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Research Article

Justice in the Digital Age: Evaluating the Impact and Integrity of Virtual Hearings in Makati City

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ABSTRACT

During the height of COVID-19 pandemic, courts around the globe rely mostly on videoconferencing to sustain judicial processes and that their operations remain unhampered. In the Philippines, particularly in Makati City, the adoption of videoconferencing became part of the judicial system even after the pandemic. However, this opened questions about its integrity and effectiveness. With the use of qualitative phenomenological research design guided by Colizzi's method, this study focuses on the evaluation and impact of videoconferencing specifically on safety and security measures, ability to present cases, procedural integrity, and technical challenges encountered by the selected participants. A total of ten (10) participants which include litigants, lawyers, prosecutors, court personnel, and law enforcement officers who are directly involved or had experience attending virtual hearing have been interviewed. The study collected data through in-depth interviews and focus group discussions. With the direction of the Philippine government towards digitalization, local studies remain limited to quantitative evaluation of user satisfaction in the use of videoconferencing. Additionally, the findings from previous studies highlight the urgent need for robust digital infrastructure, enhanced training, and policy refinement to ensure fairness and protect legal rights in virtual courtrooms. This study, on the other hand, includes findings on the workarounds adapted by the stakeholders to balance and bridge the transition from traditional and virtual courtroom setup such as the use hybridized practices during presentation and marking of evidence, where physical records complement virtual hearings. The study aims to deeply understand the direction and status of digital justice landscape in the Philippine judiciary and to offer insights for policy and institutional reform based on the actual experiences of the parties involved.

Keywords: *Virtual hearings, Procedural justice, Digital courts, Qualitative phenomenology, Philippine judiciary.*

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Introduction

The rapid acceleration of digital transformation over the past decade has reshaped institutions all around the world and driven governments, businesses, and public service systems toward technology-enabled modes of operation. Among all the institutions that this change has affected is the judicial systems, which until recently, were grounded in face-to-face deliberations, structured rituals, and physical courtroom presence, have perhaps undergone an impactful, yet uneven shift (Sanders 2021; Geovanie 2021). Though digital technologies had been previously introduced within the justice sector as administrative support tools, they had not, until the COVID-19 pandemic, achieved widespread use for core adjudicative functions. In the face of the sudden crisis, courts worldwide were forced to radically re-engineer their operations and deploy information and communications technologies (ICTs) to ensure continuity of services. Virtual hearings, which at the start of the pandemic emerged as an emergency response to movement restrictions, were rapidly becoming a long-term judicial mechanism and even, for some jurisdictions, a permanent feature of judicial modernization (Vitiello & Williams 2021; Bannon & Keith 2021).

The adoption of virtual hearings as a response measure to future crises and in the shift towards digitalization, the balance of the benefits of ICT and the challenges associated with the use of technology into judicial processes, which require the preservation of impartiality, decorum, and procedural accuracy, shall be carefully evaluated. Advantages of virtual hearings include safety and accessibility, resource efficiency, and continuity of court procedures during time of crises. Yet concerns remain regarding its influence on fairness and efficacy of defense, diminished courtroom presence, impaired nonverbal communication, and potential biases from judges and juries (Anouar, 2023; Poulin, 2004). The radical shift to digital adjudication has then raised questions about how technological innovations intersect with the overall experience of the participants and the quality of justice provided on the cases that undergone virtual conference hearings.

Global Landscape of Virtual Hearings

Recent international scholarship focuses on the examination of procedural, psychological, and experiential outcomes of videoconferencing hearings rather than the evaluation of its feasibility since the post-pandemic rapid adoption of ICT in judicial system. These studies emphasize the importance of participants perception on the fairness, presence, and maintenance of proper court decorum during the mediation in virtual courtrooms. Muir, et al., (2023) examines psychological dimensions on how the backgrounds visible during virtual court hearings can influence perceptions and decision-making. In contrast, research in developing or transitional justice systems focuses on the disparities on the digital access and competence of the parties involved. For instance, Ballin and Castelijn's (2024) analysis in the Netherlands found that defendants faced challenges in confronting witnesses online, a procedural safeguard critical to fair trial standards. Similarly, Factor et al. (2023) and Anouar (2023) found out that technological disparities on infrastructure access and digital literacy negatively affect the perception of participants in procedural justice in Israel and Moroccan court. Such findings highlight the importance of examining not only what procedures are followed but most importantly, how they are experienced.

Virtual Hearings in the Philippine Judiciary

The Philippine judiciary has undergone significant transition to digitalization, particularly with the institutionalization of videoconferencing hearings with the issuance of Administrative Memorandum (A.M.) No. 20-12-01-SC by Supreme Court. The said memorandum provides guidelines on the conduct of videoconferencing hearings. This policy allowed courts to adopt remote proceedings for both criminal and civil cases, including arraignments, bail hearings, and mediation sessions, and even full-blown trials in some cases at times of restricted movement and travel of court users during the pandemic.

Early assessment of the effects of this adoption has been positively received and seen through logistical and safety aspects. Virtual hearings allowed vulnerable persons such as

mobility-challenged, aged, and minors as well as persons deprived of liberty (PDLs) to participate, thereby reducing transportation cost and safety especially when the involved party is a high-profile PDL. This development in judicial system is in line with the national agenda, as embodied in the Philippine Development Plan 2023–2028, on e-governance, digital justice, and the integration of ICT infrastructure into public service delivery.

Despite these, the transition to digitalization has opened new challenges to our judicial system which include inconsistent connectivity to the internet, disparity in ICT competencies among stakeholders, limited access to devices, and the threat to digital privacy and cybersecurity concerns (Caniban, 2020).

Local Context: Makati City as a Judicial Hub

Makati City is one of the country's major judicial and commercial hub with relatively developed digital infrastructure. It handles a wide variety of case type including criminal, civil, and commercial cases, that makes it an ideal setting for this study.

Existing local studies conducted within Makati and similar urban courts showed advantages and disadvantages of virtual hearings. Findings of these studies include advantages such as efficiency of scheduling, reduction of physical risks, and logistical ease in conducting videoconferencing which received positive feedback from the stakeholders. Contrary, there remain issues concerning evidence presentation, maintenance of courtroom decorum, accuracy of participants demeanor, authenticity of evidence, and technical interruptions (Gomez & Binales, 2022; Pangan & Dausan, 2024; Batongbacal et al., 2020).

Research Gap and Rationale

While virtual hearings have been widely studied in terms of policy, efficiency, and technological implementation, fewer studies have looked at how judicial stakeholders personally experience and interpret this shift. In the case of the Philippines, most of the existing research has looked into administrative performance indicators or descriptive evaluations of technological preparedness. Underexplored is how persons speaking, testifying, operating,

managing, and judging within this digital courtroom, navigate its structure and constraints.

This research effort tries to fill the literature gap on the personal experiences of court stakeholders, including prosecutors, lawyers, litigants, law enforcement officers, and court staff, in navigating virtual hearings. The Access to Justice Framework by UNDP (2016), Procedural Justice Theory by Tyler (2006), and Diffusion of Innovations Theory by Rogers (2003) guide this study in exploring the lived experiences of court stakeholders in Makati City regarding virtual hearings and thus aim:

- To evaluate the security and safety measures associated with virtual hearings as assessed by the informants.
- To investigate the impact of virtual hearings on the ability of informants to present their cases effectively.
- To determine how virtual hearings influence procedural integrity and the overall functioning of the judicial process according to the informants.
- To determine the technical challenges experienced by informants during the conduct of videoconference hearings.

By evaluating virtual hearings through the viewpoint and lived experiences of the stakeholders regarding efficiency, accessibility, fairness, and adherence to due process, the study contributes to a deeper understanding of how adoption of technological innovations may sustain, rather than compromise, the promise of justice in the digital age.

Materials and Methods

This study applies qualitative phenomenological research design guided by Colaizzi's phenomenological method which involves familiarization, extraction of significant statements, formulation of meanings, organization into theme clusters, development of exhaustive description, identification of fundamental structure, and member checking in analysis of data. This approach enables the researcher to explore and understand the human experiences as they are lived and perceived by individuals.

The participants of this study were purposefully selected from four key stakeholder

groups involved in the conduct of virtual court hearings in Makati City. These groups include the litigants, lawyers and prosecutors, court

personnel, and law enforcement officers. Table 1 below shows the criteria in the selection of the qualified participants.

Table 1. Distribution of Study Population by Stakeholder Group

Stakeholder Group	Estimated Number of Participants	Description
Litigants	1-2	Parties involved in any type of cases and have participated in virtual hearing.
Lawyers/ Prosecutors	1-4	Includes public and private legal practitioners as well as government prosecutors.
Court Personnel	2-5	Judicial staff, such as clerks, stenographers, interpreters or administrative personnel who are present and handling the conduct of virtual hearings.
Law Enforcement Officials	1-4	Officers involved in virtual setup.

Estimated Total Sample Size: 5 – 15 participants

Inclusion Criteria

Participants were included in the study if they:

1. Have participated in at least one virtual court hearing in Makati City within the last 24 months.
2. Belong to one of the four identified stakeholder groups.
3. Are 18 years of age or older.
4. Can communicate in either English or Filipino.
5. Provided informed consent to voluntarily participate in the research.

Exclusion Criteria

Participants were excluded from the study if they:

1. Had no direct experience participating in virtual court hearings.
2. Were not connected to the Makati City courts or had only minor involvement (e.g., IT technicians with no courtroom interface).
3. Were unable to give informed consent due to legal, mental, or physical limitations.
4. Were under administrative or judicial sanction at the time of the study for issues affecting credibility or impartiality.

The data were collected using two qualitative tools, i.e., semi-structured interview and focused-group discussion which include questions that are aligned to the study's research questions and have undergone expert

validation prior to the conduct of actual interviews. The interviews were conducted both face-to-face and virtually, with the use of available online platforms, and lasted for about 30-60 minutes. The sessions were audio-recorded after ethical approval and informed consent of the participants. transcription. Verbatim transcription of audio recordings was followed by validation through member checking with participants to ensure fidelity to their experiences.

Results

This study presents the lived experiences of court stakeholders in Makati City on how they perceived, interpreted, and responded to virtual hearings. The results are organized around the study's statement of the problems, which focuses on four key dimensions: (1) the security and safety measures of virtual hearings, (2) the effectiveness of case presentation, (3) the influence of virtual hearings on procedural integrity and judicial functionality, and (4) the technical and internet-related challenges encountered by stakeholders. The participants' narratives were translated in major themes and sub-themes which highlights both the strengths and weaknesses of videoconferencing as a judicial tool.

Theme 1: Security and Safety Measures in Virtual Hearings

Informants highlighted that controlled access is essential to maintain security during

virtual hearing. Platform-based controls within Microsoft Teams itself, such as waiting rooms, one-time link protected with passwords, and admission controlled by the court personnel themselves increases their assurance that unauthorized individuals not party to the case being heard cannot participate. As one informant narrates, the ability to admit and deny entry mirrors the function implemented by security personnel in the traditional courtroom.

However, results also reveal that these digital controls are only a layer of defense. Uncontrolled factors such as limitation of camera view, background noise, and simultaneous virtual hearings conducted in shared and improvised facilities or virtual set-up expose sensitive testimonies and compromise confidentiality and integrity with possible risk of intimidation, coaching, and influence of unauthorized persons.

Informants stressed that sensitive cases being overheard by unauthorized or non-parties may influence the strategy and witness credibility that may lead to loss of trust in the justice system. While court policy includes limited dissemination of recording of virtual hearings, privacy should be equally maintained both in the physical and virtual courtrooms. This may be done by establishing designated and partitioned areas for participants joining remotely with strict implementation of rules against illegal recording.

Theme 2: Impact of Virtual Hearings on Effective Case Presentation

Informants raised concerns that virtual hearings decreased the sensory and credibility of evidence presented virtually. While efficiency was seen as an advantage in the sharing of scanned documents, examination of tangible objects, such as weapons, clothes, or physical artifacts, was observed as limited, ineffective, or even misleading. Factors such as limitations in camera angles, image quality decreased the persuasive and probative value of evidence presented virtually.

Informants reported problems with image quality, limitations in terms of the angles possible, and concern that judges or opposing counsel were unable to closely view an object.

According to some, digital images lacked scale, texture, weight, and other physical properties important to assess credibility and probative value.

Relatedly, informants also highlight the unequal access, readiness, and capability among the stakeholders. While some adapted quickly, others, specifically the elderly, PDLs, indigent litigants, and those who lack digital literacy struggled to navigate the virtual system such as logging in, audio and camera controls, and use of scree-sharing functions for document sharing. This also add up to the risk of confidentiality since help from other person is needed to provide technical support.

Additionally, informants are consistent that unstable internet connectivity in varying areas and poor or low quality of devices used by underprivileged participants became barriers and often lead to the delays of proceedings, misunderstandings or misinterpretation of physical demeanor, or emotional disengagement.

Theme 3: Influence of Virtual Hearings on Procedural Integrity and Judicial Functioning

Despite the challenges, the informants affirmed that core judicial rituals are effectively implemented and maintained in virtual hearings. Case-calling, administration of oath, and regulated speaking turns and argumentation between the parties were preserved.

However, the informants also noticed that there are times when procedural flow are interrupted due to technical disruptions such as screens freezing, distortions in the audio, or sudden disconnections. These interruptions, according to the informants, weakens the perception of authority and order.

Moreover, they collectively highlight that individuals who are hindered to participate physically due to either distance, disability, age, or confinement were allowed to appear and hear their voice due to the improved accessibility brought about by virtual hearings.

Nevertheless, to preserve procedural fairness, it is imperative to establish equal technological access and clear and strict adherence to standard protocols.

Theme 4: Technical and Internet-related challenges in virtual hearings

Informants unanimously agreed that unstable internet connectivity emerged as the most common challenge encountered in the conduct of virtual hearings. Internet-related challenges such as frequent disconnections, audio delays, frozen screens, and poor signal quality disrupted examinations, confused the participants, and postponed hearings. Moreover, environmental disruptions such as noise in detention facilities which are often shared and crowded due to simultaneous schedule of virtual hearings among detainees decreased attention and privacy.

Another challenge encountered by the informants is the disparity between the available devices in which some are provided with modern equipment while others must endure with second-hand, aging and low-grade or improvised devices and equipment. Alongside with variation in digital literacy and experiences, these factors question the readiness and capability of our judicial system in the full transition of judicial adjudication to digitalization.

It is therefore reiterated the need for institutional investment in standardized devices, dedicated facilities, and capacity-building for all group of participants of virtual hearings.

Discussion

Employing Tyler's Procedural Justice Theory, results suggests that justice in virtual hearings do not rely on the physical presence of stakeholders but more importantly on the informant's perception of fairness, integrity, reliability and credibility in the judicial process followed in the conduct of virtual proceedings.

Current use of platform-based security and preservation of procedural integrity enhances the perception of neutrality and order and increases trust in the judicial system.

However, justice was compromised whenever technical glitches, insufficient privacy and digital incapacity hinders the individual's rights to provide and demonstrate accurate and valid testimonies. Issues regarding unauthorized recording, off-camera coaching, intimidation and misunderstood physical cues raises concern about unbiased decisions, unequal participation and compromised impartiality.

These situations reduce the authenticity, integrity, and credibility of testimonies delivered in virtual hearings.

In essence, procedural justice in virtual hearings becomes conditional. It is preserved when technology promotes transparency and inclusivity, but demolished when infrastructural and environmental restrictions limit participants' ability to engage fully.

Applying Rogers's Diffusion of Innovations Theory, virtual hearings established multiple advantages in terms of accessibility, continuity, and efficiency especially during periods of crisis. Their compatibility with existing judicial procedures explains why core rituals and norms were successfully translated into digital space.

Yet, the findings reveal ongoing barriers linked to complexity and inequality of adoption. Participants' mixed levels of digital literacy, uneven infrastructure among courts, and inconsistent environmental conditions slow down full institutionalization. For some users, virtual hearings represented innovation and empowerment while for others, they introduced confusion, dependency, and procedural disadvantage.

This uneven diffusion explains why virtual hearings function as a hybrid system rather than an established replacement for traditional in-person adjudication. Adoption has occurred, but linkage between various factors remains incomplete and unevaluated.

Conclusion

This study concludes that virtual hearings neither primarily strengthen nor weaken justice. Their acceptability emerges from the interaction between technology, human behavior, and institutional safeguards. Digital platforms can preserve access and continuity, but fairness ultimately centers on proper handling of security, equitable infrastructure, and understanding to technological limitations.

To sustain procedural justice and support broader distribution, courts must move beyond platform adoption toward systemic investment such as standardized equipment, controlled hearing environments, digital support for vulnerable participants, and clear protocols addressing privacy and integrity. Only then can

virtual hearings develop from emergency adaptations into stable, valid instruments of justice.

In summary, videoconferencing hearings represent a strong and adaptive judicial innovation. However, their continued success depends on addressing intersecting challenges in technology, security, procedural fairness, evidence integrity, and equal access to digital infrastructure. Digital justice is attainable, but only when technological consistency is paired with strong ethical and institutional protections.

Recommendations

Based on the findings and conclusions, this study recommends the adoption of the proposed OCA Circular titled “Enhanced Guidelines on the Conduct of Videoconferencing Hearings (VCH)”, which integrates the study’s findings through standardized safeguards, procedural controls, and infrastructure requirements. This circular can be used as framework should the Philippine Judiciary decided to develop a digital decorum manual that can be used as capacity-building material among virtual hearing participants. It is recommended that the manual contain provisions that strengthen confidentiality protocols, tailored support to vulnerable witnesses, standardized management of evidence submitted electronically, standardized videoconferencing equipment across courts and detention facilities nationwide, establishment of mobile courts, and sanctions and penalties for violators.

Additionally, this study recommends dedicated funding from the Supreme court, the Department of Budget and Management to establish a modern and upgraded digital infrastructure across the country. strengthened collaboration with the Department of Information and Communications Technology and local government units, as well as full support from the administration and the Congress.

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