

“Through the Looking Glass:” An Overdue Look into Philippine Jurisprudence and the Issues Surrounding Eyewitness Testimony

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61 *ATENEO L.J.* _ (2017)

SUBJECT/S: EYEWITNESS TESTIMONY; EVIDENCE; LEGAL PSYCHOLOGY

KEYWORD/S: EYEWITNESS TESTIMONY; OUT-OF-COURT IDENTIFICATION; IN-COURT IDENTIFICATION; POSITIVE IDENTIFICATION; VULNERABLE WITNESS; CREDIBILITY OF WITNESSES; EVIDENCE; LEGAL PSYCHOLOGY

Recent studies, supported by statistics, reveal that eyewitness testimony is a very powerful tool of evidence that could potentially determine the fate of an accused. According to a long line of Philippine jurisprudence, a positive and competent identification of the accused by a credible witness, without more, can already sustain the conviction of an accused. Taking into consideration the pervasiveness of such eyewitness testimonies in the criminal justice system, the Author delves into a comprehensive review of the prevailing jurisprudential guidelines in determining the evidentiary weight accorded to eyewitness testimonies and positive identifications.

The Article analyzes the issue of eyewitness testimony and identification accuracy with the aim of determining whether or not present jurisprudential pronouncements are compatible with the current practice of law enforcement officers in relation to the implementation of line-ups, show-ups, and the use of mugshots, among others. Utilizing a Legal Psychology perspective, the Author also seeks to discuss the relationship of eyewitness perception, memory, and estimator variables, as well as system variables, to identification accuracy. The factors that lead to mistaken identifications are also scrutinized. The Article further compares current jurisprudence on eyewitness testimonies and the practices of the Philippine National Police with studies by psychologists as to the variables that affect the accuracy of eyewitness testimonies. With all these taken into consideration, the Author observes that the issue of eyewitness testimony and identification accuracy has effects beyond the dynamics of the witness and the suspect, as courts and law enforcement officers are also significantly affected. The Author closes with a note that while characteristics or attributes affecting a witness or suspect cannot truly be controlled, courts and law enforcement officers can manipulate system variables to make more efficient the processes of eliciting accurate and reliable eyewitness testimony and subsequently, evaluating the same. Ultimately, the Author suggests that the Supreme Court move further

from its broader pronouncements and be more specific in its rules or standards vis-à-vis assessment of eyewitness testimony.