

Criminal Evidence: Admissibility of Third Party Declarations Against Penal Interest

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1 ATENEO L.J. 173 (1952)

SUBJECT(S): RULES OF COURT

KEYWORD(S): EVIDENCE

The Article deals with the admissibility of evidence in Philippine Courts. It begins by mentioning Section 27, Rule 123 of the Rules of Court which excludes the admissibility of hearsay evidence, or the hearsay rule, prohibiting the use of a person's assertion as equivalent to testimony. However, this hearsay rule carries with itself an exception. The Author posits a hypothetical situation regarding a testimony of a third person and asks the reader if such testimony should be admitted as evidence. Noting that the testimony did not fall under the exception to the hearsay rule, a declaration against self-interest, such should not be admitted as evidence. The Article probes into the case of *People v. Toledo and Holgado*, 51 Phil. 825 (1928), in order to discuss the reason for the distinction between declarations against pecuniary interest or proprietary interest and declarations against penal interests, and the admissibility of the former but not the latter. By tracing the history of the rule, and citing American jurisprudence, the Author discovers the reasoning behind such: first, being that such evidence is hearsay, and second, that the admission of such evidence opens the door to fraud and perjury. The Article looks into the motives for and against the implementation of the Rule, the latter being due to the fact that: first, the distinction is absurd and illogical; second, the distinction is contrary to human experience; third, there is as much purpose in one as in the other; fourth, a confession of a crime is also pecuniary in nature; fifth, the rule is contrary to the principle of confessions; sixth, the rule is against the legal maxim safeguarding innocence; and finally, the distinction cannot be justified on grounds of policy. Because of this, the Author finds that a change on settled law and jurisprudence is imperative and furthers his claim by offering a solution in the form of amendments.