvant treatment to prevent the cancer from spreading. Dr. Tamayo referred Angelica to Dr. Rubi Li, a medical oncologist, for chemotherapy.

On August 18, 1993, Angelica was admitted to SLMC for chemotherapy. Despite the treatment, she passed away on September 1, 1993, just eleven days after the commencement of chemotherapy. A conflict arose between the information provided by SLMC and the findings of the PNP Crime Laboratory regarding the cause of death, leading to a legal battle initiated by Angelica's parents against Dr. Rubi Li and others for negligence and failure to thoroughly inform them of the risks associated with chemotherapy.

The Regional Trial Court (RTC) dismissed the complaint, finding Dr. Li not liable for damages. However, upon appeal, the Court of Appeals (CA) found Dr. Li negligent for not fully disclosing the potential side effects of the chemotherapy to Angelica's parents. The CA's decision was grounded on its finding that Dr. Li's failure to disclose could have potentially led the Solimans to make a different decision about their daughter's treatment.

Issues:

1. Whether Dr. Rubi Li failed to obtain informed consent from Angelica Soliman's parents by not fully disclosing the side effects and risks of chemotherapy.
2. Whether such failure constitutes negligence on the part of Dr. Li.
3. Whether the Court of Appeals erred in holding Dr. Li liable for damages for failure to fully disclose the risks of chemotherapy.

Court's Decision:

The Supreme Court granted Dr. Li's petition, reversed the decision of the Court of Appeals, and reinstated the Regional Trial Court's decision. The Court ruled that the respondents failed to prove by preponderance of evidence that Dr. Li was liable under the doctrine of

informed consent. The Court emphasized the necessity of expert testimony to establish the standard of care required in obtaining informed consent for medical treatments like chemotherapy. It was held that the respondents did not present sufficient expert testimony to establish the scope of what should have been disclosed by Dr. Li.

Doctrine:

The doctrine of informed consent requires that a health care provider disclose material risks and information about a proposed medical treatment to enable the patient to make an informed decision. In cases alleging a lack of informed consent, expert testimony is necessary to establish the medical standard of care for disclosure of risks related to the treatment.

Class Notes:

- **Key Elements of Doctrine of Informed Consent:** Necessity of disclosing material risks and information, requirement of expert testimony to establish a standard of care.
- **Relevant Legal Provisions:** Civil Code, Article 2176 on quasi-delicts, requiring proof of negligence and the resulting damages.
- **Application in Case:** Expert testimony on the standard of disclosure not sufficiently provided by respondents leading to dismissal of negligence claim against the physician.
- **Importance of Expert Testimony:** Expert testimony is indispensable in medical negligence cases to establish whether the level of care and disclosure met the standard practiced by similarly situated medical professionals.

Historical Background:

The case illustrates the evolving application of the doctrine of informed consent within the Philippine legal context. It emphasizes the judiciary's reliance on expert medical opinions to adjudicate claims of medical negligence and the necessity of informed consent in medical treatments, reflecting a growing emphasis on patient rights and autonomy in medical decision-making.