

Medical Negligence

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In the past decade, the Supreme Court has been given the opportunity to decide multiple cases involving medical negligence. In ruling on these cases, the Court has continuously developed and refined medical jurisprudence, providing guidance on the medical liability system in the country. The Author looks into these developments, focusing primarily on medical negligence and physician liability.

The Author analyzes the many aspects of physician liability as pronounced in Philippine jurisprudence. Philippine laws fixing administrative, criminal, and civil liabilities of physicians are discussed and the elements thereof outlined. The Author focuses especially on medical negligence cases and how the Court has advanced the field of legal medicine in this jurisdiction through its introduction of various doctrines such as the doctrines of *res ipsa loquitur*, informed consent, and Captain of the Ship.

Taking these court pronouncements and liabilities fixed by law, the Author looks into the current medical liability system and patient safety. As studies would indicate, the globally-accepted medical liability system is generally based on a “finding of fault,” often integrated in the laws which make medical practitioners liable. The Author also explains that these fault-based systems may be both ineffective in compensating victims of medical negligence and counterproductive to achieving a culture of patient safety. All these considered, the Author suggests that possible reforms be implemented in the medical liability system in such a way that promotes a culture of patient safety while, at the same time, allowing the law to fulfill its corrective, compensatory, and regulatory functions.