Title: Rosit v. Davao Doctors Hospital and Dr. Rolando G. Gestuvo

Facts:

Nilo B. Rosit was involved in a motorcycle accident on January 15, 1999, leading to a fractured jaw. He was referred to Dr. Rolando G. Gestuvo at the Davao Doctors Hospital (DDH) who operated on him four days later. Dr. Gestuvo used oversized metal screws to immobilize Rosit's mandible, cutting them to size, despite knowing smaller titanium screws were available in Manila but assuming Rosit couldn't afford them. Post-operation, Rosit experienced significant pain and mobility issues with his jaw. An X-ray indicated the screws had contacted his molar, necessitating a referral to a dentist and a subsequent operation in Cebu for corrective surgery, where titanium screws were used.

Rosit sought reimbursement from Dr. Gestuvo for the corrective surgery and associated costs, totaling P190,000, which Dr. Gestuvo refused. Rosit then filed a civil suit for damages and attorney's fees against Dr. Gestuvo and DDH. The Regional Trial Court (RTC) found Dr. Gestuvo negligent, applying the res ipsa loquitur principle, and dismissed the claims against DDH, awarding Rosit P380,267.13 in damages. Both parties appealed to the Court of Appeals (CA), which reversed the RTC's decision, removing the damages awarded to Rosit, and concluding that the res ipsa loquitur principle did not apply, necessitating expert testimony for a negligence finding.

Issues:

1. Whether the appellate court erred in absolving Dr. Gestuvo from liability.
2. Applicability of the res ipsa loquitur doctrine.
3. Requirement of informed consent and its breach by Dr. Gestuvo.
4. Admissibility and effect of Dr. Pangan's affidavit.

Court's Decision:

The Supreme Court granted Rosit's petition, reversing the CA's decision and reinstating the RTC's ruling. The Court found that the res ipsa loquitur principle applied as the facts clearly demonstrated negligence on Dr. Gestuvo's part. The Court further held that Dr. Gestuvo violated the informed consent doctrine by failing to disclose the availability and necessity of smaller titanium screws to Rosit. Dr. Pangan's affidavit, used by the CA to absolve Dr. Gestuvo of negligence, was deemed inadmissible hearsay. Consequently, Rosit was awarded actual, moral, and exemplary damages, along with attorney's fees.

Doctrine:

1. **Res Ipsa Loquitur**: This doctrine applies in medical negligence cases when the injury would not have occurred without negligence, the instrumentality causing injury was under the exclusive control of the defendant, and the injury was not due to any voluntary action by the plaintiff.

2. **Informed Consent Doctrine**: Requires disclosure of material risks to the patient, failure to disclose constitutes negligence if it results in harm that would have been avoided had the patient been informed.

Class Notes:
– **Res Ipsa Loquitur Elements**: (1) The injury is of a type that does not occur without negligence; (2) The cause of the injury was under the exclusive control of the defendant; (3) The injury was not due to any action or contribution by the plaintiff.
– **Informed Consent in Medical Negligence**: A physician must disclose all material risks of a procedure to the patient. Failure to do so, resulting in harm that could have been avoided had the patient been informed, constitutes negligence.
– **Admissibility of Evidence**: Affidavits are considered hearsay and inadmissible unless the affiant is subject to cross-examination.
– **Damages**: Demonstrating actual expenses incurred due to negligence entitles the claimant to actual damages. Moral damages are awarded for physical suffering, while exemplary damages serve as a deterrent to prevent future misconduct.

Historical Background:
This case emphasizes the evolving standards in Philippine medical practice, particularly the necessity for full disclosure to patients about their treatment options. It underlines the judiciary's role in protecting patient rights and ensuring accountability in medical care, aligning legal doctrines with ethical considerations in medical practice.