

****Title:** Casumpang v. Cortejo: A Landmark Case on Medical Negligence in the Philippines******

****Facts:**** The case revolves around the tragic death of 11-year-old Edmer Cortejo due to Dengue Hemorrhagic Fever, attributed to the alleged medical negligence of his attending physicians, Dr. Noel Casumpang and Dr. Ruby Sanga-Miranda, and the San Juan de Dios Hospital (SJDH). On April 22, 1988, Edmer was brought to SJDH's Emergency Room by his mother due to difficulty in breathing, chest pain, stomach pain, and fever. After initial diagnosis by Dr. Livelo and confirmed by Dr. Casumpang as bronchopneumonia, Edmer's condition worsened leading to his transfer to Makati Medical Center where he died shortly after. His parents filed a damages suit against the physicians and the hospital, culminating in the consolidation of three separate petitions for review on certiorari to the Supreme Court of the Philippines after both the RTC and the Court of Appeals found the physicians and hospital liable for negligence.

****Issues:****

1. Whether the attending physicians exhibited an "inexcusable lack of precaution" in diagnosing and treating Edmer.
2. Whether SJDH is solidarily liable with the attending physicians.
3. The connection between the negligent act/omission and the patient's death.
4. The admissibility and reliance on the testimony of Dr. Rodolfo Jaudian as an expert witness.

****Court's Decision:****

The Supreme Court partly granted the consolidated petitions, establishing Dr. Noel Casumpang's and SJDH's solidary liability for medical negligence, while absolving Dr. Ruby Sanga-Miranda. The Court underscored the failure to timely diagnose and inadequacy in the management of Edmer's condition as pivotal to establishing negligence, highlighting both the direct and substantial role of these failures in causing Edmer's death. Additionally, it ruled the application of the doctrine of apparent authority or agency in SJDH's liability, recognizing the hospital's implicit portrayal of Dr. Casumpang as part of its medical staff which led the Cortejos to rely on its service, thus binding the hospital to the actions of Dr. Casumpang.

****Doctrine:**** This case reiterates the doctrine of apparent authority or agency by estoppel in the context of Philippine medical malpractice law, illustrating the conditions under which a hospital can be held vicariously liable for the actions of independent contractors or attending physicians. Moreover, it underscores the critical importance of a timely and

accurate diagnosis in medical treatment, emphasizing that the failure to adhere to recognized medical standards can constitute negligence.

****Class Notes:****

- Medical Negligence: Requires proof that a medical practitioner either failed to do something a reasonably prudent practitioner would have done or did something a reasonably prudent practitioner would not have done, resulting in harm to the patient.
- Apparent Authority in Medical Institutions: A hospital can be held liable for the actions of independent contractors if it implicitly holds them out as employees, leading patients to rely on their services.
- Importance of Expert Testimony: In medical negligence cases, the qualification and testimony of expert witnesses are crucial in establishing the standard of care and determining whether there was a deviation from this standard.

****Historical Background:**** The *Casumpang v. Cortejo* decision is pivotal in the annals of Philippine jurisprudence on medical negligence, crystallizing the principles governing the liability of medical practitioners and health care institutions. It also highlights the evolving standards of care in the medical profession and the legal recourse available to aggrieved parties in instances of perceived medical malpractice, marking a significant moment in the intersection of law and medicine in the Philippines.