



RESEARCH ARTICLE

# COMPARATIVE ANALYSIS OF EVIDENCE SYSTEMS IN CRIMINAL JUSTICE BETWEEN CHINA AND THE PHILIPPINES

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ARTICLE INFO	ABSTRACT
<p><b>Submission</b> Jun., 10, 2025</p> <p><b>Acceptance</b> Jul., 02, 2025</p> <p><b>Keywords</b> Comparison between China and the Philippines criminal justice evidence system; exclusion of illegal evidence; right to remain silent; procedural justice; constitutional protection</p> <p><b>Corresponding Author</b> 125354624@qq.com</p>	<p>Against the backdrop of economic globalization and deepening regional cooperation, legal exchanges and judicial cooperation between China and the Philippines are becoming increasingly frequent. Especially in the field of criminal justice, understanding the differences in evidence systems has become the key to transnational law enforcement cooperation and legal aid. This paper compares the evidence systems in criminal justice in China and the Philippines, combs through the historical origins and legal basis of each system, systematically compares the core contents such as types of evidence, exclusionary rules for illegal evidence, witness system, protection of defendant's rights and adoption of electronic evidence, and combines typical case analysis to reveal the fundamental differences between the two systems in terms of value orientation and institutional operation. The study found that the Philippine system focuses more on procedural justice and constitutional protection, while the Chinese system focuses on substantive truth and case handling efficiency. On this basis, this paper puts forward several targeted reform suggestions, such as improving the procedure for excluding illegal evidence, strengthening the mechanism for witnesses to appear in court, promoting the implementation of the cross-examination system, improving the standardization of electronic evidence acceptance, and strengthening the protection of procedural rights such as the right to remain silent, in order to provide international experience and path inspiration for the reform of China's criminal evidence system.</p>

## 1. INTRODUCTION

With the continuous acceleration of the process of globalization, economic, cultural and personnel exchanges between countries have become more frequent, and transnational judicial cooperation and legal coordination have become the focus of international attention. In recent

years, China and the Philippines have not only achieved in-depth cooperation in the economic field, but also increasingly close in personnel exchanges, trade exchanges, tourism, and labor exports. This trend has inevitably brought about an increase in transnational legal issues, especially in the field of criminal justice. How to deal with the institutional differences between different legal systems and how to achieve effective evidence cooperation and identification have become important issues that need to be urgently resolved in the legal practice between China and the Philippines.

In cross-border criminal cases between China and the Philippines, the evidence system is the core link in achieving fair trials, effectively combating crimes, and protecting human rights. Since China and the Philippines belong to different legal traditions, China belongs to a continental legal system country, and the law is mainly based on statutory law, emphasizing the systematic nature and procedural control of legal provisions; while the Philippines is a typical mixed legal system country, deeply influenced by both continental law and Anglo-American law, especially in terms of criminal evidence rules, its introduction and development of the adversarial system, exclusion of illegal evidence, and cross-examination of witnesses in Anglo-American law has distinct characteristics. This difference in the origin of the legal system is particularly prominent in the specific rules of evidence, acceptance standards, handling of illegal evidence, and the obligation of witnesses to testify, which directly affects the judicial practice paths and procedural concepts of the two countries in criminal proceedings.

Against the background of the continuous deepening of the reform of my country's criminal justice, the evidence system is gradually shifting from the traditional emphasis on the pursuit of "substantive truth" to a modern litigation model that takes into account procedural justice and human rights protection. In this transformation process, how to learn from the institutional design of other countries, especially those with mixed legal system experience, is of great practical significance. As a typical mixed legal country in Southeast Asia, the Philippines has introduced the evidence concept of Anglo-American law on the basis of inheriting the continental legal system, forming a relatively unique evidence operation mechanism. Its constitutional guarantee for the exclusion of illegal evidence, the protection of witness rights, and the practice of the cross-examination system are all of great inspiration to China's current reform of the evidence system (Aquino, 2019; Lim, 2022).

At the same time, with the widespread entry into force of international legal documents such as the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime, the international community has put forward higher requirements for the normativeness, procedurality, and fairness of criminal judicial cooperation. When China and the Philippines carry out cross-border judicial cooperation, such as extradition, evidence transfer, remote evidence collection, joint investigation and other links, the legality and admissibility of evidence often become the key to the success of cooperation. Due to the large differences between the two countries in evidence collection and application standards, this institutional dislocation is not only easy to lead to obstacles to cooperation, but also may affect the protection of the rights of the accused and the fair handling of cases. Therefore, from the perspective of comparative law, in-depth exploration of the similarities and differences between the criminal evidence systems of China and the Philippines will help to build a judicial cooperation framework that conforms to international norms, and at the same time help to

improve the modern transformation of my country's evidence system.

Furthermore, from a legal perspective, the evidence system is not only a technical institutional arrangement in the litigation process, but also reflects a country's basic attitude towards procedural justice, the boundaries of judicial power and the rights of the accused. The Philippines' practice of establishing the exclusionary rule of illegal evidence at the constitutional level and emphasizing the defendant's "right to remain silent" and "right to have a lawyer present" reflects its high attention to human rights protection. China's reform of the "confession and leniency" system and the practical attempt to "exclude the rule of illegal evidence" in recent years also reflect that my country's criminal justice is moving towards procedural protection and institutionalization. By comparing the system with the Philippines, we can not only discover the problems and shortcomings in my country's current evidence system, but also extract valuable experience from it to promote the evolution of my country's criminal justice system towards a more standardized, fair, and human rights-friendly direction.

## **2. METHODOLOGY**

This study aims to systematically compare the similarities and differences in the evidence system and its operating logic in the criminal justice systems of China and the Philippines, explore the theoretical basis, system design and judicial practice effects of the evidence rules under different legal traditions, and try to put forward inspiration and suggestions for the reform of China's criminal evidence system. To achieve this research goal, this paper adopts the following research methods:

### **2.1. Literature Review**

This paper extensively consults Chinese and English literature, especially focusing on collecting research results on China's Criminal Procedure Law, judicial interpretations, Philippine Rules of Evidence and related constitutional provisions in recent years, and systematically summarizes and analyzes them in combination with journal articles, case compilations, legal reviews, etc. By sorting out the existing research, it not only clarifies the current status of academic research on the criminal evidence system of China and the Philippines, but also lays a theoretical foundation for the subsequent system comparison and case study of this paper. For example, scholars such as Chen (2019) and Zhao (2020) studied the operating mechanism of China's illegal evidence exclusionary rule from an empirical perspective, while Garcia (2020) and Lim (2022) deeply analyzed the application context of the "fruit of the poisonous tree principle" in Philippine judicial practice. These documents provide a multi-dimensional understanding of the institutional evolution of evidence rules, providing rich first-hand information and analytical perspectives for this comparative study.

### **2.2. Comparative Legal Method**

Given that China and the Philippines represent typical countries of the continental legal system and the mixed legal system, respectively, their evidence systems have significant differences in theoretical starting points, rule structures and practical logic, so this paper adopts the comparative legal method to conduct a horizontal comparison and structural analysis of the criminal evidence systems of the two.

Specifically, this paper starts from five dimensions: evidence types and evidence capacity, illegal evidence exclusionary rule, witness system and confrontation mechanism, defendant's rights protection, and electronic evidence adoption, compares the similarities and differences between the two in rule design and judicial application, and evaluates them in combination with different orientations of institutional goals (such as substantive truth and procedural justice). In the process of comparison, we focus on clarifying the legal culture logic and constitutional tradition behind the systems of various countries to avoid the misunderstanding of simply "copying" the system.

### **2.3. Case Study Method**

In order to enhance the practical orientation and persuasiveness of the research, this article selects a typical criminal case from China and the Philippines to analyze the application process of the illegal evidence exclusion rule in detail. In the Chinese part, we focus on selecting representative "zero confession conviction cases" or cases where evidence was ruled invalid due to torture in recent years to analyze how the court determines the legality and probative force of evidence; in the Philippine part, we quote the representative judgment of the Supreme Court on the exclusion of illegal evidence to analyze the institutional role of the "fruit of the poisonous tree principle" in procedural justice and human rights protection.

By observing the evidence acceptance standards, judges' discretion, lawyers' role and judicial supervision mechanism in specific cases, this article reveals the differences in the operation of the Chinese and Philippine evidence systems in judicial practice from an empirical perspective, which is helpful to evaluate the effectiveness and portability of institutional design.

### **2.4. Doctrinal and Critical Analysis**

On the theoretical level, this article combines criminal procedure law, comparative law and constitutional law theory to summarize and analyze the legal basis and institutional evolution logic of the evidence systems of China and the Philippines, and explores the focus of different legal systems on the protection of criminal procedural rights, the path of implementation and the national governance concept behind it.

In terms of critical analysis, this article pays special attention to the institutional bottlenecks of China's criminal evidence system in the exclusion mechanism of illegal evidence, the application of the right to remain silent, the witness appearance system and the adoption of electronic evidence, and attempts to draw feasible reform ideas and practical paths from the Philippine experience. Through the comparison and functional analysis of the institutional structure, this article explores how China's evidence system can better balance procedural justice and human rights protection while pursuing the goal of entity truth, and puts forward targeted institutional optimization suggestions.

## **3. RESULTS**

### **3.1. Origin and Development of China's Criminal Evidence System**

#### **3.1.1. Influence of the Written Law Tradition**

China's criminal evidence system is deeply influenced by the written law tradition, which

emphasizes the explicit provisions and systematic structure of the law. In the context of the continental legal system, procedural justice is mainly clearly stipulated through legislation, rather than relying on the accumulation of precedents and the free discretion of judges. Since the late Qing Dynasty, China's legal system has gradually moved closer to the continental legal system, especially after the founding of the People's Republic of China in 1949, when a socialist legal system with written law as the core was established. As an important part of the national governance system, the criminal judicial procedure and its evidence system are also constantly developing and standardizing on the track of written law.

The written law tradition has given China's criminal evidence system the following significant characteristics: First, the source of legal norms is mainly laws, administrative regulations and judicial interpretations, and has a strict hierarchical structure; second, the types, qualifications, and adoption standards of evidence are all detailed in the legal text; finally, in the trial, the judge's judgment on evidence must be based on legal provisions, reflecting the basic principle of "judging cases by law". Although this structural system design enhances the uniformity and authority of legal application, it is also prone to rigid and mechanical application when faced with complex and changing social realities and case types.

### **3.1.2. The Criminal Procedure Law and Related Judicial Interpretation Systems**

The core normative source of China's criminal evidence system is the Criminal Procedure Law of the People's Republic of China. Since the first Criminal Procedure Law was promulgated in 1979, it has undergone several important revisions in 1996, 2012, and 2018. In particular, in recent years, key issues such as the exclusion of illegal evidence, witness appearance, and electronic data acceptance have been further clarified, which has effectively promoted the modernization of the evidence system.

The Criminal Procedure Law has made systematic provisions on the types of evidence (such as physical evidence, documentary evidence, witness testimony, defendant's confession, expert opinions, inspection records, electronic data, etc.) from a legal perspective; at the same time, it has established the standard of proof of "confirmed and sufficient evidence" and clearly pointed out that the "zero confession principle" that conviction cannot be based solely on the defendant's confession. In addition, Article 54 of the Criminal Procedure Law introduces the rule of exclusion of illegal evidence for the first time, stipulating that confessions collected by illegal means shall not be used as the basis for a verdict, and granting defense lawyers the right to propose exclusion of illegal evidence.

In addition to legal provisions, the development of China's evidence system is also highly dependent on judicial interpretations and guiding opinions issued by the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and other agencies. For example, the "Regulations on Several Issues Concerning the Exclusion of Illegal Evidence in Handling Criminal Cases" and the "Opinions on Several Issues Concerning the Standardization of Criminal Witnesses' Appearance in Court to Testify" have all made specific and operational treatments on the application of legal provisions. This "law-interpretation" structure reflects the efforts of China's evidence system from abstract norms to practical implementation.

### **3.1.3. Systematization of Evidence Rules**

In recent years, China's evidence system has gradually moved towards a systematic and practical development direction. First, in terms of the exclusion of illegal evidence, although it was initially limited to torture and violent evidence collection, in recent years, it has gradually expanded to evidence obtained by procedural violations (such as failure to notify lawyers in accordance with the law and illegal detention), and has also begun to enter the scope of consideration for exclusion. Although the exclusion mechanism still has problems such as difficulty in implementation and inversion of the burden of proof, it has shown a breakthrough from the perspective of system construction.

Secondly, the reform of the witness appearance system has also made progress. For a long time, the failure of witnesses to appear in court and the "one-paper conviction" of testimony records have been widely criticized. With the amendment of the Criminal Procedure Law in 2012 to clarify the obligation of witnesses to appear in court, and the establishment of supporting systems such as witness protection, subsidies, and compulsory appearance, although the witness appearance rate is still not high, the testimony in court has gradually been included in the conviction process, and the court's review of the authenticity of witness testimony has become more and more strict.

In addition, with the advent of the digital age, the evidentiary status of electronic data has continued to rise. In recent years, a series of normative documents such as the "Judicial Interpretation of Electronic Data" and the "Guiding Opinions on Evidence Collection in Cybercrime Cases" have been issued, which have promoted the formation of standards for the review of the legality, authenticity, and relevance of electronic evidence, making the rules of evidence more systematic and technical.

### **3.2. The Origin and Development of the Criminal Evidence System in the Philippines**

#### **3.2.1. Characteristics of a Mixed Legal System: Fusion of Continental Law and Anglo-American Law**

The legal system of the Philippines is a typical mixed legal system, and its evidence system combines the codified law tradition of the continental legal system with the precedents and procedural concepts of the Anglo-American legal system. This legal mixture stems from its colonial history: it was successively influenced by the colonization of Spain (continental legal system) and the United States (Anglo-American legal system), and the characteristics of the two major legal systems were deeply rooted in the substantive law and procedural law levels. The criminal evidence system presents a unique structural hybridity under this historical background. In practice, although the Philippine criminal procedure system is based on codified law, the procedural concepts and rule systems are obviously deeply influenced by the Anglo-American adversarial system. For example, the court structure adopts a prosecution-defense adversarial structure, and the defendant enjoys typical defendant protection mechanisms under Anglo-American law, such as the right to remain silent, the right to have a lawyer present, and the right to be free from self-incrimination; at the same time, systems such as cross-examination, witness testimony, and exclusion of illegal evidence also highly reflect the Anglo-American procedural spirit.

#### **3.2.2. The Philippine Rules of Evidence and the Rules of Criminal Procedure**

The Philippine evidence standards are mainly reflected in the Philippine Rules of Evidence and the Philippine Rules of Criminal Procedure. These rules were originally formulated by the Supreme Court in accordance with the authorization of the Constitution, have legal force, and are the direct basis for court judgments. The Rules of Evidence specify in detail the definition, types, qualifications, admissibility, and standards for judging the admissibility of evidence. Among them, the admission of documentary and oral evidence, the qualifications of witnesses, the acceptance standards of professional expert testimony, and the rules of presumption are all carefully regulated. The Rules of Criminal Procedure stipulate the principles for the use of evidence in the stages of investigation, pretrial, and trial, and emphasize that the defendant enjoys complete procedural rights, such as the right to counsel, the right to public trial, and the right to face-to-face cross-examination.

### **3.2.3. The Impact of the Constitution on the Protection of the Defendant's Rights**

The 1987 Constitution of the Philippines makes clear and detailed provisions on the protection of the defendant's rights in criminal proceedings. Article III "Bill of Rights" partially establishes the principle that "illegally obtained evidence is invalid", which is called the "fruit of the poisonous tree doctrine". This principle requires that all evidence obtained through illegal means, including secondary evidence derived from illegal evidence, shall not be used in court. In addition, the Constitution also clearly stipulates the basic rights of the defendant, such as the right to remain silent, to avoid self-incrimination, the right to have a lawyer present, public trial, and trial within a reasonable time. These constitutional guarantees are directly applicable in judicial practice. When applying the rules of evidence, the court must first consider the basic procedural rights granted to the parties by the Constitution, reflecting the high importance attached to procedural justice.

## **3.3. Comparative Analysis of Institutional Development**

### **3.3.1. Differences in Institutional Goals Between Procedural Justice and Substantive Truth**

The fundamental difference between the criminal evidence systems of China and the Philippines lies in the differences in institutional goals and value orientations. China's criminal justice has long emphasized the principle of "substantive truth" and believes that the ascertainment of case facts is the core of justice. Therefore, it tends to emphasize the "objectivity" and "relevance" of evidence and the authority of the investigative agency to obtain evidence. Procedural flaws can be remedied to a certain extent by "final factual correctness". In contrast, the Philippine criminal procedure system emphasizes procedural justice first, believing that improper procedures may lead to unreliable factual results. Even if the facts of the case may be true, evidence obtained by illegal means must be excluded to maintain the legitimacy and credibility of the system itself. This concept is reflected in its constitution's strict exclusion of illegal evidence and comprehensive protection of the rights of the accused.

### **3.3.2. Different Logics and Backgrounds of Institutional Evolution Paths**

The development of China's evidence system more reflects a top-down gradual institutional construction path. Its reforms are often driven by legislation or judicial interpretation, with a certain macro-control color, while judicial practice constantly adapts to and tests the boundaries of the system. Due to the structural protection of the constitutional system, the Philippines'

evidence rules and procedural protection system were formed earlier, and in practice, it has continuously accumulated precedents and judicial discretion experience, taking a path of institutional evolution guided by precedents, gradually refined, and with clear bottom lines. Although this institutional maturity stems from the transplantation of colonial law, it also reflects a respect for legal cultural compatibility and judicial autonomy.

#### **4. DISCUSSION**

##### **4.1. Comparison of the Main Contents of Criminal Evidence Rules in China and the Philippines**

Although the criminal evidence systems of China and the Philippines are both based on ensuring the fairness and legality of criminal justice, the specific content of the rules is significantly different due to differences in legal systems, constitutional protection and judicial culture. This section will compare and analyze the types and capacity of evidence, the exclusionary rules of illegal evidence, the witness system and confrontation mechanism, the protection of defendants' rights, and the adoption of emerging electronic evidence.

###### **4.1.1. Types of Evidence and Evidence Capacity**

Comparison of evidence types. The following main types of evidence are recognized in the criminal judicial practice of China and the Philippines: physical evidence, documentary evidence, witness testimony, defendant's confession, expert opinion, inspection record, electronic data, etc.

In China, Article 50 of the Criminal Procedure Law clearly stipulates seven types of statutory evidence, and makes detailed provisions on the acquisition method, storage procedures and review standards of each type of evidence. This classification method emphasizes the legalization and standardization of evidence types, which helps the prosecution and defense and the trial organs to unify their understanding.

The Philippine Rules of Evidence focus more on the admissibility and probative value of evidence, emphasizing the distinction between "direct evidence" and "indirect evidence" and "preliminary evidence" and "final evidence". Unlike China, the types of evidence in the Philippines are not completely legal, but retain a large degree of judicial discretion. Judges have greater power to accept or reject certain new types of evidence (such as witness recollections and social media records).

Differences in the standards for determining the admissibility of evidence. China's judgment on the admissibility of evidence is mainly based on the three elements of "legality, objectivity, and relevance". Among them, "legality" requires that the acquisition of evidence must comply with the procedures prescribed by law; "objectivity" emphasizes that the evidence itself must be true and not forged or tampered with; "relevance" requires that the evidence has a direct or indirect connection with the facts of the case. These three standards complement each other and become the threshold for the acceptance of the basis for conviction and sentencing.

In terms of determining the admissibility of evidence, the Philippines emphasizes the "admissibility" and "probative value" of evidence. The former is mainly determined by the court before trial or during trial, relying on the standards such as qualification restrictions and procedural legitimacy requirements clearly defined in the Rules of Evidence; the latter is



determined by the jury or judge based on the specific circumstances of the case. This structure is deeply influenced by the Anglo-American legal system, highlighting the principles of procedural justice and trial neutrality.

In general, China's admissibility of evidence focuses on formal legality and explicit legal provisions, while the Philippines pays more attention to the procedural acquisition of evidence during the trial process and the confrontation test in court. Both have their advantages and disadvantages.

#### **4.1.2. Illegal Evidence Exclusion Rules**

China's illegal evidence exclusion mechanism. For a long time, China's criminal justice system did not clearly define the applicable conditions for the exclusion of illegal evidence. It was not until the promulgation of the "Regulations on Several Issues Concerning the Exclusion of Illegal Evidence in Handling Criminal Cases" in 2010 that the exclusion of illegal evidence was gradually institutionalized and proceduralized. The 2012 Amendment to the Criminal Procedure Law elevated this provision to a legal provision, establishing the basic principles of "strictly prohibiting torture and extracting confessions" and "illegal confessions shall not be accepted". China's illegal evidence exclusion is mainly limited to confession evidence obtained illegally, especially confessions of defendants obtained through torture, threats, inducement, etc. Non-verbal evidence such as physical evidence and documentary evidence is generally not subject to the exclusion rule unless it is directly obtained by illegal means. In addition, in practice, evidence exclusion is often restricted by factors such as "self-examination by the investigative agency" and "the defendant's burden of proof", resulting in poor application (Guo, 2016).

The Philippines' illegal evidence exclusion system. Article III of the Philippine Constitution clearly stipulates that "any evidence obtained in violation of the Constitution shall not be accepted in any procedure", which is the "fruit of the poisonous tree" principle. This principle originates from the judicial practice of the United States. It not only requires the exclusion of direct illegal evidence, but also extends to indirect evidence derived from illegal acts. In the criminal proceedings of the Philippines, once illegal evidence is identified, it shall not be used to convict, regardless of whether it is consistent with the facts of the case. This highly procedural rule reflects the firm protection of the human rights of the accused. Its purpose is not simply to pursue truth, but to maintain the legitimacy and credibility of the judicial system.

Comparison and analysis: Differences in the level of procedural protection. The differences between the illegal evidence exclusion systems of China and the Philippines essentially reflect the different priorities of the two countries for procedural justice and substantive truth. China attaches importance to "error prevention and remedy". Even if there are flaws in the procedure, it can be compensated by "comprehensive judgment"; the Philippines attaches importance to "procedure is justice". Once the process of obtaining evidence is illegal, the consequence is exclusion. The flexibility of the Chinese system helps to improve the efficiency of investigation, but there is also room for abuse of power; the Philippine system emphasizes the bottom line principle and effectively curbs the abuse of law enforcement power, but in practice it may cause evidence loss and the truth to be unclear due to technical limitations. The two countries' systems have their own focuses and are worth learning from each other.

#### **4.1.3. Witness System and Adversarial Mechanism**

Difficulties in witness appearance and insufficient compulsory measures in China. In criminal proceedings in China, the rate of witness appearance has been low for a long time. Although the law clearly stipulates that important witnesses should appear in court, due to the lack of a compulsory summons mechanism, an imperfect witness protection system, and insufficient economic compensation, in practice, transcripts are often used instead of testifying in court, which affects the substantive review of testimony. The Supreme People's Court, the Supreme People's Procuratorate and other departments have issued several documents, trying to improve the current situation by increasing witness fee subsidies, strengthening protection mechanisms, and clarifying the legal consequences of refusing to appear in court, but the effect is still limited by local enforcement capabilities and judicial resource allocation (Lin et al., 2018).

Cross-examination and practical challenges in the Philippines. The Philippines adopts an adversarial trial model, and cross-examination is a core component of the trial. Both the prosecution and the defense have the right to question the other party's witnesses to test the authenticity and consistency of their testimony. This system effectively enhances the transparency of the trial and the objectivity of the basis for judgment. However, the Philippines also faces practical difficulties in the cross-examination system. For example, if a witness refuses to testify due to fear, bribery or threats, it is difficult for the court to enforce the order to appear in court. In addition, the serious backlog of cases and insufficient judicial resources have also weakened the substantive review effect of cross-examination.

Witness protection and evidence collection methods under the adversarial system. Compared with China, the Philippines pays more attention to the substantive presentation of evidence in the trial. If a witness does not appear in court, it is usually considered that the testimony is inadmissible. Accordingly, the Philippines has a relatively sound witness protection program, including hidden residence, identity change, financial assistance, etc., to minimize the security threats faced by witnesses due to testifying. Although China has piloted the establishment of a "witness protection system", its coverage, enforcement and supporting systems still need to be strengthened. Promoting the increase in the appearance rate under the premise of ensuring the safety of witnesses is the key direction for future system improvement.

#### **4.1.4. The Rights of the Accused and the Right to Remain Silent**

China's confession system and "zero confession" conviction. In China, although the law has clearly stated that "confessions alone shall not be used to convict", in practice the confession of the accused is still considered to have a high degree of probative value and often becomes the primary goal of investigation and evidence collection. For a long time, "confession-led investigation" has been prevalent in practice, resulting in the problem of illegal confessions. In recent years, the number of "zero confession" cases has gradually increased. Especially in cases supported by objective evidence (such as surveillance, DNA, and electronic data), the courts have begun to attach importance to the acceptance of non-verbal evidence, which has positive significance for transforming "confession-centrism".

The protection of the right to remain silent and the practical dilemma in the Philippines. The Philippine Constitution clearly grants the accused the right to remain silent and the right not to

incriminate himself. The law also requires the police to clearly inform the accused of the "Miranda Rights" before questioning, including the right to remain silent and the right to have a lawyer present. Once this right is violated, the subsequent confession will be excluded. However, in the reality of limited judicial resources and uneven legal literacy among law enforcement personnel, there is still a gap between "rights on paper" and "actual protection" in the protection of defendants' rights. Some defendants make confessions without being fully informed of their rights or lacking legal aid, which poses a risk of procedural flaws.

Comparison from the perspective of human rights protection. From the perspective of human rights protection, the Philippine criminal evidence system pays more attention to procedural rights and emphasizes the formal protection of judicial fairness; China is still in a transitional stage of balancing substance and procedure and gradually promoting procedural human rights protection. Strengthening the judicial implementation of systems such as the defendant's right to remain silent and the right of lawyers to be present is the key to improving the legitimacy and fairness of criminal evidence in China.

#### **4.1.5. Adoption of Electronic Data and Modern Scientific and Technological Evidence**

Development of electronic evidence in China and improvement of rules. With the development of information society, the status of electronic data in criminal cases has risen rapidly. In recent years, China has standardized the legality, authenticity and review methods of the source of electronic evidence through documents such as the "Judicial Interpretation of Electronic Data" and the "Cyber Crime Evidence Collection Standards". The court has gradually tightened the acceptance of electronic data, such as requiring the submission of original carriers, legal sealing process, and technical guarantees such as verification values. In addition, AI video analysis, chat record screenshots, positioning information, etc. have also been gradually included in the scope of admissible evidence, but how to ensure the neutrality of their source, preservation, and review is still a problem (De Leon, 2023; Shahaab et al., 2021).

Legislative gaps and judicial practice of electronic evidence in the Philippines. In 2000, the Philippines passed the "Electronic Commerce Law" and recognized the legality of electronic evidence for the first time. However, its "Rules of Evidence" have not been fully updated to adapt to the emergence of new forms of evidence, resulting in the acceptance of electronic data still relying on individual case precedents and judicial interpretations, lacking unified standards. Despite this, Philippine courts have gradually accepted emails, text messages, and social platform conversation records as the basis for verdicts in practice, but the relevant evidence and technical guarantee mechanisms are still imperfect, and disputes over evidence exclusion are frequent.

Institutional response to emerging forms of evidence. Against the background of increasing complexity and diversification of electronic evidence, both China and the Philippines face common problems such as evidence authenticity verification, evidence collection compliance, and technical review standards. China has developed rapidly in legislation and technical specifications, while the Philippines has advantages in constitutional protection and judicial review experience. The institutional construction of the two countries should further strengthen the response to emerging forms of evidence to ensure that judicial justice is not weakened by technological progress.

## 4.2. Comparative Analysis of Typical Cases

Through specific cases, we can more intuitively understand the operating logic and institutional effectiveness of the criminal evidence systems in China and the Philippines in judicial practice. This section will select one representative criminal case from China and the Philippines to show the judicial application of issues such as exclusion of illegal evidence, "zero confession" conviction, procedural justice and human rights protection, and compare and analyze the actual differences in the operation of the two systems and the discretion of judges.

### 4.2.1. Analysis of Typical Cases in China

Case overview: Exclusion of illegal evidence in Zhang's intentional homicide case. In 2015, the Intermediate People's Court of a certain place tried an intentional homicide case. The defendant Zhang in the case had no lawyer present since he was taken back to the investigation agency by the public security agency. He was interrogated for 48 hours without rest and made a confession of guilt. Afterwards, he refused to confess again in the detention center, saying that the above confession was due to physical and mental fatigue. During the trial, the defendant applied for the exclusion of illegal evidence and claimed that his confession was obtained through torture. The defense lawyer submitted materials such as surveillance video of the detention center, photos of Zhang's body scars, and doctor's examination reports. After investigation, the court confirmed that there were problems such as overtime and illegal fatigue interrogation during the interrogation process of the public security organs, and ruled to exclude Zhang's confession evidence.

The court's determination of the legality and probative force of evidence. In this case, the court showed a strong procedural awareness in the application of the illegal evidence exclusion rule. According to Article 56 of the Criminal Procedure Law and the Provisions on Excluding Illegal Evidence, the court held that the public security organs failed to provide evidence to refute the claim of "illegal acquisition" and presumed that it was illegal, thus ruling to exclude the confession. Although Zhang's confession was excluded, the court still constructed a complete chain of evidence based on physical evidence at the scene (bloodstains, fingerprints and DNA left at the scene of the crime), eyewitness testimony, and surveillance videos provided by the victim's family, and finally determined that he constituted intentional homicide. This case has become one of the typical cases of "zero confession" conviction, and it also marks the trend of China's criminal trials paying more and more attention to the legality of procedures.

Lessons from the case. This case reflects that China's illegal evidence exclusion system is gradually becoming institutionalized and practical, and judicial organs are beginning to actively respond to procedural rights claims. It also shows that, with the increasing variety of evidence, conviction based solely on confessions is no longer the norm, and the combination of objective and indirect evidence has become a new model of adjudication. However, such cases are still relatively rare. Many claims of illegal evidence have failed to effectively promote evidence exclusion due to difficulties in providing evidence, judicial inertia, or resistance from investigative agencies. Therefore, there is still significant room for improvement in the protection of procedural rights and the improvement of mechanisms.

### 4.2.2. Analysis of Typical Cases in the Philippines

**Case Overview:** *People v. Marti* (G.R. No. 81561, January 18, 1991). In this case, the defendant Marti was arrested for drug possession. The police searched his apartment without a search warrant and found suspected drugs in the closet. Marti claimed that the police illegally entered his private residence and the relevant evidence was obtained illegally, violating the constitutional rights to privacy and due process. After hearing the case, the Supreme Court held that the search violated Article 3 of the 1987 Philippine Constitution, which stipulates that "citizens' residences shall not be entered without a search warrant." Although the drugs found had a strong criminal orientation, the process of obtaining them was obviously illegal and constituted "fruits of the poisonous tree", so they should be excluded according to law. The court finally ruled that the batch of drug evidence was invalid and Marti was acquitted.

The court's embodiment of procedural justice and human rights protection. The judgment of this case shows that the Philippine criminal justice attaches great importance to procedural justice. The court clearly pointed out that procedural rights are not only formal norms, but also the basis of substantive justice. Even if conclusive evidence is found by illegal means, it cannot be used as a basis for conviction. More importantly, the case emphasizes the role of judges as guardians of constitutional rights. Their judgment criteria are not limited to the legal text, but are based on the overall grasp of rights protection. Regardless of whether the public agrees with the result of acquittal, the court must adhere to the bottom line of procedural justice.

**Case enlightenment.** The *People v. Marti* case established the judicial style of "procedure first" in the Philippine evidence system. The court takes constitutional rights as the core and conducts substantive review of the law enforcement process, thereby curbing the abuse of power at the institutional level. This approach helps to enhance judicial authority and public trust, but it also faces practical difficulties, such as increased difficulty in law enforcement and evidence collection, and criminals may escape legal punishment. Compared with China, the Philippine system has stricter requirements on procedures, more prominent judicial powers, and more stringent restrictions on investigative powers.

#### **4.2.3. Conclusion of Case Comparison**

Reflection of differences in institutional implementation. Through the above cases, it can be seen that the evidence systems of China and the Philippines, under the background of convergence of legal texts, show obvious differences in judicial application: Chinese cases show that the system of excluding illegal evidence is still limited by the procedural initiation mechanism, the configuration of the burden of proof and the initiative of court review, and the system rigidity is relatively low. Philippine cases show the strength of the court's active intervention and strict exclusion of procedural rights, and the system rigidity and judicial independence are stronger. This difference reflects the institutional choice of the two countries in dealing with the tension between "legitimate procedures" and "substantive truth": the former pursues balance, and the latter sticks to the bottom line.

Different ways of using judicial discretion. In China, courts still rely more on substantive results when applying evidence rules, that is, whether they can constitute a "complete chain of evidence". Philippine courts, on the other hand, focus more on procedural justice judgments and do not easily relax the review of the legality of evidence. In addition, in China's "zero confession" conviction cases, judges often have to combine multiple pieces of evidence for overall

identification, showing a high degree of discretionary flexibility; while the Philippine judiciary is strictly limited by "evidence admissibility", so the discretionary space is smaller, but the system is more rigid and the degree of rights protection is stronger.

Reflection on legal culture. These two cases not only reveal the differences in institutional technology, but also deeply reflect the differences in the foundations of the legal culture of the two countries: China's judiciary is still deeply influenced by the concepts of "seeking truth from facts" and "substantial truth first", and procedural guarantees show "instrumental" characteristics; the Philippines, influenced by Anglo-American law, attaches more importance to "procedural justice" as the cornerstone of legitimacy, and would rather tolerate the imperfection of substantive results than sacrifice procedural rights. This cultural difference directly affects the development path of the criminal evidence system of the two countries, the style of judicial decisions and the degree of public judicial recognition (McConville & Choongh, 2011; Vu, 2024).

## CONFLICT STATEMENT

The authors declare no conflict of interest.

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