

Involuntary Confessions: Theory of Confirmation By Subsequent Facts

Conrado V. Sanchez

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The Article attempts to provide a solution to the controversial question of admissibility of confessions brought about by the conflicting pronouncements of the court. The Author begins by explaining the theory of "Confirmation by Subsequent Facts," which essentially provides that when, in consequence of a confession otherwise inadmissible, search is made and facts discovered which confirm it in material points, the confession, in whole or in part, may be accepted. Consistent with the lack of unanimity in evidence law, this doctrine is interpreted by three (3) schools of thought, namely: first, that only so much of the confession as relates strictly to the fact discovered is receivable; second, that no part of the confession should be admitted, except the fact of discovery by reason of the information of the accused, that is, only the fact of discovery and the fact of information, and; third, that if the involuntary confession is confirmed on material points by facts subsequently discovered in its consequence, the whole confession should be received. He then essays the importance of human rights, and notes that for a solution to be acceptable, the same has to prioritize the protection and promotion of human dignity. The solution thus submitted is the adoption of the absolute policy that all involuntary confessions, regardless of whether they have been confirmed by subsequent acts or not, as well as any and all facts discovered a result of said involuntary confessions, be strictly condemned as inadmissible in evidence. Sanchez justifies the said solution by saying that confessions extracted by compulsion or improper inducement is wrong per se. Further, it will provide invaluable aid in eradicating illegal police practices. Finally, he claims that the proposed solution will be conducive to police efficiency and will in no way obstruct the enforcement of criminal laws.