

Title:

Nelly Lim vs. Court of Appeals, et al.

Facts:

Marital Conflict and Legal Proceedings:

- **Marriage and Lawsuit Initiation:** Nelly Lim and Juan Sim were lawfully married. On November 25, 1987, Juan Sim filed a petition with the Regional Trial Court (RTC) of Pangasinan to annul their marriage, alleging that Nelly Lim had been suffering from schizophrenia before, during, and after the marriage.

- **Subsequent Court Actions:**

- **Witness Presentation:** During the trial, Sim presented three witnesses and then announced the presentation of Dr. Lydia Acampado, the Chief of the Female Services at the National Mental Hospital, who specializes in psychiatry.

- **Subpoena Request:** Sim's counsel requested a subpoena ad testificandum for Dr. Acampado to testify. Lim's counsel opposed, arguing that Dr. Acampado's testimony was privileged due to the physician-patient relationship.

- **Trial Court's Decisions:**

- **Subpoena Issuance:** The court issued the subpoena on January 12, 1989.

- **Motion to Quash:** On January 24, 1989, Nelly Lim's counsel moved to quash the subpoena and suspend proceedings, arguing confidentiality under the physician-patient privilege.

- **Testimony of Dr. Acampado:** The court allowed Dr. Acampado to testify but restricted her testimony to hypothetical questions regarding her field of expertise without revealing any specific details about Nelly Lim's condition or treatment.

- **Written Order:** The trial judge issued a written order confirming its decision and the limits placed on Dr. Acampado's testimony.

Court of Appeals Decision:

- **Petition for Certiorari:** Nelly Lim filed a petition for certiorari with the Court of Appeals, seeking to annul the trial court's order and prevent further testimony from Dr. Acampado.

- **Resolution:** On September 18, 1989, the Court of Appeals denied the petition, ruling that Dr. Acampado's testimony did not violate the physician-patient confidentiality rule as her testimony was purely as an expert witness on hypothetical issues unrelated to her direct

professional knowledge of Nelly Lim.

Issues:

1. **Was Dr. Acampado's testimony protected by the physician-patient privilege under Section 24, Rule 130 of the Revised Rules on Evidence?**
2. **Did the Court of Appeals err in its decision by denying the privileged nature of Dr. Acampado's testimony?**

Court's Decision:

Physician-Patient Confidentiality (Issue 1):

- **Analysis:** The Supreme Court meticulously analyzed Section 24, Rule 130, establishing criteria for the physician-patient privilege.
- **As an Expert Witness:** The Court held that Dr. Acampado testified strictly regarding hypothetical situations as an expert witness and did not disclose any information acquired during her professional treatment of Nelly Lim.
- **Presence of Third Parties:** The Supreme Court noted that during her consultations, Dr. Acampado conducted interviews in the presence of third parties, which undermines the claim of confidentiality.
- **Privilege Conditions:** The Court found that the testimony did not blacken Nelly Lim's reputation as there was no specific disclosed information regarding her condition directly obtained through treatment.

Errors of Court of Appeals (Issue 2):

- **Evaluation:** The Supreme Court upheld the Court of Appeals' resolution, agreeing that the privileged nature of physician-patient communication was not breached.
- **Reasoning:** Dr. Acampado's testimony did not reveal any confidential information from her professional treatment of Lim, and thus, no privilege was violated. The Court confirmed the trial court's correct application of the rules in permitting Dr. Acampado's expert testimony.

Doctrine:

- **Physician-Patient Privilege:** The privilege under Paragraph (c), Section 24, Rule 130 of the Revised Rules on Evidence protects advice, treatment, or any confidential information acquired by attending a patient professionally if such information is necessary for treatment and would blacken the patient's reputation.
- **Expert Testimony:** A physician may testify as an expert witness without violating

confidentiality, provided they rely solely on hypothetical scenarios and not on any privileged information obtained through treatment.

Class Notes:

1. **Key Elements of Physician-Patient Privilege:**

- **Civil Case:** The privilege must be claimed in a civil context.
- **Professional Capacity:** Information must be acquired while treating the patient professionally.
- **Confidentiality:** The information should be necessary for the physician's role and confidential.
- **Reputation Damage:** Disclosure of such information must potentially damage the patient's reputation.

2. **Statutory Provisions:**

- **Section 24, Rule 130, Revised Rules on Evidence:** "A person authorized to practice medicine ... cannot in a civil case, without the consent of the patient, be examined as to any advice or treatment given ... if such information would blacken the reputation of the patient."

3. **Application:**

- **Scope of Privilege:** Limited to direct professional knowledge vital for treatment.
- **Third-party Disclosure:** Presence of third parties can negate the privilege.
- **Expert Testimony:** An expert can provide hypothetical opinions not stemming from privileged patient information.

Historical Background:

- **Evolution of Confidentiality:** The rule has evolved from a broader definition where any information tending to blacken the patient's character was protected to a more nuanced approach focusing on actual blackening of reputation.
- **Public Policy Foundation:** To ensure patients freely disclose critical health information without fear of public exposure, thus enabling effective medical treatment.

This case underscores the balance between maintaining patient confidentiality and utilizing expert medical testimony in judicial proceedings, particularly in sensitive matters such as annulment cases involving mental health claims.