Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SPOUSES CHRISTOPHER AND CARMEN NUÑEZ, Petitioners,	**G.R. No. 246489**
	Present:
- versus -	CAGUIOA, *J.*, *Chairperson*, INTING, GAERLAN, DIMAAMPAO, and SINGH, *JJ.*
DR. HENRY DAZ, Respondent.	Promulgated: January 29, 2024

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DECISION

SINGH, *J.*:

Before the Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court filed by spouses Christopher (**Christopher**) and Carmen Nuñez (collectively, **the petitioners**), assailing the Court of Appeals (**CA**) Decision,[2] dated July 13, 2018, and the Resolution,[3] dated March 19, 2019, in CA-G.R. CV No. 104749. The assailed Decision affirmed with modification the Decision,[4] dated September 17, 2014, and the Order,[5] dated October 27, 2014, of Branch 3, Regional Trial Court, Baguio City (**RTC**) in Criminal Case No. 27961-R, finding Dr. Henry Daz (**Dr. Daz**) not guilty of Reckless

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1 *Rollo*, pp. 8–24.

2 *Id.* at 129–145. Penned by Associate Justice Carmelita Salandanan Manahan and concurred in by Associate Justices Romeo F. Barza and Stephen C. Cruz of the First Division, CA, Manila.

3 *Id.* at 170–173. Penned by Associate Justice Carmelita Salandanan Manahan and concurred in by Associate Justices Romeo F. Barza and Stephen C. Cruz of the Former First Division, CA, Manila.

4 *Id.* at 25–35. Penned by Judge Emmanuel Cacho Rasing.

5 *Id.* at 51–52.

Imprudence Resulting in Homicide.

The Facts

On June 27, 2006, 2-year old John Ray Nuñez (**John Ray**) underwent a craniectomy[6] to remove a cancerous tumor from his brain.[7] During the surgery, John Ray experienced hypothermia that necessitated his resuscitation. Petitioners alleged that Dr. Daz, the anesthesiologist, applied a hot water bag on John Ray's legs to address his decreased temperature.[8] However, the water bag burst, and the hot water spilled on John Ray "causing him to suffer third-degree (*sic*) burns on his right thigh, supra-pubic area and hands."[9]

After the surgery, Dr. Jesus Nigos (**Dr. Nigos**), one of the neurosurgeons, informed Christopher that the removal of his son's tumor was close to a success, were it not for the bursting of the hot water bag, which lead to the scalding of parts of John Ray's body.[10] Due to the burns, his right fifth digit and left thumb were amputated.[11] He also underwent skin grafting surgery for his third degree burns. These delayed the chemotherapy which was supposed to be conducted within 15 to 30 days after the surgery to remove whatever is left of the tumor.[12]

During the time when the burns were being treated, it was discovered that the brain tumor recurred. Hence, On October 3, 2006, John Ray underwent another operation. During the surgery, however, John Ray succumbed to death.[13]

His death certificate reads:

I.	Immediate cause:	a.	Cardiorespiratory Arrest
	Antecedent [c]ause:	b.	Brain Herniation
	Underlying cause:	c.	Intracranial teratoma S/P Craniectomy, Excision of Tumor

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6 Cedars Sinai. *Conditions and Treatments: Craniectomy.* (A craniectomy is a type of surgery to remove a portion of the skull), *available at* https://www.cedars-sinai.org/health-library/tests-and-procedures/c/craniectomy.html#:~:text=A%20craniectomy%20is%20a%20type,bones%20help%20protect%20your%20brain (last accessed on January 8, 2024).

7 *Rollo*, p. 25.

8 *Id.* at 29.

9 *Id.* at 27.

10 *Id.* at 28.

11 *Id.* at 27.

12 *Id.* at 28.

13 *Id.*

II. Other significant conditions
Contributing to death: Pneumonia
Tumor blood[14]

The petitioners filed before the Office of the City Prosecutor-Baguio City a case for Reckless Imprudence Resulting in Homicide, docketed as I.S. No. 07-1117, against Dr. Nigos, Dr. Joey Lucas, and the assisting nurses, which was, however, dismissed. Elsewhere in said charge, it was stated that Dr. Daz was the child's anesthesiologist. It was further narrated that the scaled burns were allegedly sustained by John Ray when the hot water bag used to resuscitate John Ray from hypothermia, allegedly under the administration of Dr. Daz, may have allegedly ruptured.[15]

Thus, an Information[16] for Reckless Imprudence Resulting in Homicide was filed on January 29, 2008, where Dr. Daz stood charged and was tried.

The Ruling of the RTC

On September 17, 2014, the RTC found Dr. Daz not guilty of Reckless Imprudence Resulting in Homicide:

> **WHEREFORE**, in view of the foregoing, the Court hereby finds DR. HENRY DAZ NOT GUILTY of Reckless Imprudence Resulting in Homicide. He is however, adjudged liable to pay the private complainants moral damages in the amount of Two Hundred Thousand Pesos ([PHP] 200,000.00), exemplary damages in the amount of Three Hundred Thousand Pesos ([PHP] 300,000.00) and actual damages in the amount of [Twenty-Five] Thousand Pesos ([PHP] 25,000.00). No cost.[17] (Emphasis in the original)

The RTC found, among others, that the prosecution failed to prove the circumstances amounting to the alleged negligence of Dr. Daz as to the bursting of the hot water bag. Moreover, assuming that he was indeed negligent, the prosecution failed to prove the connection between such incident and the death of John Ray.[18]

Although Dr. Daz's negligence was not proven beyond reasonable doubt, the RTC, nevertheless, held him civilly liable on the basis of

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14 *Id.* at 26
15 *Id.*
16 *Id.* at 27.
17 *Id.* at 34–35.
18 *Id.* at 30–31.

preponderance of evidence as the standard of proof.[19] Thus, the RTC awarded moral, exemplary, and actual damages in favor of the heirs of John Ray.

Both parties filed their respective Motions for Reconsideration.[20] In an Order,[21] dated October 27, 2014, the Motions for Reconsideration were both denied.

The Ruling of the CA

On July 13, 2018, the CA affirmed with modification the Decision[22] of the RTC, the dispositive portion of which reads:

> **WHEREFORE**, the private-complainant-appellants' Appeal is **DENIED**. Accused-appellant's Appeal is **GRANTED**. The September 17, 2014 Decision and the October 27, 2014 Order of the Regional Trial Court, Branch 3, Baguio City in Criminal Case No. 27961-R are **SET ASIDE** in so far as it awarded Two Hundred Thousand Pesos ([PHP] 200,000.00) as moral damages, Three Hundred Thousand Pesos ([PHP] 300,000.00) as exemplary damages and [Twenty-Five] Thousand Pesos ([PHP] 25,000.00) as actual damages. Civil liability is extinguished considering that the act from which the civil liability might arise did not exist.
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> **SO ORDERED**.[23] (Emphasis in the original)

The CA deleted the award of damages in favor of the petitioners. Since the RTC ruled that the criminal act from which Dr. Daz is charged did not exist, it then follows that the civil action for damages based upon the same act is extinguished.[24]

In its Resolution,[25] dated March 19, 2019, the CA denied the petitioners' Motion for Reconsideration[26] for lack of merit.

The petitioners filed the present Petition for Review on *Certiorari* under Rule 45 of the Rules of Court.

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19 *Id.* at 33.
20 *Id.* at 36–42; and 43–47.
21 *Id.* at 51–52.
22 *Id.* at 25–35.
23 *Id.* at 144–145.
24 *Id.* at 144.
25 *Id.* at 170–173.
26 *Id.* at 147–156.

The Issue

Did the CA commit any reversible error in deleting the award of damages in favor of the petitioners?

The Ruling of the Court

The Court denies the Petition for failing to show that the CA committed a reversible error.

Scope of a petition for review on certiorari under Rule 45

It is settled that the Court is not a trier of facts. In a petition for review on *certiorari* under Rule 45 of the Rules of Court, the function of the Court is limited to reviewing the errors of law which lower courts may have committed.[27] Where the issues are factual in nature, its determination should be left to the trial courts.[28] The factual findings of the trial court, especially when affirmed by the CA, are generally binding and conclusive on this Court.[29]

Here, the petitioners argue that this case is covered by the following exceptions to the general rule that this Court is not a trier of facts: (1) when the CA's findings are contrary to that of the trial court; and (2) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which if properly considered, would justify a different conclusion.[30]

Dr. Daz, in his Comment,[31] counters that aside from the award of damages, both the RTC and the CA are unanimous in acquitting Dr. Daz.[32]

The petitioners' argument is erroneous.

As to the first exception, the CA did not disagree with the findings of fact by the RTC. What the CA disagreed with is the award of damages in favor of the petitioners. As to the second exception, all relevant facts were

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27 *Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza*, 810 Phil. 172, 177–178 (2017) [Per J. Peralta, Second Division].

28 *Id.*

29 *Fegarido v. Alcantara*, G.R. No. 240066, June 13, 2022, *citing Torres v. People,* 803 Phil. 480, 487 (2017) [Per J. Leonen, Second Division].

30 *Rollo*, pp. 8–9.

31 *Id.* at 185–203.

32 *Id.* at 187.

sufficiently passed upon by the CA.

For these reasons alone, the Petition for Review on *Certiorari* should be denied.

The rules on appeals from a judgment of acquittal

When an accused has been acquitted, or the case against her or him is dismissed by a court of competent jurisdiction, upon a valid complaint or information, and after the accused had pleaded to the charge, the acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged.[33] This principle is also known as double jeopardy. The existence of double jeopardy calls for the application of the "finality-of-acquittal" rule, which makes a judgment of acquittal unappealable and immediately executory upon its promulgation.[34]

Here, while the petitioners are questioning the deletion of the award of damages, they were essentially questioning the criminal aspect of the case, and corollarily Dr. Daz' acquittal. Although a Rule 65 petition for *certiorari* is allowed to question such a dismissal if committed with grave abuse of discretion, such action may only be filed by the Office of the Solicitor General on behalf of the People of the Philippines.[35]

The private complainant is only allowed to initiate the same if the question raised pertains solely to the civil aspect.[36]

Here, clearly, the petitioners were challenging the acquittal of Dr. Daz in their action before the CA. The Court agrees with Dr. Daz that a reading of the present Petition is actually an appeal of the judgment of acquittal since the Petition essentially prays for the Court to revisit the facts established by

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[33] SC Administrative Matter No. 00-5-03-SC, October 3, 2000, Revised Rules of Criminal Procedure, sec 7. Former Conviction or Acquittal; Double Jeopardy.— When an accused has been convicted or acquitted, or the case against him dismissed or otherwise terminated without his express consent by a court of competent jurisdiction, upon a valid complaint or information or other formal charge sufficient in form and substance to sustain a conviction and after the accused had pleaded to the charge, the conviction or acquittal of the accused or the dismissal of the case shall be a bar to another prosecution for the offense charged, or for any attempt to commit the same or frustration thereof, or for any offense which necessarily includes or is necessarily included in the offense charged in the former complaint or information.

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[34] *People v. Sandiganbayan (Fourth Division)*, G.R. No. 228281, June 14, 2021 [Per J. Caguioa, First Division].

[35] *JCLV Realty & Development Corp. v. Mangali*, 880 Phil. 267–290 (2020) [Per J. Lopez, First Division].

[36] *Id.*

the RTC.[37] This is not allowed.

Dr. Daz was not found to be the author of the act or omission complained of

The Court has consistently held that there are two kinds of acquittal: (1) that the accused is not the author of the act or omission complained of; and (2) that the prosecutor failed to prove the guilt of the accused beyond reasonable doubt. Although they have the same effect on the acquittal of the accused, their effects differ as to the accused' civil liability. The Court held in *Manantan v. Court of Appeals*:[38]

> Our law recognizes two kinds of acquittal, with different effects on the civil liability of the accused. First is an acquittal on the ground that the accused is not the author of the act or omission complained of. This instance closes the door to civil liability, for a person who has been found to be not the perpetrator of any act or omission cannot and can never be held liable for such act or omission. There being no delict, civil liability ex delicto is out of the question, and the civil action, if any, which may be instituted must be based on grounds other than the delict complained of. This is the situation contemplated in Rule 111 of the Rules of Court. The second instance is an acquittal based on reasonable doubt on the guilt of the accused. In this case, even if the guilt of the accused has not been satisfactorily established, he is not exempt from civil liability which may be proved by preponderance of evidence only[.][39] (Citations omitted)

Moreover, in *Daluraya v. Oliva*[40] citing *Dayap v. Sendiong*:[41]

> The acquittal of the accused does not automatically preclude a judgment against him on the civil aspect of the case. The extinction of the penal action does not carry with it the extinction of the civil liability where: (a) the acquittal is based on reasonable doubt as only preponderance of evidence is required; (b) the court declares that the liability of the accused is only civil; and (c) the civil liability of the accused does not arise from or is not based upon the crime of which the accused is acquitted. However, the civil action based on *delict* may be deemed extinguished if there is a finding on the final judgment in the criminal action that the act or omission from which the civil liability may arise did not exist or where the accused did not commit the acts or omission imputed to him.[42]

The present case falls under the first kind of acquittal, *i.e.*, the accused

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37 *Rollo*, p. 200, Comment.
38 403 Phil. 298, 308–309 (2001) [Per J. Quisumbing, Second Division].
39 *Id.*
40 749 Phil. 531 (2014) [Per J. Perlas-Bernabe, First Division].
41 597 Phil. 127 (2009) [Per J Tinga, Second Division].
42 *Supra*, at 537.

is not the author of the act or omission complained of. In its Decision, the RTC clearly and categorically found that "Dr. Daz could not be blamed on the mere fact that the hot water bag gave way or may have been ruptured." Worse, the prosecution miserably failed to offer any evidence that a hot water bag broke:

> The [c]ourt has painstaking (*sic*) looked into the many hospital records formally offered by the prosecution but **failed to see any mention of a "hot water bag" that has burst, leaked or broke**. The Counter-affidavit of Tarhata Chan and the other assisting nurses pointing to Dr. Daz as the one who placed a hot water bag on the thigh of John Ray "which may have ruptured" could not be taken into consideration as said affiants were not presented as prosecution witnesses. Their counter-affidavit is hearsay and its contents are inadmissible[.][43] (Emphasis supplied, citations omitted)

While Dr. Daz was found not to be the author of the act or omission, the RTC still found him to be civilly liable. The RTC reasoned:

> The yardstick applied by the Court in the foregoing disquisition is proof beyond reasonable doubt as applied in all criminal prosecutions for purposes of determining criminal liability. Civil liability is a different matter. The gauge is preponderance of evidence. And it need not arise *ex delicto*. The court has ruled that Dr. Daz could not be blamed criminally for the death of John Ray-again (*sic*), primarily because the causal connection between the scald burns and the death of the child has not been established. But using preponderance of evidence as its gauge, the Court is comfortable to say that Dr. Daz was civilly negligent when John Ray suffered scald burns while being resuscitated from hypothermia- (*sic*) a function belonging to Dr. Daz as anesthesiologist[.][44]

The reasoning provided by the RTC lacked factual and legal bases.

Even assuming that Dr. Daz' acquittal is based on reasonable doubt, the imputed negligence still fails under the lens of preponderance of evidence. As earlier mentioned, there was no evidence pointing to Dr. Daz as the culprit in the bursting of the hot water bag.

It is well to note also that there were several persons, including student nurses, inside the operating room during the June 27, 2006 operation:

> 9. On June 27, 2006, the removal of JOHN RAY's brain tumor pushed through as scheduled. He was operated on by DR. NIGOS, DR. JOEY LUCAS [DR. LUCAS, for brevity] and herein respondent DR. HENRY

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43 *Rollo*, p. 31.

44 *Id.* at 14 & 33.

> DAZ [DR. DAZ, for brevity]. Respondent DR. DAZ was the anesthesiologist.
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> 10. These three (3) doctors were assisted by a registered nurse named MARIA TARHATA CHAN [CHAN, for brevity] and student nurses FLORA MARIE GODELOSON [GODELOSON, for brevity], RICHARD GARCIA [GARCIA, for brevity] and RONALD GALISTE [GALISTE, for brevity]. A copy of the Operation Sheet and Operative Technique[,] dated June 27, 2006[,] showing the doctors and hospital staff who performed and participated in the operation are hereto attached as **ANNEXES "A" and "B"** hereof;[45] (Emphasis in the original)

As to who prepared the hot water bag was never clearly determined.[46]

It cannot be overemphasized that Dr. Daz cannot be assumed to be responsible for the bursting of the water bag. Precisely, that it gave way cannot be attributed to his fault. It goes deep into a discussion on the instrument itself or its dilapidated state. How can a doctor be responsible for the usability of an instrument that can be safely assumed to be that of the hospital's? The Court would have appreciated the circumstances differently had the instrument/s used been his or her own, such that it relates to his or her specialization. It would be unreasonable to assume that a water bag would be a personal instrument of a doctor such that he or she would be responsible for its condition.

Nevertheless, regardless of who owns the instrument, whether the doctor or the hospital, the propriety of its use would still depend on evidence acceptable before the Court, based on law and jurisprudence. As will be later discussed, the circumstances surrounding the propriety of using a water bag require expert testimony.

Res ipsa loquitur does not apply in the present case

The petitioners further argue that the principle of *res ipsa loquitur* applies in this case.

Res ipsa loquitur literally means "the thing or the transaction speaks for itself." It is not a tool which automatically points liability to a party, but a mere mode of proof or procedural convenience. The doctrine can be invoked only when, under the circumstances involved, direct evidence is absent and

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45 RTC records, p. 5.

46 *Rollo*, p. 30, RTC Decision.

not readily available.[47]

Its elements are: (1) the accident was of a kind that does not ordinarily occur unless someone is negligent; (2) the instrumentality or agency that caused the injury was under the exclusive control of the person charged; and (3) the injury suffered must not have been due to any voluntary action or contribution of the person injured.[48]

As a general rule, expert testimony in malpractice suits is necessary in proving that a physician has done a negligent act or has deviated from a standard medical procedure. However, *res ipsa loquitur* has been invoked in medical negligence cases where the circumstances attendant upon the harm are, themselves, of such a character as to justify an inference of negligence as the cause of that harm. Where common knowledge and experience teach that a patient's resulting injury would not have occurred had due care been exercised, an inference of negligence may be drawn giving rise to the application of the doctrine of *res ipsa loquitur*, without medical evidence, which is ordinarily required to show not only what occurred but how and why it occurred.[49]

In this case, the first element is absent. As earlier explained, the prosecution failed to prove that Dr. Daz is negligent, nor was it shown that he lacked due care.

The second element, likewise, is not present. While it is true that Dr. Daz was the anesthesiologist who allegedly had the duty to address the hypothermia, it was never proved that he was the one who prepared and applied the water bag that ruptured. Again, there were several nurses present during the operation. Thus, the fact that the water bag may have ruptured cannot be exclusively attributed to Dr. Daz. It would be difficult to perceive that when the hypothermia occurred, it would still be Dr. Daz who had to prepare the hot water bag, leaving the patient out of his sight and care. Necessarily, he would need the assistance of the nurses present during the operation, *i.e.*, the preparation of the hot water bag.

Again, *res ipsa loquitur* is not applicable in cases where the defendant's alleged failure to observe due care is not immediately apparent to a layman. These instances require expert opinion to establish the culpability of the defendant-doctor. Neither can it be applied to cases where the actual cause

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47 *Dr. Solidum v. People*, 728 Phil. 579, 590 (2014) [Per J. Bersamin, First Division].

48 *Id.*

49 *Id.*, *citing Ramos v. Court of Appeals*, G.R. No. 124354, December 29, 1999, 321 SCRA 584, 600–603 [Per J. Kapunan, First Division].

of the injury had been identified or established.[50]

Plainly, the established factual circumstances in the present case failed to show that the doctrine of *res ipsa loquitur* applies. The attendant circumstances are not of such a character where inference can be made to easily point out the presence of negligence. Expert testimony is necessary to show the propriety of applying a hot water bag, the person designated to prepare the same, the specific area where to apply it, and the kind of water bag usually used, whenever hypothermia occurs during a brain surgery of a child.

Neither can Dr. Daz be held civilly liable based on culpa aquiliana and culpa contractual

The petitioners argue that the RTC correctly awarded damages in their favor applying *culpa aquiliana*.[51] Moreover, they claim that Dr. Daz is liable for contractual negligence in view of the parties' physician-patient relationship.[52]

The Court is not convinced.

Dr. Daz cannot be held civilly liable on the ground of *culpa acquiliana*. *Culpa aquiliana* or *quasi-delict* is found in Article 2176 of the Civil Code.[53] It has the following elements: (1) damages suffered by the plaintiff; (2) fault or negligence of the defendant, or some other person for whose acts she or he must respond; and (3) the connection of cause and effect between the fault or negligence of the defendant and the damages incurred by the plaintiff.[54] The second and third elements were not established in this case. As earlier explained, the prosecution failed to establish Dr. Daz's want of due care.

Even assuming, for the sake of argument, that he is indeed negligent, the chain of events leading to John Ray's death did not have the required causal connection, originating from the bursting of the hot water bag to John Ray's death. The petitioners allege the following events:

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50 *Borromeo v. Family Care Hospital, Inc.*, 779 Phil. 1, 22 (2016) [Per J. Brion, Second Division].

51 *Rollo*, p. 14.

52 *Id.* at 15.

53 CIVIL CODE, art. 2176. Whoever by act or omission causes damage to another, there being fault or negligence, is obliged to pay for the damage done. Such fault or negligence, if there is no pre-existing contractual relation between the parties, is called a quasi-delict and is governed by the provisions of this Chapter. See also *Sanggacala v. National Power Corp.*, G.R. No. 209538, July 7, 2021.

54 *Sanggacala v. National Power Corp.*, G.R. No. 209538, July 7, 2021 [Per J. Leonen, Third Division].

(a) Being an anesthesiologist, [Dr. Daz] was the specialist in charge of monitoring the vital signs and the resuscitation of John Ray as it was his area of responsibility;
(b) During the operation on June 27, 2006, John Ray's body temperature decreased and his vital signs became unstable;
(c) [Dr. Daz] informed neurosurgeons Nigos and Lucas that John Ray was suffering from hypothermia or temperature drop;
(d) It was [Dr. Daz], as anesthesiologist and specialist in charge, who conducted the resuscitation of John Ray as the other specialists-neurosurgeons (Nigos and Lucas) were in charge of the brain surgery;
(e) In the conduct of his resuscitation of John Ray[,] [Dr. Daz] placed a hot water bag to increase the temperature of the child and prevent his death;
(f) The hot water bag broke and leaked;
(g) Because the hot water bag broke and leaked[,] John Ray was scalded resulting in third-degree burns on his right thigh, suprapubic area and hands;
(h) John Ray's scald burns were so severe that his right fifth digit and left thumb have to be amputated;
(i) Because of his burns, John Ray's chemotherapy has to be indefinitely put on hold until he fully recovers which was also uncertain as it depends on the success of his skin grafting;
(j) John Ray was made to undergo two skin grafting (*sic*) because the first did not take (*sic*) and succeed;
(k) John Ray's condition worsened because he failed to undergo the necessary chemotherapy[,] fifteen days after his operation[,] because it has become a necessity for him to fully recover from his scald burns first;
(l) Soon thereafter, John Ray's brain tumor has recurred;
(m) Neurosurgeons Nigos and Lucas recommended that another operation must be made even when John Ray has not yet fully recovered from his "scald burns[;"] and
(n) John Ray died on October 3, 2006 while undergoing another surgery to remove the brain tumor that recurred.[55]

It bears stressing that the death of John Ray occurred during the second operation. The first cause, i.e., the bursting of the hot water bag, did not set the other events in motion, such that the subsequent events constitute a natural and continuous chain, each having a close causal connection with its immediate predecessor. The final event of the chain, i.e., the death of John Ray, could not be deemed as the natural and probable result of the first cause, i.e., the bursting of the hot water bag.

Petitioners further claim that Dr. Daz should be held liable based on *culpa contractual* in view of the parties' physician-patient relationship.[56]

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55 *Rollo*, pp. 18–19.
56 *Id.* at 15.

Again, the argument is not meritorious.

First, the petitioner's claim that Dr. Daz is civilly liable based on *culpa aquiliana* (*quasi-delict*) is inconsistent with their claim of *culpa contractual*. *Quasi-delict* presupposes that there be no pre-existing contractual relation between the parties.[57] ***Second***, the petitioner failed to prove the breach of contract as Dr. Daz' negligence precisely was not proven.

The omission to disclose the circumstances leading to the incident does not connote bad faith

The petitioners impute bad faith on the part of Dr. Daz for failure to disclose to the petitioners that he was in charge of the hot water bag and the reason why it ruptured or leaked.[58]

Bad faith does not simply connote bad judgment or negligence. It partakes of the nature of fraud and dishonesty. It requires the presence of malicious motive or intent, or ill will.[59]

The Court failed to see any proof to support the claim of bad faith on the part of Dr. Daz. Again, it cannot be presumed that the bursting of the hot water bag was his fault.

A final note. The medical profession is a highly technical field. Each clinical specialization follows its own particular, peculiar applications. A charge of malpractice on imputed wrong in civil cases is measured by a mere preponderance of evidence as quantum. Rulings in medical negligence cases should thus be carefully balanced to avoid sending a chilling effect on medical practice in the country, which is critical to a stable healthcare regime.

This, notwithstanding, the Court keeps in mind that patients should fairly and equally be protected from malpractice. The Court sympathizes with the parents of John Ray. However, the Court can only act within the confines of its powers[60] in determining the sufficiency of the factual and legal bases for the award of damages in favor of the petitioners.

ACCORDINGLY, the Petition for Review on *Certiorari* filed by

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57 CIVIL CODE, art. 2176.
58 *Rollo*, p. 20.
59 *Martel v. People*, G.R. Nos. 224720–23 & 224765–68, February 2, 2021 [Per J. Caguioa, *En Banc*].
60 *Lagman v. Medialdea*, 847 Phil. 317, 427 (2019) [Per J. Carandang, *En Banc*].

petitioners spouses Christopher and Carmen Nuñez is **DENIED**. The Decision, dated July 13, 2018, and the Resolution, dated March 19, 2019, of the Court of Appeals in CA-G.R. CV No. 104749 are **AFFIRMED**.

SO ORDERED.

MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

JAPAR B. DIMAAMPAO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice