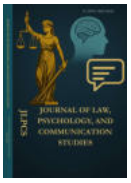
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Collision Between Mixed and Civil Law Systems: A Comparative Study of Criminal Procedural Rules in the Philippines and China

Yun Pei[a,] *

[a]*Graduate School, Emilio Aguinaldo College, 006302, Manila, Philippines*

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ABSTRACT

In the context of global legal modernization, diverse legal systems demonstrate distinct jurisprudential logics and operational models within their criminal procedural frameworks. This study presents a comparative analysis of the mixed legal system of the Philippines and the civil law system of China, focusing on the foundational structure, institutional mechanisms, and reform trajectories of their respective criminal procedures. It begins by outlining the legal traditions and systemic characteristics of both countries, highlighting the profound influence of legal culture on the development and functioning of their criminal justice systems. The study then examines key procedural components, identifying critical operational challenges—including institutional fragmentation, corruption, and deficiencies in human rights protection in the Philippines; and procedural inefficiency, inadequate protection of defense rights, and limited judicial neutrality in China. Finally, the paper assesses the referential value of the Philippine experience for China, offering localized reform recommendations. These emphasize the importance of integrating procedural justice, safeguarding rights, and enhancing institutional coherence, while preserving the structural stability inherent to the civil law tradition.

1. Introduction

In an era marked by accelerating globalization and legal convergence, comparative law has become an essential tool for analyzing diverse legal traditions and reform trajectories. Legal systems worldwide have evolved in response to distinct political histories, institutional architectures, and cultural contexts. While civil law and common law traditions have traditionally constituted the dominant paradigms of global jurisprudence, this binary classification is increasingly challenged by the rise of mixed legal systems. These hybrid systems emerge through colonial legacies, legal transplantation, or deliberate institutional reform, blending elements from multiple legal traditions.

A mixed legal system refers to a jurisdiction where different legal traditions coexist and interact within a unified legal framework. This hybridity may manifest in sources of law, procedural design, or judicial organization, often reflecting layered historical experiences and complex postcolonial legal development. The Philippines serves as a paradigmatic example, shaped by Spanish civil law and American common law influences. Its criminal justice system incorporates both codified statutory norms and adversarial procedural elements.

* Corresponding author. e-mail: 125354624@qq.com

By contrast, China's legal system remains firmly grounded in the civil law tradition, influenced significantly by German and Soviet legal models. Characterized by codified legislation, state-led prosecution, and centralized judicial authority, China has, in recent decades, embarked on a series of criminal procedural reforms. These reforms aim to enhance judicial professionalism, procedural fairness, and transparency—most notably through the institutionalization of a trial-centered litigation model.

Understanding these legal arrangements requires analyzing their underlying procedural logics—the normative rationales that shape how criminal processes are designed and implemented. Civil law systems typically embody an inquisitorial logic, wherein judges actively direct investigations and proceedings. Common law systems, by contrast, are rooted in adversarial logic, wherein prosecution and defense engage in structured contestation before a neutral adjudicator.

By exploring the procedural logic and institutional characteristics of the Philippines and China, this study offers a comparative analysis of how criminal justice functions within both mixed and codified legal systems. It further examines how these frameworks respond to pressing issues such as judicial accountability, protection of defense rights, and the legitimacy of criminal procedures.

2. Research Methodology

To fulfill the aforementioned research objectives, this study adopts a multi-methodological approach integrating both normative and empirical dimensions:

2.1. Comparative Legal Method

This constitutes the core methodological framework of the study. By systematically comparing the criminal procedural rules of the Philippines and China—across legislation, judicial practices, and institutional operations—this approach seeks to elucidate both convergences and divergences in procedural structures and judicial philosophies. Through parallel structural analysis, the study identifies recurring patterns, diagnoses systemic challenges, and evaluates the feasibility and limitations of legal transplantation or procedural integration.

2.2. Historical Jurisprudence Method

Understanding the Philippine mixed legal system necessitates a historical inquiry into its colonial legacy, particularly the enduring influence of Spanish rule and subsequent American legal transplantation. In parallel, China's criminal procedure has evolved from a Soviet-influenced model toward selective incorporation of Western procedural norms. A historical jurisprudential approach facilitates clarification of the underlying generative logic and trajectories of institutional evolution in both jurisdictions.

2.3. Legal Hermeneutics and Institutional Analysis

Grounded in the interpretation of formal legal texts, this method is complemented by an analysis of actual institutional practices. It enables a structured examination of key stages in criminal proceedings—including investigation, prosecution, adjudication, and defense—thereby revealing the internal logic, functional coherence, and operational effectiveness of procedural mechanisms.

2.4. Empirical and Case Study Method

Where applicable, the study incorporates representative case examples from both countries to empirically illustrate procedural dilemmas and institutional controversies. In particular, issues such as the exclusion of illegally obtained evidence, protection of defense rights, and remedies for procedural violations are analyzed to enhance the real-world grounding of the comparative inquiry.

3. Results

3.1. Differences in Legal Systems: Legal Traditions and Criminal Justice Structures

3.1.1. Key Concepts: Procedural Logic and Mixed Legal Systems

Legal systems are distinguished not only by their sources of law but also by the procedural logic that underpins them. Procedural logic refers to the foundational principles and normative values that guide the design of criminal procedures, such as the control of fact-finding, the presentation of evidence, and the respective roles of judges and lawyers (Zweigert & Kötz, 1998). Civil law systems—exemplified by China—adhere to an inquisitorial logic, emphasizing state-directed investigations, codified legal norms, and judge-led proceedings. In contrast, common law systems—such as the United States—embody an adversarial logic, where the prosecution and defense drive the process under the oversight of a neutral judge (David, 1966; Zweigert & Kötz, 1998).

A mixed legal system arises when a jurisdiction incorporates elements from multiple legal traditions. This hybridity may influence the hierarchy of legal sources, procedural design, and interpretive approaches. While such systems offer procedural flexibility, they also face the risk of institutional incoherence and interpretive inconsistency if not systematically integrated.

3.1.2. The Philippines: A Mixed Legal System in Practice

The Philippines represents a prototypical mixed legal system. Spanish colonial rule introduced codified statutes and civil law principles, while subsequent American governance introduced adversarial procedures and the doctrine of judicial precedent. This duality manifests in its criminal procedure, which combines statutory codification with constitutional protections for defense rights, adversarial trial formats, and evolving case law.

However, this hybrid model presents operational challenges. For instance, trial courts often struggle to reconcile case-based reasoning with codified legal mandates. As illustrated in *People v. Yatar* (2004), interpretive tensions emerge when judges apply overlapping doctrines drawn from divergent legal traditions, complicating determinations of fact and due process.

3.1.3. China: A Codified and Centralized Criminal Justice System

China's criminal procedure system is anchored in a civil law framework characterized by codified legislation and a strict division of authority among investigative, prosecutorial, and judicial bodies. The dominant procedural logic is inquisitorial: judges play an active role in guiding proceedings, while public security and procuratorates control investigation and indictment. The primary goal of trial procedures is to uncover substantive truth within a rigid procedural structure.

Despite recent reforms promoting elements of adversarialism—such as expanded roles for defense counsel and trial centrality—the system continues to prioritize state authority, procedural uniformity, and centralized control over case-specific flexibility or judicial pluralism.

3.2. Comparative Framework of Criminal Procedure Rules

Criminal procedure serves as the operational core of any criminal justice system. Legal systems differ significantly in their value orientations, structural design, and procedural implementation. China, operating under a codified civil law model, emphasizes state dominance and procedural uniformity. The Philippines, by contrast, reflects a mixed legal heritage, integrating codified procedural norms with adversarial principles. A comparative analysis across three fundamental stages—investigation, prosecution, and trial—reveals both institutional divergences and opportunities for cross-system learning.

3.2.1. Investigation Stage: State Power vs. Procedural Safeguards

1) China: State-Dominated Investigative Framework

Under Articles 4 and 18 of the Criminal Procedure Law of the People's Republic of China (2018), investigative authority is primarily vested in public security organs, with prosecutorial oversight limited to ex post review and written supervision. Investigative powers include detention, arrest, interrogation, search, seizure, technical surveillance, and identification, all reflecting a bureaucratically centralized and official-dominated model.

Human rights protections have improved in recent years. Article 50 prohibits torture and coercion in evidence collection, while Article 56 mandates the exclusion of illegally obtained evidence. Nonetheless, structural deficiencies persist, including limited lawyer access during early stages, incomplete audio-visual recording of interrogations, and inadequate judicial review of detention measures. These reflect the enduring tension between substantive truth-seeking and procedural justice.

2) Philippines: Adversarial Protections and Judicial Oversight

The Philippines integrates civil law norms with common law procedural safeguards. Article 3, Section 12 of the 1987 Constitution ensures that no individual shall be deprived of liberty without due process. Rules 112 to 114 of the Rules of Criminal Procedure further articulate procedures for preliminary investigation and arrest.

Judicial oversight plays a crucial role. Arrests generally require a warrant issued by a judge unless conducted in flagrante delicto (Rule 113, Sec. 5–6). The exclusionary rule (Art. 3, Sec. 3) prohibits the use of evidence obtained in violation of constitutional rights. Miranda warnings must be issued prior to custodial interrogation, and failure to do so renders confessions inadmissible, as affirmed in *People v. Mahinay* (1997).

Additionally, the Philippine system allows for public oversight and judicial-initiated inquiries (moto propio investigations), helping address uneven law enforcement capacity and enhancing procedural legitimacy.

Table 1. Comparison of the reconnaissance phase

Project	China	Philippines
Investigation subject	**Public security organs**	**Procuratorate, police, courts**
Arrest mechanism	**Procuratorial approval is the main method**	**A judge must issue an arrest warrant**
Exclusion of illegal evidence	**Provisions but limited practice**	**Provisions but limited practice**
Right to lawyer presence	**Right to lawyer presence**	**Mandatory, a constitutional right**

3.2.2. Prosecution Stage: Contrasting State-Led and Public-Oriented Prosecution Models

1) China: State-Monopolized Public Prosecution by the Procuratorate

China adopts a centralized public prosecution system exclusively administered by the People's Procuratorate. Article 170 of the *Criminal Procedure Law of the People's Republic of China* stipulates: *"Where the People's Procuratorate, upon review of a case transferred by an investigative agency, deems the facts of the crime to be clear and the evidence sufficient, it shall initiate public prosecution in accordance with the law."* This system reflects a strong state-centric model in criminal justice, where prosecutorial discretion is closely tied to the implementation of state legal policy.

The prosecution process is governed by the "review and prosecution" model, in which the procuratorate not only represents the public interest but also exercises significant control over case initiation and disposition. Pursuant to Article 138 of the *Criminal Procedure Rules of the People's Procuratorate*, prosecutors are required to conduct a comprehensive review of evidentiary sufficiency, legal accuracy, and procedural compliance. Based on this assessment, they may return a case for supplementary investigation, issue a non-prosecution decision, or proceed with public prosecution.

This model has the advantage of centralized oversight, which can mitigate wrongful convictions and protect defendants' rights through procedural checks. However, structural concerns remain, including the concentration of functions within the procuratorate,

potential inefficiencies in prosecution management, and procedural imbalances between prosecution and defense.

2) The Philippines: Dual Track of Public and Private Prosecution

The Philippine prosecution system reflects a hybrid of common law adversarialism and civil law prosecutorial control. Under Rule 110 of the *Revised Rules of Criminal Procedure*, criminal actions are ordinarily initiated by public prosecutors acting on behalf of the State. However, Rules 1 to 5 also authorize *private prosecution*, allowing victims to independently file criminal complaints or engage private counsel, particularly in minor offenses or in cases where public prosecutors decline to act.

A defining feature of the Philippine model is the mandatory *preliminary investigation* conducted by prosecutors prior to filing formal charges. This process involves receiving the defendant's counter-affidavit, assessing evidentiary submissions, and determining whether *probable cause* exists to justify the initiation of criminal proceedings (Rules of Criminal Procedure, 2020).

While the grand jury system is not institutionalized in the Philippines, courts retain substantial powers of *judicial review* over prosecutorial actions. Judges can assess the legal sufficiency of the prosecutor's case before trial, thus serving as a procedural safeguard against arbitrary or unsupported indictments.

This dual-track model enhances prosecutorial transparency and citizen participation, but may also lead to procedural fragmentation and inconsistent standards of review between public and private complainants.

Table 2. Comparison of prosecution stage

Project	China	Philippines
Subject of the right to prosecute	**Monopoly by the procuratorate**	**The procuratorate is the main body, and private individuals can**
Review mechanism	**Prosecutors have full review power**	**There is preliminary investigation + judicial review**
Concept of prosecution	**National interests first**	**Considering the human rights of victims and procedural justice**
Guarantee of the right to defense	**Initial improvement Constitutional**	**Legal level guarantee**

3.2.3. Trial stage: the difference between the inquisitorial system and the adversarial system

1) China: trial-centered

China's criminal adjudication process is formally structured around a "trial-centered" litigation model, as stipulated in Article 150 of the *Criminal Procedure Law of the People's Republic of China*. This framework emphasizes the trial's substantive role and the principle of evidence-based adjudication. Article 187 further reinforces that *"People's courts shall adjudicate cases based on facts and the law, and conduct trials fairly and promptly in accordance with legal procedures."*

Despite this formal emphasis, China's trial practice retains strong inquisitorial characteristics. Judges wield broad procedural authority, including the ability to conduct supplementary investigations, direct the examination of witnesses, and independently determine facts. While recent legislative reforms—such as the amended Article 35 granting defendants the right to legal counsel—have aimed to enhance adversarial features, the prosecutorial-defense balance remains underdeveloped in practice.

Notably, criminal trials often exhibit a procedural convergence with earlier investigative stages. This is particularly evident in simplified or fast-track procedures, where trials risk becoming perfunctory validations of investigative conclusions—a phenomenon sometimes described as "investigation substituting trial." This trend undermines the ideal of trial centrality and diminishes the role of the courtroom as a forum for evidentiary contestation.

2) The Philippines: Robust Adversarial Trial Design

In contrast, the Philippine criminal trial system is firmly grounded in the adversarial model. Under this framework, prosecution and defense engage in open evidentiary contestation, while the judge assumes a passive and neutral adjudicative role. Rule 115 of the *Revised Rules of Criminal Procedure* enumerates comprehensive procedural rights for defendants, including the right to remain silent, the right to counsel, and the right to confront and cross-examine witnesses.

The guiding principle of the Philippine trial process is the *presumption of innocence*, and the burden of proof rests with the prosecution, which must establish guilt *beyond a reasonable doubt*. The courtroom thus functions as a procedural battleground where each party is given the opportunity to present and challenge evidence.

Moreover, in select high-profile or complex cases, jury elements have been experimentally introduced, though not yet institutionalized nationwide. While this practice aims to enhance transparency and participatory justice, it also introduces practical challenges—such as extended trial durations, elevated evidentiary thresholds, and strain on limited judicial resources.

Table 3. Comparison of trial phase

Project	China	Philippines
Trial structure	**Inquisitionalism as the main approach**	**Adversarial trial**
Role of the judge	**Leading investigation and adjudication**	**Neutral third party**
Procedural rights protection	**Gradual enhancement**	**Constitutional protection**
Judgment standard	**Substantive truth-oriented**	**Reasonable doubt exclusion standard**

3.3. Practical Problems and Challenges in the Operation of the Criminal Procedure Systems

As the core mechanism for realizing substantive and procedural justice, the design of criminal procedure rules is foundational, but their real test lies in *operational effectiveness* in judicial practice. From a comparative perspective, both the Philippines (a mixed legal system) and China (a codified civil law system) exhibit unique institutional designs; however, their practical implementation faces significant challenges. These challenges reflect conflicts between institutional logics and divergences between rule-of-law ideals and judicial reality, directly affecting public trust and expectations for judicial justice.

3.3.1. Practical Dilemmas in the Philippine Criminal Procedure

Although the Philippine criminal justice system integrates continental and common law elements, its operational practices manifest serious challenges, particularly inconsistency in institutional logic, law enforcement corruption and inefficiency, and gaps in protecting human rights.

1) Institutional Inconsistency Stemming from Legal Hybridity

Since the late 19th century, the Philippines has developed a mixed legal system. In criminal procedure, the system retains codified law characteristics inherited from the Spanish legal tradition while incorporating common law adversarial procedures introduced during American colonial influence. Although this hybridization was intended to combine advantages, in practice it often results in *conflicting procedural logics*.

For example, Article 112 of the Philippine *Rules of Criminal Procedure* mandates a *preliminary investigation* to determine whether *probable cause* exists—a procedure reminiscent of the continental "review and prosecution" model. Yet, during trial, procedures rely heavily on common law features such as compulsory cross-examination, exclusionary rules, and the persuasive authority of precedent. This coexistence of disparate logics produces inconsistent standards and blurred procedural powers, giving rise to uncertainty in judicial reasoning and application. As the Supreme Court noted in *People v. Yatar (2004)*, lower courts applying both statutory rules and American-origin precedents resulted in *confusion in fact-finding and questions about procedural fairness*, evidencing the need for unified judicial concepts rather than mere institutional collages.

2) Law Enforcement Corruption, Judicial Delays, and Public Distrust

Corruption remains a persistent challenge within the Philippines' public sector, including its judiciary. According to the *Transparency International Corruption Perceptions Index*, the Philippines scored **33 out of 100 and ranked 114th out of 180 countries in 2024**, reflecting widespread perceptions of corruption across the public sector, including judicial institutions.

Corruption and inadequate oversight undermine procedural integrity and public confidence. Bribery, irregular payments, and non-transparent judicial decisions have been documented as systemic issues. For instance, the National Bureau of Investigation and Supreme Court actions in 2024 involved suspension of a judge and court personnel for alleged bribery in a civil case—highlighting vulnerabilities in judicial integrity.

Additionally, the Philippine rule-of-law performance remains weak compared with regional peers, with persistent criminal justice inefficiencies contributing to low public trust.

The *Good Conduct Time Allowance (GCTA) scandal* in 2019 epitomized these challenges: officials were accused of accepting bribes for early release of convicted criminals, provoking widespread public outrage and revealing weak supervision and law enforcement morality. Even with procedural guarantees on paper, practical manipulation compromises the realization of those protections.

3) Gaps Between Human Rights Guarantees and Practice

Although Article III of the 1987 Philippine Constitution explicitly guarantees the right to remain silent, the right to counsel, exclusion of illegally obtained evidence, and other fundamental safeguards, implementation remains uneven in practice. Judicial interpretations, such as in *People v. Mojello (2003)*, affirm strong constitutional protections (e.g., confessions without counsel cannot be used). However, in many localities, law enforcement officers lack comprehensive understanding of these protections, and informal inducements or psychological pressure are used to

elicit confessions that are labeled as "voluntary." Moreover, shortages of public defenders and under-resourced legal aid systems leave many defendants without effective representation during investigative and trial stages.

In juvenile and vulnerable group protections under the *Juvenile Justice and Welfare Act (R.A. 9344)*, institutional capacity constraints and resource deficits mean that legal safeguards often remain formalities rather than functioning protections.

3.3.2. Practical Problems in China's Criminal Procedure

Despite formal improvements and ongoing promotion of a *trial-centered* approach, China's criminal procedure system grapples with structural issues in practice, affecting procedural effectiveness and public trust.

1) Procedural Formalism and Overemphasis on Substance

China's judicial practice continues to exhibit a structural tendency of prioritizing substantive outcomes over procedural rigour, with procedural rules often treated as formalities. Article 6 of China's *Criminal Procedure Law* requires courts and prosecutorial bodies to handle cases in accordance with facts and law, ensuring procedures are lawful. However, in pursuit of conviction rates and efficiency, public security organs frequently adopt pragmatic investigative methods, and statutory procedures are applied flexibly.

A notable example is the *Huugjiltsu case (1996)*, where a suspect was swiftly convicted and executed, only for later DNA evidence to identify the real perpetrator, leading to rehabilitation in 2014. This case highlighted procedural supervision failures and demonstrated how a drive for substantive outcomes can eclipse procedural justice.

2) Inadequate Protection of Lawyers' Intervention Rights

Article 33 of the *Criminal Procedure Law* provides suspects the right to engage defense counsel from the first interrogation or application of compulsory measures. However, in practice, lawyers often face restrictions—including difficulty accessing case files, limited opportunities for timely meetings with clients, and absence of effective evidence exchange mechanisms. According to surveys, a significant proportion of defense lawyers report common obstacles such as restricted meetings and lack of access to critical evidence, undermining meaningful defense participation. These challenges are particularly acute in "sensitive cases" (e.g., national security or gang-related matters), where investigative authorities cite confidentiality to curtail defense rights. Moreover, defense arguments in court are sometimes disregarded, and in extreme cases, defense lawyers have faced reprisals for their advocacy, undermining professional independence (e.g., detentions and crackdowns on human rights lawyers).

3) Questions of Judicial Neutrality

Although Chinese law nominally guarantees judicial independence—Article 189 stipulates courts must *conduct independent trials without interference*—judicial practice continues to confront external influences from administrative systems and Party-led bodies. As civil servants, judges' careers and assignments can be subject to administrative discretion, potentially skewing adjudication toward priorities such as *social stability* and rapid case resolution rather than neutral legal evaluation. Scholarly analyses note persistent tensions between formal independence and institutional dependence, particularly in politically sensitive cases. These practical pressures can diminish public confidence in judicial neutrality and institutional legitimacy.

3.4. Recent Empirical Trends on Defense Rights and Procedural Safeguards

3.4.1. Philippines

Defense Rights and Access to Counsel

Under the *Supreme Court Strategic Plan for Judicial Innovations (SPJI) 2022–2027*, access to legal representation has been identified as a key reform area. The SPJI prioritizes technology-enabled hearings, expanded legal aid infrastructure, and institutional support for marginalized defendants. These initiatives aim to reduce delays in criminal adjudication and enhance equitable access to legal defense.

Further, the Philippine Supreme Court has taken an active role in safeguarding lawyers and their clients from undue state interference through constitutional writs. In a landmark decision in February 2024, the Court granted both *writs of amparo* and *habeas data* in favor of environmental activists J. Castro and J. Tamano, citing credible threats to their liberty and privacy by state actors (*Supreme Court of the Philippines, 2022*). This case illustrates the judiciary's growing commitment to reinforcing defense rights in politically sensitive contexts.

Application of the Exclusionary Rule

In 2024, the Supreme Court reaffirmed the mandatory application of the exclusionary rule to evidence obtained through unlawful means. Case No. RTJ 20 2579 clarified that trial courts must suppress improperly gathered evidence irrespective of the seriousness of the charge or the accused's character. This jurisprudence is part of a broader trend toward strict procedural compliance in criminal trials.

Judicial Corruption and Its Indirect Impact on Defense Rights

In May 2024, a judicial scandal in Pasay City attracted national attention when a court staff member was caught accepting a ₱6 million bribe to influence the outcome of a civil case. Although not directly linked to criminal litigation, the incident underscores broader structural vulnerabilities that may indirectly compromise impartiality in criminal defense—particularly where case allocation and judicial discretion are inadequately monitored (*Supreme Court of the Philippines, 2024*).

3.4.2. China

Defense Rights and Lawyer Participation

The *Annual Report on the Rule of Law in China (2023)*, published by the Standing Committee of the National People's Congress (NPCSC) in October 2024, reiterated the government's commitment to improving defense rights. Emphasis was placed on implementing the revised *Criminal Procedure Law* (2018 and 2023), particularly provisions that expand lawyers' roles during police interrogation and pretrial procedures.

However, implementation remains uneven. In politically sensitive or national security-related cases, defense lawyers often face restricted access to their clients and case materials. Scholars have observed that these constraints result from the overlapping discretion of security agencies and weak enforcement of procedural guarantees at the local level (*NPC Standing Committee, 2023*).

Enforcement of the Exclusionary Rule

While China formally recognizes the exclusion of illegally obtained evidence—especially in anti-corruption cases—empirical research continues to highlight a gap between legal norms and courtroom practice. Courts tend to rely heavily on

investigative records, and motions to exclude evidence are rarely sustained unless backed by overwhelming external scrutiny or higher-level political will.

Legislative Oversight and Upcoming Reforms

In June 2025, the NPC Standing Committee reviewed a new round of draft amendments to the *Criminal Procedure Law*, with the stated goal of institutionalizing procedural safeguards and enhancing the adversarial elements of criminal trials. Final legislative approval is anticipated in early 2026, potentially setting the stage for stronger protections of defendants' rights and greater standardization of legal procedures across jurisdictions.

4. Discussion

Building on the comparative analysis presented above, this section critically examines how China may draw context-sensitive lessons from the Philippine criminal justice framework while preserving the structural coherence of its civil law tradition. It also proposes pragmatic reform strategies that strike a balance between legal transplantation and normative consistency. The discussion is organized into two parts: (1) the referential value of key Philippine institutional practices, and (2) proposed pathways for localized reform in China.

4.1. Lessons from the Philippine Criminal Justice Framework

Despite significant implementation challenges, the Philippine legal system—rooted in a hybrid tradition—offers instructive institutional practices that may inform China's procedural reform trajectory. These include participatory adjudication, enforceable exclusionary rules, and the interpretive function of jurisprudence. While direct transplantation is unlikely due to differences in legal culture and structure, these features reflect broader values—transparency, rights protection, and procedural fairness—that align with China's reform aspirations.

4.1.1. Enhancing Fairness Through Participatory Trials

The Philippines applies a limited jury system in serious criminal cases, serving as a mechanism for public engagement and a check on judicial overreach. Although the introduction of jury trials is incompatible with China's political and institutional context, the existing **"people's assessor"（人民陪审员）** system could be revitalized. Specifically, assessors could be granted greater deliberative authority, including voting power on key factual issues, and better procedural support to avoid token participation. Strengthening this quasi-participatory mechanism may bolster perceived legitimacy and social trust in the judicial process.

4.1.2. Strengthening the Exclusionary Rule

The Philippine legal system has institutionalized a robust exclusionary rule, with constitutional backing and consistent judicial enforcement (*People v. Mahinay*, 1997; *People v. Mojello*, 2003). In contrast, China's exclusionary rule, while codified in Articles 50 and 56 of the *Criminal Procedure Law*, suffers from weak implementation. China could address this gap by issuing detailed judicial guidelines that clarify procedural thresholds, evidentiary burdens, and appellate review mechanisms. This would elevate the exclusionary rule from a symbolic safeguard to a functional right with real deterrent and remedial effects.

4.1.3. Leveraging Judicial Interpretation Through Case Law

Case law in the Philippines, though non-binding in civil law terms, significantly shapes procedural norms and legal predictability (*People v. Legrama*, 2000). China has cautiously moved toward similar practices through its "guiding cases"（指导性案例） system. By further institutionalizing this mechanism—such as mandating citation of guiding cases in judgments, expanding thematic coverage, and enhancing accessibility—China can increase consistency and transparency in judicial reasoning while remaining within the boundaries of a codified system.

4.2. Reform Pathways for China's Criminal Justice System

As China accelerates its *trial-centered litigation reform*, it must resolve internal inconsistencies between reform objectives and operational realities. Drawing on both comparative insights and indigenous legal logic, the following reform strategies aim to enhance procedural justice without compromising the codified structure of the Chinese legal system.

4.2.1. Integrating Safeguards Within a Codified Framework

Instead of wholesale transplantation, China can integrate functional safeguards tailored to its legal infrastructure. Possible reforms include:

- **Mandatory pre-trial hearings** to resolve evidentiary disputes before trial;
- **Appointment of independent procedural judges** for oversight during the investigation phase;
- **Deployment of procedural supervisors** to ensure compliance with due process norms.

These mechanisms would institutionalize rights protection while preserving systemic coherence and administrative efficiency.

4.2.2. Deepening Defense Rights and Procedural Justice

Substantial improvements in defense participation are necessary. These include:

- Simplifying case file review procedures;
- Mandating timely access to suspects in detention;
- Guaranteeing meaningful participation in evidentiary hearings.

Such reforms, consistent with Article 35 of the *Criminal Procedure Law*, would elevate the defense from a passive recipient of state procedure to an active agent of procedural legitimacy. As Qiao (2018) argues, the defense function must be reimagined as co-equal in the pursuit of judicial truth.

4.2.3. Enhancing System Integration and Institutional Coordination

China's reform environment currently suffers from **institutional fragmentation**—trial-centered principles, expedited procedures, and evidentiary rules often conflict in practice. A unified **judicial interpretation** or **administrative directive** is needed to harmonize these frameworks. The Supreme People's Court can lead this effort by:

- Issuing national-level procedural protocols;
- Clarifying inter-agency responsibilities;
- Coordinating institutional mandates across courts, procuratorates, and public security organs.

Such institutional harmonization is critical for ensuring that criminal justice reforms are not only comprehensive but also internally coherent (Wang, 2022).

5. Conclusion

This study has conducted a comparative analysis of the criminal procedure systems of the Philippines and China, highlighting their divergent procedural logics, institutional structures, and implementation challenges. While the Philippines, as a mixed legal system, illustrates both the flexibility and tensions of legal hybridity, China's civil law tradition demonstrates strengths in systemic coherence but faces persistent challenges in procedural rights protection and institutional coordination.

The Philippine experience—particularly in participatory trials, exclusionary rule enforcement, and interpretive use of case law—offers valuable insights for China's ongoing trial-centered reforms. However, these insights must be adapted to the normative and structural context of China's codified legal system. Reforms must prioritize procedural justice not through transplantation, but through calibrated innovations such as enhanced defense rights, integrated procedural safeguards, and clearer inter-agency coordination.

Ultimately, the advancement of criminal justice reform in China depends not only on legal texts but also on their effective implementation. By learning from comparative experiences and addressing internal systemic tensions, China can move toward a more balanced, transparent, and rights-oriented criminal procedure system—one that aligns with both domestic governance goals and international procedural standards.

Author Contribution

Yun Pei, Ph.D. (Graduate School, Emilio Aguinaldo College, 006302, Manila, Philippines) is the sole author of this manuscript. The author independently conceived, researched, analyzed, and wrote the entire article without external assistance.

Compliance with Ethical Standards

This study did not involve any human participants, animals, or identifiable personal data. Therefore, no ethical approval was required.

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Competing Interest declaration

The author declares that, to the best of their knowledge, there are no financial, personal, or professional relationships that could be construed as a potential competing interest concerning the content of this manuscript.

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