

## EN BANC

[ A.M. NO. 2005-08-SC, December 09, 2005 ]

**SAMUEL R. RUÑEZ, JR., COMPLAINANT, VS. MARYBETH V. JURADO, RESPONDENT.**

### DECISION

**AZCUNA, J.:**

It is unfortunate that this administrative case involves co-workers in this Court. Complainant, Samuel R. Ruñez, Jr. (Ruñez, Jr.), is Chief of the Clearance Section, Checks Disbursement Division of the FMO-OCA and is the son of the aggrieved party, Samuel V. Ruñez, Sr. (Ruñez, Sr.), Driver I for the Motorpool, Property Division of the OCA. Respondent is Dr. Marybeth V. Jurado (Dr. Jurado), Medical Officer IV of the Medical and Dental Services. All three were working for the Court at the time of the incident in issue.

The parties agree that on January 12, 2005, at around 4:20 p.m., Ruñez, Sr. arrived by himself at this Court's clinic complaining of dizziness. His blood pressure and pulse rate were taken by the reception nurse and were registered at 210/100 mmHg and 112 beats a minute, respectively. What transpired next is disputed. Ruñez, Jr. alleged that despite his father's medical condition, he was merely advised to go to a hospital and then allowed to walk out of the clinic on his own. Dr. Jurado, on the other hand, maintained that after being informed of Ruñez, Sr.'s blood pressure and heart rate, she instructed the nurse to administer one tablet of *Capoten 25mg*, an emergency drug that quickly lowers a patient's blood pressure. She then informed Ruñez, Sr. that he will be taken to the hospital, after which she immediately instructed the ambulance driver, Mr. Jacinto, to stand by for hospital conduction. Minutes later, after having taken *Capoten* and being given a chance to rest, Ruñez, Sr. stood up and walked out saying, "*Doktora, hanap lang ho ako ng kasama.*" Dr. Jurado said she waited for him to return but he failed to show up. She asked Mr. Almarza, a nurse at the clinic, to look for Ruñez, Sr. but he was unable to locate him.

According to Ruñez, Jr., after being informed of his father's condition, he rushed him to the Manila Doctors Hospital. There, Ruñez, Sr. was treated in the emergency room for approximately four hours before he was discharged at around 8:30 p.m. and allowed to go home. However, prior to reaching their house in Balintawak, Caloocan City, Ruñez, Sr. began experiencing nausea, abnormal palpitation and uneasiness and had to be brought back to the hospital.

Ruñez, Sr. and Ruñez, Jr.<sup>[1]</sup> arrived at the emergency room of the Manila Doctors Hospital at around 10:00 p.m. after which Ruñez, Sr. underwent a C.T. Scan. The C.T. Scan revealed a blood clot necessitating him to be admitted for treatment and observation. The following morning he suffered a stroke and for a moment was on flat line. The doctors were able to revive him and thereafter he was transferred to

the intensive care unit. Unfortunately, Ruñez Sr. never recovered from his ailment and, on September 12, 2005, he passed away due to medical complications.<sup>[2]</sup>

On February 15, 2005, Ruñez, Jr. filed a letter-complaint with the Office of the Chief Justice regarding the alleged lack of attention given to his father by Dr. Jurado. Specifically, he claims that Dr. Jurado merely advised his father to go to the hospital and then allowed him to travel to Manila Doctors Hospital despite the availability of an ambulance at the disposal of the clinic. Ruñez, Jr. submits that his father would not have suffered a stroke if not for the neglect of Dr. Jurado.

The letter-complaint was referred to Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief of Administrative Services, for investigation. Atty. Candelaria required Dr. Jurado to submit her comment to the letter-complaint. The comment was submitted on March 18, 2005, together with supporting affidavits from respondent's witnesses. This was followed by Ruñez, Jr.'s reply to the comment on April 12, 2005 and Dr. Jurado's rejoinder on April 22, 2005.<sup>[3]</sup>

Atty. Candelaria submitted her report on June 17, 2005. The report gave credence to the account of Dr. Jurado that Ruñez, Sr. was given *Capoten*, informed that he should be hospitalized and that the ambulance was placed on standby to take him there. These factual findings of Atty. Candelaria appear to be supported by the affidavits of the clinic's personnel, including the ambulance driver, who witnessed the events that happened between Ruñez, Sr. and Dr. Jurado.

The issue now for the Court to resolve is whether, given the accepted facts, there is cause to hold Dr. Jurado administratively liable. Atty. Candelaria is satisfied that Dr. Jurado provided Ruñez, Sr. proper treatment inside the clinic. However, in her opinion, Dr. Jurado's actions after Ruñez, Sr. had left were less than the required diligence of a good father of a family. We quote below the analysis of Atty. Candelaria:

. . . Records will clearly show that minutes after Mr. Ruñez, Sr. left the clinic, Dr. Jurado also left the clinic to go home. This is shown by her time out registered in the Chronolog Machine on the said date which was 4:31 p.m. and her inclusion in the list of passengers of Shuttle Bus No. 6. As an efficient and intelligent doctor, Dr. Jurado should have at least personally exerted all her efforts to determine the whereabouts of Mr. Ruñez, Sr. because of his condition and again at the very least informed his relatives in the Court in order that they too take the necessary action that very moment. Or in the alternative, if indeed, Dr. Jurado may have been in a hurry at that time to do some errands, she should have at least[,] again, turned Mr. Ruñez over the a [d]octor who was willing to be left behind after office hours. These however never happened. All that she relied on was the fact that there was an emergency treatment and an order for hospital conduction but [the same] didn't materialize and [she] put [the] blame on Mr. Ruñez, Sr. As admitted by complainant, Mr. Ruñez, Sr., is a mere "driver" and perhaps may have no knowledge at all of the consequences of his 210/100 blood pressure and since he sought refuge from the [c]linic, the clinic, particularly Dr. Jurado[,] should have made him feel safe and secure in the said place. . . .