

## FIRST DIVISION

[ CA-G.R.-CV NO.78782, August 18, 2006 ]

**DR. ANTONIO SEBASTIAN, JR., PLAINTIFF-APPELLEE, VS. DR. JAIME SAMANIEGO, DR. CECILIA VILLAMOR, AND DR. CYNTHIA JOY A. MAXINO-UY, DEFENDANTS-APPELLANTS.**

### D E C I S I O N

**ROXAS, J.:**

***Legal Principles in this Case:***

A cause of action exists if the following elements are present: (1) a right in favor of the plaintiff by whatever means and under whatever law it arises or is created; (2) an obligation on the part of the named defendant to respect or not to violate such right, and (3) an act or omission on the part of such defendant violative of the right of plaintiff or constituting a breach of the obligation of defendant to the plaintiff for which the latter may maintain an action for recovery of damages.

#### **The Case**

Plaintiff, a doctor, took a "specialty board exam" in radiology, the field where he wished to specialize in. Results in said examination, which were traditionally released personally to examinees in a sealed envelope containing an index card indicating whether or not the examinee had passed or had failed, were, without issue, released personally to plaintiff and the index card indicated the word "PASSED" handwritten on the index card inside the envelope handed to him along with the signatures of the Chairman and the Secretary of the Association. Following a night of celebration and rejoicing with family and colleagues in the profession, plaintiff was informed the next day after plaintiff received the official results, that plaintiff actually failed the exam, and that the official results in the envelope was a mistake on the part of the radiology association because of an alleged error caused by the "transposer". Plaintiff sued for damages the Chairman, the Secretary, and an examiner of the radiology association. The trial court held in favor of plaintiff. Only the Secretary and the examiner of the radiology association appealed to this Court.

#### **The Facts**

This is an Appeal under Rule 41 of the Revised Rules of Court, from the June 25, 2002 Decision<sup>[1]</sup> of the Regional Trial Court of Quezon City, Branch 104, in Civil Case No. Q-95-22879, in an action for damages filed by plaintiff-appellee Dr. Antonio Sebastian, Jr. (SEBASTIAN), against defendants-appellants Drs. Jaime Samaniego (SAMANIEGO), Cecilia Villamor (VILLAMOR), and Cynthia Joy A. Maxino-Uy (MAXINO-UY).

The Philippine Board of Radiology (BOARD) is an association of radiologists tasked to

administer specialty board examinations for medical doctors who aspire to specialize in Radiology. Defendant SAMANIEGO was the BOARD's chairman, while defendant-appellant VILLAMOR was the BOARD's secretary and defendant-appellant MAXINO-UY was the examiner at the time that plaintiff-appellee SEBASTIAN took the specialty board exam.

It was a two-part specialty board exam: the first part was a graded written examination and the second part was an interview. It was on October 16, 1994 when plaintiff-appellee SEBASTIAN took the written exam which constituted the first part of a two-part specialty board exam for radiology, that was scheduled from 8:00 in the morning up to 1:00 in the afternoon. At 3:00 in the afternoon of the same day, the results of the said written exam were officially released personally to the examinee, plaintiff-appellee SEBASTIAN, as was the practice in the association to immediately announce the official result in said fashion. It was defendant-appellant VILLAMOR, Secretary of the association, who handed a sealed white envelope to plaintiff-appellee SEBASTIAN that contained the usual index card<sup>[2]</sup> which indicated whether the examinee passed or failed the written exam, and the index card given to plaintiff-appellee SEBASTIAN in this case indicated the word "PASSED" *handwritten* on the same, signed by defendants-appellants SAMANIEGO and VILLAMOR as chairman and secretary of the BOARD respectively.

Upon learning that he passed the exam, plaintiff-appellee SEBASTIAN excitedly informed his colleagues at the Manila Doctors Hospital, his wife, parents, brothers and sisters, as well as his relatives abroad, all of whom elatedly rejoiced with him.

Defendant-appellant MAXINO-UY, plaintiff-appellee SEBASTIAN's immediate superior at the Manila Doctors Hospital, was one of plaintiff-appellee SEBASTIAN's examiners and he heard plaintiff-appellee SEBASTIAN announcing to the medical staff that he had passed the written exam. Defendant-appellant MAXINO-UY who alleged that he had already known that plaintiff-appellee SEBASTIAN had failed the written exam, immediately called up defendant-appellant VILLAMOR to verify why plaintiff-appellee SEBASTIAN was announcing that plaintiff-appellee SEBASTIAN had passed the written exam when in fact plaintiff-appellee SEBASTIAN had failed the written exam, and defendant-appellant MAXINO-UY discovered that the office of the radiology association had committed a mistake due to an alleged error caused by the "transposer".

On October 17, 1994, defendant-appellant VILLAMOR called up plaintiff-appellee SEBASTIAN to inform the latter that plaintiff-appellee SEBASTIAN had actually failed the written exam, and informed him of the error allegedly caused by the "transposer". Defendant-appellant MAXINO-UY later reiterated the message to plaintiff-appellee SEBASTIAN.

Upon being informed of the mistake, plaintiff-appellee SEBASTIAN alleged that this caused him to be gravely sick and he was confined at the Manila Doctors Hospital due to alleged anxiety attacks,<sup>[3]</sup> and that this forced him to go on a 10-day sick leave. Meanwhile, the BOARD decided to allow all those who had taken the written exam (Part 1) to take the oral exams (Part 2) of the specialty board exams and this therefore included plaintiff-appellee SEBASTIAN.

Plaintiff-appellee SEBASTIAN wrote a demand letter to the defendants-appellants

seeking a public apology and payment of damages.<sup>[4]</sup> When there was no response, plaintiff-appellee SEBASTIAN filed, on February 1, 1995, an action for damages against the defendants-appellants SAMANIEGO, VILLAMOR, and MAXINO-UY in the Regional Trial Court of Quezon City, Branch 104, which was docketed as Civil Case No. Q-95-22879.

In his complaint,<sup>[5]</sup> plaintiff-appellee SEBASTIAN alleged that because of what had happened, he suffered tremendous grief, serious anxiety, humiliation, distress, and sorrow, which eventually necessitated his confinement at the Manila Doctors Hospital; that his demand for a formal apology and payment of damages were left unheeded by defendants-appellants; and that defendants-appellants were negligent, careless, and reckless, and thus liable to plaintiff-appellee for damages.

In the Answers filed by defendants-appellants SAMANIEGO,<sup>[6]</sup> VILLAMOR,<sup>[7]</sup> and MAXINO-UY,<sup>[8]</sup> they alleged that "the transposer's gaze must have wandered and instead of landing on the correct result which was 'FAILED,' the transposer fixed on the word 'PASSED' which was indicated in the index card in the case of plaintiff-appellee SEBASTIAN; that there was no reason for plaintiff-appellee SEBASTIAN to complain because even if he passed the written exam, he was not considered as having passed the specialty board exam because there was still the matter of the second part of the exam which was the interview which he had still to reckon with; that plaintiff-appellee SEBASTIAN was yet in no position to rejoice then, not having completed the 2-part board exam; there was no guarantee that even if plaintiff-appellee SEBASTIAN passed the first part of the specialty board exams, he would pass the second part; that being allowed to take part 2 of the board exams was no assurance that plaintiff-appellee SEBASTIAN would be accepted into the association; that in an apparent bid to pressure defendants-appellants into passing him in the second part of the exams, plaintiff-appellee SEBASTIAN handed a demand letter to defendants-appellants one day prior to the scheduled date of his interview and demanding a formal apology from defendants-appellants and threatening them with a P1 Million law suit; that plaintiff-appellee SEBASTIAN nonetheless failed the second part of the exam so that even if he passed the first part, his having failed the second part would not have accredited him into the radiology association; that plaintiff-appellee SEBASTIAN had no cause of action against defendants-appellants; and that plaintiff-appellee SEBASTIAN was not entitled to damages prayed for since no actual damage or injury was sustained by him.

Trial on the merits ensued following the termination of the pre-trial conference on November 26, 1997.<sup>[9]</sup>

### **Assailed Decision of the RTC**

On June 25, 2002, the Regional Trial Court of Quezon City, Branch 104, in Civil Case No. Q-95-22879, rendered its decision,<sup>[10]</sup> the dispositive portion of which reads as follows:

"WHEREFORE, judgment is hereby rendered ordering defendants Dr. Jaime Samaniego and Dr. Cecilia Villamor to pay to plaintiff the sum of P2,232.85 representing actual damages for the hospitalization expenses and the further sum of P50,000.00 as and for moral damages, plus cost of suit.