

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2025] SGHC 69

Magistrate's Appeal No 9094 of 2023

Between

Public Prosecutor

... Appellant

And

Teo Hwee Peng

... Respondent

Magistrate's Appeal No 9159 of 2023/01

Between

Teo Hwee Peng

... Appellant

And

Public Prosecutor

... Respondent

Magistrate's Appeal No 9159 of 2023/02

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... Respondent

GROUPS OF DECISION

[Criminal Law — Appeal]

[Criminal Law — Statutory offences — Prevention of Corruption Act]

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Public Prosecutor
v
Teo Hwee Peng and other appeals

[2025] SGHC 69

General Division of the High Court — Magistrate's Appeals Nos 9094 and 9159 of 2023

Vincent Hoong J

11 March 2025

14 April 2025

Vincent Hoong J:

Introduction

1 In the court below, Mr Teo Hwee Peng (“Teo”) claimed trial to 12 charges under s 6(a) of the Prevention of Corruption Act (Cap 241, 1993 Rev Ed) (“PCA”).¹ These charges allege that between July 2018 and July 2019, Teo attempted to obtain or did obtain gratification and agreed to accept gratification from two individuals, as an inducement or reward for doing an act in relation to his principal's affairs.² The two individuals concerned were one Liang Qinglan (“Liang”) and one Cheng Wenjuan (“Cheng”).

¹ Grounds of Decision (“GD”) at [1], Record of Appeal (“ROA”) at p 908.

² GD at [1], ROA at p 908.

2 The charges faced by Teo are largely similar in form, though they differ in relation to the identity of the individual who gave the gratification, the type of gratification, and the date on which the offence allegedly occurred. As such, I reproduce only one of the charges for reference:³

You,

...

are charged that you, sometime between July 2018 and August 2018, in Singapore, being an agent, *to wit*, a Checkpoints Inspector 2 in the employ of the Immigration & Checkpoints Authority of Singapore (“ICA”), did corruptly attempt to obtain gratification in the form of an Apple iPhone X from Liang Qinglan, as an inducement for doing an act in relation to your principal’s affairs, *to wit*, by arranging for Liang Qinglan to be issued with a Special Pass so that she could remain in Singapore, and you have thereby committed an offence punishable under Section 6(a) of the Prevention of Corruption Act, Chapter 241.

3 For ease of reference, a brief summary of all 12 charges is provided in the table below:

Charge	Date	Giver	Inducement or reward	Gratification
1 st Charge (DAC-923343-2020)	Sometime between July and August 2018	Liang	Inducement	Apple iPhone X (attempt to obtain gratification)
2 nd Charge (DAC-923344-2020)	Sometime between July and October 2018	Liang	Inducement	Sexual gratification (free sex)
3 rd Charge (DAC-923345-2020)	24 September 2018	Liang	Inducement	Loan of RMB188.88 (approximately \$37.62)

³ 1st Charge (DAC-923343-2020) dated 1 August 2022, ROA at p 11.

4 th Charge (DAC-923346-2020)	25 October 2018	Liang	Inducement	Loan of RMB5,000 (approximately \$994.50)
5 th Charge (DAC-923347-2020)	10 March 2019	Liang	Inducement	Loan of RMB500 (approximately \$99.45)
6 th Charge (DAC-923348-2020)	19 June 2019	Liang	Inducement	Loan of RMB1,000 (approximately \$198.10)
7 th Charge (DAC-923349-2020)	30 July 2019	Liang	Inducement	Loan of RMB500 (approximately \$99.40)
8 th Charge (DAC-923350-2020)	Sometime after 18 October 2018	Liang	Reward	\$2,100 to \$2,200
9 th Charge (DAC-923351-2020)	Sometime between November and December 2018	Liang	Inducement	Sexual gratification (free sex)
10 th Charge (DAC-923352-2020)	25 July 2019	Cheng	Inducement	\$1,500 (attempt to obtain gratification)

11 th Charge (DAC- 923353- 2020)	Sometime between 27 and 28 July 2019	Cheng	Inducement	Sexual gratification (free massage and masturbation)
12 th Charge (DAC- 923354- 2020)	Sometime between 27 and 28 July 2019	Cheng	Reward	Unspecified amount (agreed to accept gratification)

4 At the close of trial, Teo was convicted on the 1st to 8th charges and acquitted of the 9th to 12th charges.⁴ Teo was sentenced to an aggregate sentence of 33 months' imprisonment and was ordered to pay a penalty for a sum of \$2,634.57, in default five weeks' imprisonment.⁵

5 There were two related appeals in the present case:

(a) Teo's appeal against his conviction and sentence in respect of the 1st to 8th charges (HC/MA 9159/2023/01 and HC/MA 9159/2023/02 respectively).

(b) The Prosecution's appeal against Teo's acquittal on the 10th to 12th charges and cross-appeal against Teo's sentence in respect of the 1st to 8th charges (HC/MA 9094/2023/01).⁶

⁴ GD at [9]–[11], ROA at pp 912–913.

⁵ GD at [9], ROA at p 912.

⁶ Prosecution's Petition of Appeal dated 13 September 2024 at pp 2–3, ROA at pp 30–31.

6 The Prosecution, in its Notice of Appeal dated 17 May 2023, had indicated that it was appealing against Teo’s acquittal on the 9th charge.⁷ However, in its Petition of Appeal dated 13 September 2024, the Prosecution clarified that it was not proceeding with the appeal.⁸

7 After considering the parties’ submissions, I dismissed Teo’s appeal against his convictions, allowed the Prosecution’s appeal against Teo’s acquittals, and delivered an oral judgment.

8 I now set out the detailed grounds for my decision. These incorporate the reasons I had set out in the oral judgment which I delivered earlier. The appeals against sentence, as well as the appropriate sentence in respect of the 10th, 11th and 12th charges, will be addressed in a separate decision after hearing parties.

Background

9 Teo joined the Immigration and Checkpoints Authority (“ICA”) in April 1999.⁹ After serving in Ground Operations, Woodlands Checkpoint for five years, Teo was posted to Intelligence Operations in June 2004.¹⁰ While he was there, he was tasked with collecting information on immigration offences and smuggling activity.¹¹ In the course of doing so, he was authorised to cultivate and handle informants, who generally comprised immigration offenders who

⁷ Prosecution’s Notice of Appeal dated 17 May 2023, ROA at p 23.

⁸ Prosecution’s Petition of Appeal dated 13 September 2024 at p 3, ROA at p 31.

⁹ Notes of Evidence (“NEs”), Day 9 (DW1 EIC), p 1 line 30, ROA at p 507.

¹⁰ NEs, Day 9 (DW1 EIC), p 2, lines 21–22, ROA at p 508.

¹¹ NEs, Day 9 (DW1 EIC), p 2, lines 10–14, ROA at p 508.

provided the ICA with information on illegal cross-border activities.¹² Teo would go on to serve in Intelligence Operations for 12 years, until he was posted to the Woodlands Anti-Smuggling and Profiling Team in November 2016.¹³

10 Liang, a Chinese national, had entered Singapore on 28 May 2018 on a two-month Social Visit Pass and worked as a prostitute.¹⁴ That Social Visit Pass expired on 27 July 2018,¹⁵ and Liang became a visa overstayer. On 16 October 2018, Liang was arrested in a joint operation between the police and ICA.¹⁶ However, on 18 October 2018, Liang was granted a Special Pass by ICA, which allowed her to remain in Singapore to assist in police investigations.¹⁷ It was undisputed that Liang came into contact with Teo sometime before she was granted a Special Pass.¹⁸

11 Separately, Cheng, a Chinese national, had entered Singapore on 19 February 2019 and worked as a prostitute.¹⁹ Cheng was arrested for vice activities on 2 May 2019 but failed to board her 7 May 2019 repatriation flight, instead remaining in Singapore as an overstayer.²⁰ Cheng was also granted a Special Pass by the ICA after she became an overstayer. It was undisputed that

¹² NEs, Day 9 (DW1 EIC), p 3, lines 1–5, ROA at p 509; NEs (DW1 EIC), Exhibit P33 (Teo’s Statement dated 15 August 2019) at p 2, ROA at p 3255.

¹³ NEs, Day 9 (DW1 EIC), p 1, lines 20–26, ROA at p 507.

¹⁴ Exhibit P9 (Statement of Facts in SC-9093580-2020) at [2], ROA at p 2683.

¹⁵ Exhibit P9 (Statement of Facts in SC-9093580-2020) at [2], ROA at p 2683.

¹⁶ Exhibit P9 (Statement of Facts in SC-9093580-2020) at [9], ROA at p 2684.

¹⁷ Exhibit P9 (Statement of Facts in SC 9093580-2020) at [9], ROA at p 2684.

¹⁸ Exhibit P9 (Statement of Facts in SC-9093580-2020) at [10], ROA at p 2684; Exhibit P33 (Teo’s Statement dated 15 August 2019) at p 2, ROA at p 3255.

¹⁹ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [2], ROA at p 3038.

²⁰ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [2]–[3], ROA at p 3038.

she came into contact with Teo sometime before she was granted a Special Pass.²¹

12 Sometime in August 2019, the Corrupt Practices Investigation Bureau (“CPIB”) was put on notice, and it summoned Liang, Cheng and Teo for questioning and statement-taking.²²

13 It was undisputed that Cheng had ended her life on 27 August 2021. Indeed, in the court below, Assistant Superintendent Adib Jamil (“ASP Adib”) (PW2) testified that he had attended to the scene of Cheng’s suicide and recovered a suicide note.²³ Additionally, through ASP Adib, the Prosecution admitted into evidence a certified copy of Cheng’s Death Certificate,²⁴ as well as a Coroner’s Certificate dated 28 August 2021.²⁵ Evidently, Cheng was unable to provide oral and sworn testimony against Teo in the trial below.²⁶

14 Relatedly, Liang had, on 17 December 2021, pleaded guilty to vice-related charges under the Women’s Charter (Cap 353, 2009 Rev Ed) and corruption charges under s 6(b) of the PCA (*ie*, the set of mirror charges preferred against Teo).²⁷ Liang was sentenced to 25 weeks’ imprisonment and a

²¹ Exhibit P11 (Teo’s Statement dated 2 March 2020) at pp 5–6, ROA at pp 2717–2718.

²² Exhibit P18 (Cheng’s Statement dated 5 August 2019), ROA at p 3037; Exhibit P33 (Teo’s Statement dated 15 August 2019), ROA at p 3254.

²³ NEs, Day 3 (PW2 EIC), pp 8–9, ROA at pp 188–189.

²⁴ Exhibit P15 (Death Certificate of Cheng Wenjuan), ROA at p 3030.

²⁵ Exhibit P16 (Coroner Certificate in the matter of the death of SP0020069236), ROA at p 3032.

²⁶ GD at [77], ROA at p 930.

²⁷ Exhibit P9 (Statement of Facts in SC-9093580-2020) at [11], [13] and [18], ROA at pp 2685–2686.

fine of \$8,000,²⁸ and was set to be released on 24 January 2022.²⁹ As Liang had no means or desire to remain in Singapore upon release, her evidence was recorded on 17 and 18 January 2022, pursuant to s 295 of the Criminal Procedure Code 2010 (2020 Rev Ed) (“CPC”), before a district judge.³⁰

The decision below

15 At the close of trial, the Principal District Judge (“PDJ”) convicted Teo on the 1st to 8th charges.

16 In respect of the 1st, 2nd, 3rd and 8th charges, the PDJ found that Liang was introduced to Teo as an ICA officer who could help arrange for her to receive a Special Pass.³¹ The PDJ found that Teo had passed Liang’s particulars to a former informant of his, one Li Chunyan (“Li”), for Li to relay to her ICA handler, Intelligence Operations Officer Ng Chun Cheun (PW7), so that Liang could be arrested.³² The PDJ also found that Teo taught Liang how to answer questions posed to her by the ICA in order to receive a Special Pass.³³

17 In respect of the requisite *mens rea*, the PDJ found that Liang had attributed her arrest and subsequent release on a Special Pass to Teo, and therefore, Liang’s agreement to gift Teo the latest Apple iPhone model in order to obtain a Special Pass was objectively tainted with a corrupt element.³⁴

²⁸ NEs, Day 1 (PW1 EIC), p 8, lines 1–13, ROA at p 65.

²⁹ GD at [15], ROA at p 913.

³⁰ GD at [15], ROA at p 913.

³¹ GD at [49], ROA at p 921.

³² GD at [49], ROA at p 921.

³³ GD at [49], ROA at p 922.

³⁴ GD at [50], ROA at p 922.

Similarly, the PDJ found that this corrupt element had also tainted the red packet that Liang had sent Teo during the Mid-Autumn Festival, as well as the free sex which Liang had with Teo.³⁵

18 In addition, the PDJ found that the relationship between Liang and Teo was “purely transactional”.³⁶ The PDJ found that Teo met Liang at Jurong East to collect his reward, that Liang had prepared money to buy the Apple iPhone for Teo before meeting him, and that Liang had passed Teo this money so that he could get the phone himself.³⁷

19 Pertinently, the PDJ rejected Teo’s assertion that Liang had fabricated evidence to falsely implicate him in order for her to extend her stay in Singapore.³⁸ Instead, the PDJ found that Liang’s evidence was cogent and credible, and that there was no reason for her to falsely implicate Teo given that Teo had helped her remain in Singapore on a Special Pass.³⁹ Furthermore, when Liang gave her evidence, she had already been dealt with for her corruption and vice-related offences and was serving sentence.⁴⁰

20 Conversely, the PDJ disbelieved Teo’s account in respect of the 1st, 2nd, 3rd and 8th charges, that he had helped Liang in the course of cultivating her as an informant for the ICA.⁴¹ Indeed, the PDJ found that Teo actively concealed the fact that he had passed Liang’s personal information to Li, and that Teo lied

³⁵ GD at [50], ROA at p 922.

³⁶ GD at [52], ROA at p 922.

³⁷ GD at [52], ROA at p 922.

³⁸ GD at [54], ROA at p 923.

³⁹ GD at [53], ROA at p 923.

⁴⁰ GD at [53], ROA at p 923.

⁴¹ GD at [56]–[57], ROA at p 924.

to the CPIB about the beneficiaries of the loans he had solicited from Liang.⁴² Glaringly, in the court below, Teo admitted that he deliberately lied to CPIB about how he first came to know Liang.⁴³

21 In respect of the 4th to 7th charges, it was not disputed that Teo had received the various sums as loans from Liang.⁴⁴ In the court below, the Prosecution invoked the presumption in s 8 of the PCA, which presumes that any gratification paid or given to or received by a person in the employ of the Government from a person who seeks to have any dealing with the Government, is deemed to have been paid or given and received corruptly as an inducement or reward. The PDJ held that this presumption was applicable in the instant case, and that Teo had failed to rebut this presumption on a balance of probabilities.⁴⁵

22 Simply put, the PDJ disbelieved Teo's account that he took the loans to help his ex-informant who was poor back in China, and that he intended to reimburse Liang for the loan.⁴⁶ The PDJ noted that there was a furtive way in the manner that Teo went about obtaining the loans from Liang, and rejected Teo's submission that the small size of the loans meant that there was no corrupt intent.⁴⁷

23 However, the PDJ acquitted Teo on the 9th to 12th charges, on the basis that the Prosecution had failed to prove its case beyond a reasonable doubt.⁴⁸

⁴² GD at [56], ROA at p 924.

⁴³ GD at [56], ROA at p 924.

⁴⁴ GD at [59], ROA at p 924.

⁴⁵ GD at [67]–[68], ROA at p 927.

⁴⁶ GD at [64], ROA at p 926.

⁴⁷ GD at [65]–[68], ROA at pp 926–927.

⁴⁸ GD at [85], ROA at p 932.

24 In respect of the 9th charge, which alleged that Liang provided sexual gratification to Teo at Min Wah Hotel, the PDJ noted that there was no objective evidence that Teo had visited Liang at this hotel.⁴⁹ Additionally, the PDJ found Liang’s evidence on this charge to be unclear, as she did not specify the purpose of the meeting at Min Wah Hotel and what purportedly transpired at the hotel, except that Teo was in a rush and left after having sex with her.⁵⁰

25 In respect of the 10th to 12th charges, the Prosecution sought to rely on Cheng’s statements to the CPIB, as well as Liang’s evidence on Cheng’s dealings with Teo. However, the PDJ placed little weight on Cheng’s statements, on the basis that “the material portions of Cheng’s evidence remained untested at the main trial”.⁵¹ The PDJ also noted that the Prosecution’s amendment of the 10th charge was contradictory to the contents of Cheng’s statements.⁵² Specifically, the 10th charge initially alleged that Teo attempted to obtain gratification of \$1,500 from Cheng on 23 July 2019,⁵³ which was the date provided by Cheng in her statements to the CPIB.⁵⁴ However, after closing submissions were filed, the Prosecution applied to amend the 10th charge to read “on or about 25 July 2019”.⁵⁵

26 In addition, PDJ rejected the Prosecution’s assertion that Cheng’s statements were corroborated by other evidence before the court. Indeed, the

⁴⁹ GD at [72], ROA at p 928.

⁵⁰ GD at [71], ROA at p 928.

⁵¹ GD at [77], ROA at p 930.

⁵² GD at [78], ROA at p 930.

⁵³ Exhibit PS6 (Prosecution’s Further Submissions dated 16 March 2023) at [1], ROA at p 1876.

⁵⁴ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [11], ROA at pp 3041–3042.

⁵⁵ 10th Charge (DAC-923352-2020), ROA at p 20.

PDJ found that Liang's purportedly corroborative evidence constituted hearsay,⁵⁶ and that the evidence from one Au Yong Seh Senn (*ie*, that he saw someone who matched Teo's profile at the ground floor of Cheng's condominium) was "tenuous".⁵⁷ Relatedly, the PDJ reasoned that even if the evidence, in its totality, placed Teo at the ground floor of Cheng's condominium, that alone did not prove that Teo had received a free massage and masturbation from Cheng, as alleged in the 11th charge.⁵⁸

The parties' cases on appeal

The Prosecution's case

27 The Prosecution urged this court to affirm Teo's convictions on the 1st to 8th charges.⁵⁹ The Prosecution's submissions in relation to Teo's appeal against conviction will be discussed in detail below.

28 As regards the 10th, 11th and 12th charge, the Prosecution argued that the PDJ misapprehended the quality of the evidence against Teo for these charges.⁶⁰ Specifically, the Prosecution asserted that the PDJ was wrong to have deemed Liang's evidence as hearsay, and that it was instead direct evidence which was corroborated by Cheng's statements.⁶¹ The Prosecution also asserted that the PDJ was wrong to have accorded less weight to Cheng's statements due to them being untested at trial.⁶²

⁵⁶ GD at [79], ROA at p 930.

⁵⁷ GD at [80], ROA at p 931.

⁵⁸ GD at [80], ROA at p 931.

⁵⁹ Prosecution's Written Submissions dated 21 January 2025 ("PWS") at [33] and [81].

⁶⁰ PWS at [103].

⁶¹ PWS at [103(a)].

⁶² PWS at [103(b)].

The Defence's case

29 On appeal, Teo challenged his convictions on the eight charges and urged the court to affirm his acquittal on the 10th, 11th and 12th charge. Teo's submissions in relation to the Prosecution's appeal against acquittal will be discussed in detail below.⁶³

30 Broadly understood, Teo advanced two general arguments which cut across all 12 charges and advanced specific challenges directed at each of the eight charges of which he was convicted.

31 Firstly, Teo challenged the PDJ's finding that he possessed the requisite *mens rea* for the 1st to 8th charges. Teo asserted that the PDJ had erred in rejecting his evidence on his motivations behind assisting Liang.⁶⁴ In this regard, Teo maintained that he helped Liang obtain a Special Pass not for any gratification, but to instead obtain information from her on behalf of ICA.⁶⁵

32 Secondly, Teo asserted that the PDJ had erred in rejecting his submissions on Liang's credibility in the court below. Indeed, Teo maintained that Liang had fabricated evidence to falsely implicate him in order for her to extend her stay in Singapore.⁶⁶

33 In relation to the 1st and 8th charges, Teo characterised the 1st charge as an attempt at committing the offence alleged in the 8th charge.⁶⁷ On the basis of

⁶³ Respondent's Written Submissions for Teo dated 10 February 2025 ("Teo's RWS").

⁶⁴ Appellant's Written Submissions for Teo dated 10 February 2025 ("Teo's AWS") at [27].

⁶⁵ Teo's AWS at [22] and [29].

⁶⁶ Teo's AWS at [69], [72] and [118]–[121].

⁶⁷ Teo's AWS at [31]–[40].

this characterisation, Teo asserted that this amounted to double counting and that as a consequence, he should have been acquitted of the 1st charge.⁶⁸

34 Furthermore, Teo submitted that the constituent elements of the 1st to 8th charges were not proven by the Prosecution in the court below. Briefly, in relation to the 1st and 8th charges, Teo submitted that the PDJ erred by considering Liang’s evidence, as it was purportedly “riddled with inconsistencies”.⁶⁹ In relation to the 2nd charge, Teo submitted that Liang’s evidence did not satisfy the threshold of “unusually convincing” evidence, due to her inability to provide a definite date on which the sex allegedly occurred, her failure to provide the particulars of the other persons in the flat when the sex allegedly occurred, and the absence of corroborative evidence.⁷⁰ In relation to the 3rd charge, Teo submitted that the charge was not made out as the amount involved was small and the loan was repaid almost fully.⁷¹ Lastly, in relation to the 4th, 5th, 6th and 7th charges, Teo submitted that the amounts involved were small, the largest loan was repaid, and that Liang had already been issued a Special Pass.⁷²

Issues to be determined

35 The following issues arose for my consideration:

- (a) whether Liang was a credible witness;

⁶⁸ Teo’s AWS at [31] and [74].

⁶⁹ Teo’s AWS at [86].

⁷⁰ Teo’s AWS at [124].

⁷¹ Teo’s AWS at [143]–[144].

⁷² Teo’s AWS at [155]–[175].

- (b) whether Teo had committed the requisite *actus reus* for the 1st to 8th charges;
- (c) whether Teo possessed the requisite *mens rea* for the 1st to 8th charges; and
- (d) whether the PDJ erred in acquitting Teo of the 10th to 12th charges.

Issue 1: Liang's credibility as a witness

36 Since the Prosecution relied heavily on Liang's evidence to prove its case on the 1st to 8th charges, I found it logical to first assess her credibility as a witness.

37 As I had intimated previously (at [19]), the PDJ below found that Liang's evidence was cogent and credible, and that there was no reason for her to falsely implicate Teo.⁷³ In the present appeal, Teo submitted that the PDJ erred in this regard, and that Liang had fabricated the entirety of her evidence against Teo.⁷⁴ Indeed, Teo asserted that Liang had sought to deliberately implicate him in corruption investigations so that she could be granted a Special Pass and continue to earn money as a prostitute in Singapore.⁷⁵ In his oral submissions, Teo went so far as to allege that it was Liang herself who reported Teo to the CPIB.

38 In my view, Teo's allegations on this point were legally unsustainable. In *Public Prosecutor v GCK and another matter* [2020] 1 SLR 486 ("*GCK*") at

⁷³ GD at [53], ROA at p 923.

⁷⁴ Teo's AWS at [69], [77] and [79]–[80].

⁷⁵ Teo's AWS at [69], [118] and [121].

[102], the Court of Appeal observed that insofar as a motive for a false allegation is raised, in both sexual and non-sexual offence cases, it is for the Defence to first establish sufficient evidence of such a motive. Plainly, no such evidence was furnished to either the PDJ in the court below or to me in the appeal.⁷⁶

39 In any event, these aspersions were factually unsustainable and starkly incongruous with the other evidence before this court. Pertinently, Liang held a Special Pass since 18 October 2018, and it was undisputed that this Special Pass was issued thanks to Teo.⁷⁷ Additionally, after she pleaded guilty to vice-related charges and corruption charges, she indicated that she had no means or desire to remain in Singapore upon release and opted to be repatriated before the commencement of the trial proper.⁷⁸

40 Therefore, I agreed with the PDJ that Liang had no reason to falsely implicate Teo, and I found that Teo's aspersions on this point were baseless. Accordingly, I placed no weight on them in my assessment of Liang's credibility.

41 For completeness, I agreed with the PDJ that Liang's evidence was cogent and credible. In my view, Liang's evidence was internally consistent and sufficiently detailed, and multiple aspects of Liang's evidence were corroborated by the objective evidence and even Teo's own evidence in the court below.

⁷⁶ GD at [54], ROA at p 923.

⁷⁷ NEs, Day 1 (PW1 EIC), p 9, lines 1–2, ROA at p 66; Teo's AWS at [22].

⁷⁸ GD at [15], ROA at p 913.

42 Liang’s account of how she first came to know Teo was corroborated by objective evidence. Liang testified that she was introduced to Teo by one “Ah Ling”, a former source of Teo’s.⁷⁹ This was borne out by the WeChat (an instant messaging application) message log extracted from Teo’s phone, which showed that one of Liang’s first messages to Teo was “I’m Lan Lan, introduced by Ah Ling”.⁸⁰ Liang’s evidence on the electronic transfers she made to Teo (which were the subject of the 3rd to 7th charges) was also consistent with the transaction records recovered from Teo’s phone,⁸¹ and crucially, Teo did not dispute his receipt of these transfers. Furthermore, I noted that Teo did not, at any point in time, challenge Liang’s evidence that he had, prior to her arrest, coached her on what questions ICA would ask her upon arrest in order to maximise the likelihood of her receiving a Special Pass.⁸² True enough, Liang successfully received a Special Pass after her arrest.⁸³

43 In addition, I agreed with the PDJ’s overall assessment, that Liang’s evidence on her interactions with Teo was unfailingly consistent with the “purely transactional” relationship that she admitted to having with Teo.⁸⁴ In her testimony on her motivations behind agreeing to buy an iPhone for Teo,⁸⁵ agreeing to sexual intercourse,⁸⁶ sending a red packet to Teo,⁸⁷ and agreeing to

⁷⁹ NEs, Day 1 (PW1 EIC), p 9, lines 2–22, ROA 66.

⁸⁰ Exhibit P1 (Translation of WeChat Conversations), S/N 198, ROA at p 2517.

⁸¹ Exhibit P3, ROA at p 2528; Exhibit P4, ROA at pp 2529–2531; Exhibit P5, ROA at pp 2532–2535; Exhibit P6, ROA at p 2536; Exhibit P7, ROA at p 2537.

⁸² PWS at [45]; NEs, Day 1 (PW1 EIC), p 21, lines 14–24, ROA at p 78.

⁸³ Exhibit P9 (Statement of Facts in SC 9093580-2020) at [9], ROA at p 2684.

⁸⁴ GD at [52], ROA at p 922.

⁸⁵ NEs, Day 1 (PW1 EIC), p 28, lines 1–8, ROA at p 85.

⁸⁶ NEs, Day 1 (PW1 EIC), p 12, line 5, to p 13, line 2, ROA at pp 69–70.

⁸⁷ NEs, Day 1 (PW1 EIC), p 36, lines 21–27, ROA at p 93.

extend loans to Teo,⁸⁸ Liang was consistent in stating that this was done as part of a *quid pro quo* with Teo.

44 Therefore, I found that the PDJ did not err by considering Liang's evidence in convicting Teo on the 1st to 8th charges.

Issue 2: Actus reus for the 1st to 8th charges

45 In relation to the requisite *actus reus* for the 1st to 8th charges, I shall address Teo's arguments in turn.

First charge

46 On the 1st charge, Teo advanced two distinct arguments. Teo argued that the 1st charge was essentially an attempt at committing the offence contemplated in the 8th charge, and therefore, Teo could only be convicted of either, but not both, of these two charges.⁸⁹ In the alternative, Teo advanced a bare denial that he never requested an iPhone.⁹⁰

47 Fundamentally, there was factual basis for Teo's argument on duplicity. The Prosecution's case theory was that the gratification of \$2,100 to \$2,200, which was the subject of the 8th charge, was essentially the sum of money which would have been used to purchase the iPhone which was the subject of the 1st charge.⁹¹ This was also consistent with the evidence that the Prosecution had led from Liang, that when she met Teo for dinner in Jurong East, she brought a

⁸⁸ NEs, Day 1 (PW1 EIC), p 42, lines 5–17, ROA at p 99; NEs, Day 1 (PW1 EIC), p 43, lines 1–4, ROA at p 100; NEs, Day 1 (PW1 EIC), p 43, lines 17–32, ROA at p 100; NEs, Day 1 (PW1 EIC), p 44, lines 19–21, ROA at p 101.

⁸⁹ Teo's AWS at [31].

⁹⁰ Teo's AWS at [65].

⁹¹ PWS at [46]–[47].

large sum of money with her to follow through on her promise to buy him an iPhone, but instead gave him this sum after she surmised that he wanted money instead of an iPhone.⁹²

48 In support of his position, Teo cited *Tan Khee Koon v Public Prosecutor* [1995] 3 SLR(R) 404 (“*Tan Khee Koon*”),⁹³ which is the leading case on the duplicity of charges, as well as *Law Society of Singapore v Chong Wai Yen Michael and others* [2012] 2 SLR 113,⁹⁴ which clarifies certain aspects of the decision in *Tan Khee Koon*.

49 In *Tan Khee Koon*, the appellant was tried and convicted on a charge of having attempted to corruptly receive gratification of \$20,000, as well as on a separate charge of having received gratification amounting to approximately \$5,260. However, it was revealed that out of the \$5,260 which formed the subject of the latter charge, \$4,500 constituted part payment of the sum of \$20,000 encapsulated in the former charge. The issue before the court was thus whether there was a duplicity of charges in the appellant’s receipt of the \$4,500 and his attempt to receive \$20,000.

50 This court held that there was such a duplicity (at [117]), and in coming to this conclusion, Yong Pung How CJ first considered s 41 of the Interpretation Act (Cap 1, 1985 Rev Ed). This section remains in force as s 40 of the Interpretation Act 1965 (2020 Rev Ed), and is reproduced below for ease of reference:

⁹² PWS at [46]–[47].

⁹³ Teo’s AWS at [38].

⁹⁴ Teo’s AWS at [39].

Provisions as to offences under 2 or more laws

40.— Where any act or omission constitutes an offence under 2 or more written laws, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under any one of those written laws but shall not be liable to be punished twice for the same offence.

51 Thereafter, the court referred to the meaning of the term “same offence” set out in *Jamali bin Adnan v Public Prosecutor* [1986] 1 MLJ 162, which is that two or more offences were the same offence if they had the same essential ingredients (at [105]). The court then considered the definition of what constitutes an attempt, and concluded that since a criminal act is no longer an attempt when it completes the commission of an offence, attempts and commissions thus cannot overlap, and charges for both in respect of the same transaction cannot be preferred (at [108]–[112]).

52 In my view, *Tan Khee Koon* remains good law. However, bearing in mind the meaning of the term “same offence”, I found that there was insufficient similarity between the elements of the 1st and 8th charges. Therefore, *Tan Khee Koon* may be distinguished from the instant case. I agreed with the Prosecution that the 1st and 8th charges differ sufficiently as to not share the same essential ingredients. First, the gratification captured in the 1st charge constituted an inducement, whereas the gratification captured in the 8th charge constituted a reward. Second, the gratification in the 1st charge took the form of an iPhone, which was materially distinct from the gratification in the 8th charge, which took the form of cash. Third, and perhaps most significantly, an attempt to obtain gratification constitutes a completed offence under s 6(a) of the PCA. While the issue of duplicity would have arisen if Teo had actually received the gratification he had initially sought to obtain (*ie*, the iPhone), this did not occur

in the instant case, and hence, I was unable to accept Teo's argument on this point.

53 As regards Teo's bare denial of the 1st charge, I agreed with the PDJ that this was incredible.⁹⁵ Across Teo's submissions, his denial of the 1st charge was wholly founded on the notion that Liang's evidence was falsified and unreliable. I have rejected Teo's assertions in relation to Liang falsifying her evidence (at [36]–[44] above), and I will move on to address the argument that Liang's evidence on the 1st charge was unreliable.

54 In his submissions, Teo pointed to three specific inconsistencies in Liang's evidence on his alleged request for an iPhone.⁹⁶ During her examination-in-chief, Liang stated that Teo had asked her for the latest model of iPhone in return for his help in obtaining a Special Pass.⁹⁷ However, under cross-examination, Liang stated that she had suggested getting the latest model of iPhone, and assumed that Teo accepted this offer when he did not reject it.⁹⁸ Teo also pointed out that Liang's evidence on how this request was communicated to her was inconsistent. During her examination-in-chief, Liang initially said that Teo made this request via the text function on WeChat.⁹⁹ However, she then said that Teo made this request over a phone call,¹⁰⁰ despite earlier stating that she only communicated with Teo via text and audio message

⁹⁵ GD at [57], ROA at p 924.

⁹⁶ Teo's AWS at [49]–[55].

⁹⁷ Teo's AWS at [49]; NEs, Day 1 (PW1 EIC), p 10, lines 16–19, ROA at p 67.

⁹⁸ Teo's AWS at [50]; NEs, Day 2 (PW1 EIC), p 50, lines 26–28, ROA at p 165.

⁹⁹ Teo's AWS at [51]–[53]; NEs, Day 1 (PW1 EIC), p 10, lines 26–27, ROA at p 67.

¹⁰⁰ Teo's AWS at [61]; NEs, Day 1 (PW1 EIC), p 27, lines 18–21, ROA at p 84.

on WeChat.¹⁰¹ Lastly, Teo pointed to the fact that Liang could not identify the specific date on which Teo made this request.¹⁰²

55 In my view, these inconsistencies were trivial and did not detract from the fundamental consistency in Liang's testimony, that she had first reached out to Teo for help to stay in Singapore and was in turn asked to give him an iPhone, which she agreed to do. As pointed out by the Prosecution, though this specific exchange was not reflected in the WeChat message log extracted in the course of investigations,¹⁰³ other messages corroborated Liang's account.¹⁰⁴ Indeed, Teo had sent Liang a WeChat message offering his help, and subsequently sent additional messages which confirmed that he was arranging for Liang to be arrested so that she could be issued a Special Pass.¹⁰⁵

56 As for the specific date and medium through which Teo communicated his request for an iPhone, I found that these were attributable to the fallibility of human memory due to the passage of time and did not vitiate Liang's credibility. After all, Liang was testifying in 2022 about a brief interaction which she had in 2018. On this point, I reiterate the guidance in *Jagatheesan s/o Krishnasamy v Public Prosecutor* [2006] 4 SLR(R) 45 at [82], that minor discrepancies in a witness's testimony should not be held against the witness in assessing their credibility, for human fallibility in observation, retention and recollection is both common and understandable.

¹⁰¹ Teo's AWS at [58]; NEs, Day 1 (PW1 EIC), p 24, lines 1–5, ROA at p 81.

¹⁰² Teo's AWS at [66]–[68].

¹⁰³ Exhibit P1 (Translation of WeChat Conversations), ROA at pp 2503–2518.

¹⁰⁴ PWS at [39].

¹⁰⁵ Exhibit P1 (Translation of WeChat Conversations), ROA at pp 2511–2512.

57 Therefore, I agreed with the PDJ that Teo did in fact attempt to obtain gratification in the form of an iPhone from Liang.¹⁰⁶

Second charge

58 In respect of the 2nd charge, Teo similarly advanced a bare denial, supported by the contention that Liang's evidence on this charge was unreliable.¹⁰⁷

59 In his submissions, Teo pointed to specific deficiencies in Liang's evidence on the sexual intercourse which they allegedly had at Liang's residence sometime between July and October 2018. During her examination-in-chief, Liang had initially stated that Teo had talked to her about the issue of a Special Pass before they had sexual intercourse,¹⁰⁸ though her subsequent testimony suggested that they had sexual intercourse immediately upon Teo's arrival at her residence.¹⁰⁹ In addition, Teo points to Liang's inability to identify the specific date on which the sexual intercourse allegedly took place.¹¹⁰ Teo also suggested that the Prosecution's failure to call Liang's two roommates as witnesses was prejudicial to his defence, as he reasoned that they would have likely witnessed Teo's alleged visit to Liang's residence.¹¹¹

¹⁰⁶ GD at [52] and [57], ROA at pp 922 and 924.

¹⁰⁷ Teo's AWS at [95].

¹⁰⁸ Teo's AWS at [98]; NEs, Day 1 (PW1 EIC), p 11, line 15, ROA at p 68.

¹⁰⁹ Teo's AWS at [99]; NEs, Day 1 (PW1 EIC), p 12, line 4, ROA at p 69.

¹¹⁰ Teo's AWS at [109]–[113].

¹¹¹ Teo's AWS at [101]–[105].

60 I agreed with the Prosecution that the order of Teo's interactions with Liang that night had no bearing on the plausibility of Liang's account.¹¹² Indeed, this did not vitiate her testimony on the events leading up to the encounter and the substance of their conversation. I also found Liang's inability to recall the specific date on which the sexual intercourse took place attributable to the fallibility of human memory due to the passage of time. As for the Prosecution's failure to call Liang's roommates, I found this to be irrelevant, as Liang had testified that both of them were sleeping when Teo came over,¹¹³ and had left Singapore by the time investigations had commenced.¹¹⁴

61 Therefore, I agreed with the PDJ that Teo did in fact have sexual intercourse with Liang.¹¹⁵

Third charge

62 In respect of the 3rd charge, Teo did not deny that he received a red packet containing RMB188.88 (approximately \$37.62) from Liang over the money transfer function on WeChat. Instead, Teo contended that he had sent RMB168.88 back to Liang in a subsequent red packet.¹¹⁶

63 I found that Teo did not send RMB168.88 back to Liang. As the Prosecution rightly pointed out, there was no documentary evidence which corroborated the existence of this transaction.¹¹⁷ Teo submitted that he was

¹¹² PWS at [54].

¹¹³ NEs, Day 1 (PW1 EIC), p 12, line 2, ROA at p 69.

¹¹⁴ NEs, Day 2 (PW1 XX), p 43, line 31 to p 44, line 1, ROA at pp 158–159.

¹¹⁵ GD at [57], ROA at p 924.

¹¹⁶ Teo's AWS at [138].

¹¹⁷ PWS at [57]; NEs, Day 11 (DW1 XX), p 41, lines 13–27, ROA at p 654.

unable to provide corroborative documentary evidence as his mobile phone was in the custody of the CPIB.¹¹⁸ I was unable to accept this submission, as the Prosecution had provided Teo with forensic copies of all of his phones, and even then, he was unable to locate this RMB168.88 transfer.¹¹⁹ Glaringly, Teo himself conceded that this was the only WeChat transaction between him and Liang which was not supported by documentary evidence.¹²⁰ Though Teo asserted that Liang's evidence on the stand corroborates the existence of this RMB168.88 red packet,¹²¹ I found that this assertion was simply not borne out by the PDJ's Notes of Evidence ("NEs").¹²²

Fourth, fifth, sixth and seventh charges

64 In respect of the 4th, 5th, 6th and 7th charges, which involve additional loans that Liang had extended to Teo, Teo did not dispute that he had taken those loans.¹²³ Thus, the *actus reus* for these charges was not in dispute.

Eighth charge

65 As for the 8th charge, Teo again advanced a bare denial. Specifically, while Teo did not dispute that he had met Liang for a dinner at Jurong,¹²⁴ he denied that he had received the cash sum of \$2,100 to \$2,200 which Liang allegedly handed to him after this dinner. Conversely, Teo asserted that Liang's

¹¹⁸ Teo's AWS at [131].

¹¹⁹ PWS at [57]; NEs, Day 2 (PW1 XX), p 5, lines 2–12, ROA at p 120.

¹²⁰ PWS at [57]; NEs, Day 11 (DW1 XX), p 41, lines 20–30, ROA at p 654.

¹²¹ Teo's AWS at [128].

¹²² NEs, Day 2 (PW1 XX), pp 3–8, ROA at pp 118–123.

¹²³ Teo's AWS at [155], [164], [169] and [174].

¹²⁴ Teo's AWS at [76].

testimony on how she had prepared and handled the cash sum was inconsistent.¹²⁵

66 I agreed with the PDJ that Liang's testimony on this transaction was consistent and believable.¹²⁶ I found that Liang was consistent on where she had brought the money from, how she carried the money, how she counted the money, and how the transaction with Teo occurred.¹²⁷ Liang was also able to explain why she gave Teo money instead of buying an iPhone with it and then giving Teo the iPhone as requested.¹²⁸

67 I noted that Teo, in his submissions, implied that it was illogical and therefore implausible for him to have initially sought an iPhone from Liang, only to subsequently abandon this in favour of a cash sum.¹²⁹ I accorded no weight to that line of argument. In my view, and as the Prosecution had submitted, it was equally probable that Teo decided to accept cash instead of an iPhone in order to minimise the amount of evidence which could inculpate him.¹³⁰

Issue 3: Mens rea for the 1st to 8th charges

68 Since I had determined that Teo had committed the requisite *actus reus* for the 1st to 8th charges, the presumption in s 8 of the PCA was applicable in respect of the 2nd, 3rd, 4th, 5th, 6th, 7th and 8th charges. Indeed, it was undisputed

¹²⁵ Teo's AWS at [80]–[88].

¹²⁶ PWS at [62]; GD at [52], ROA at pp 922–923.

¹²⁷ NEs, Day 1 (PW1 EIC), p 31–32, ROA at pp 88–89.

¹²⁸ NEs, Day 1 (PW1 EIC), p 31, lines 5–7, ROA at p 88.

¹²⁹ Teo's AWS at [77]–[79].

¹³⁰ PWS at [50].

that Teo was employed by ICA, a “public body” as defined in s 2 of the PCA, and that Liang sought to have dealings with ICA, since she sought a Special Pass to remain in Singapore. Thus, the onus shifted to Teo to rebut this presumption on a balance of probabilities. In the court below, the PDJ similarly found that the presumption in s 8 of the PCA was applicable, and that Teo had failed to rebut this presumption.¹³¹ The PDJ also found that Teo possessed the requisite *mens rea* for the 1st charge.¹³² Teo challenged the PDJ’s determinations in this regard, and I address Teo’s arguments in turn.

The “intelligence factor”

69 I shall first address Teo’s submissions on what he termed the “intelligence factor”,¹³³ as it disclosed a defence which cut across all charges preferred against him. In short, Teo contended that he helped Liang obtain a Special Pass not for any gratification, but to instead obtain information from her on behalf of ICA.¹³⁴

70 Specifically, Teo asserted that he helped Liang and Cheng obtain their Special Passes as part of a *quid pro quo*, through which Teo could obtain “information and intelligence” which he could either “pass to the Intelligence Unit” or utilise in the course of his work at WASP.¹³⁵ While Teo acknowledged that he was no longer in ICA Intelligence Operations when he came to know Liang and Cheng, Teo maintained that it was acceptable for him to maintain

¹³¹ GD at [67]–[68], ROA at p 927.

¹³² GD at [57], ROA at p 924.

¹³³ Teo’s AWS at [26].

¹³⁴ Teo’s AWS at [22] and [29].

¹³⁵ Teo’s AWS at [30].

informants,¹³⁶ and that he anticipated being posted back to Intelligence Operations in the future.¹³⁷ To corroborate his account, Teo pointed to Liang's testimony on the stand,¹³⁸ as well as certain WeChat exchanges between himself and Liang,¹³⁹ which demonstrated that Liang had in fact provided him with information on other immigration offenders and the smuggling of contraband cigarettes.

71 In my view, while it was true that Liang had provided Teo with information on overstayers and smugglers, I was unable to accept the rest of Teo's account. Conversely, I found that Teo's assertion that there was an "intelligence factor" in his dealings with Liang and Cheng was incongruous with the objective evidence and constituted an afterthought.

72 I first considered the actions which Teo took in the course of supposedly cultivating Liang and Cheng as informants. Teo did nothing to assess the suitability of Liang and Cheng to be informants before arranging for their arrests. Teo did not even meet Cheng before arranging for her to get arrested. Teo then coached Liang on what to say to ICA investigation officers in order to get a Special Pass.¹⁴⁰ Once Liang and Cheng received their Special Passes, they continued to provide illegal sexual services in Singapore. Taken together, I found that Teo's actions were objectively detrimental to the best interests of the ICA and militated against there being any supposed "intelligence factor" in his dealings with Liang and Cheng.

¹³⁶ Teo's AWS at [12].

¹³⁷ Teo's AWS at [23]; NEs, Day 6 (PW8 XX), p 55, lines 25–27, ROA at p 403.

¹³⁸ Teo's AWS at [25]; NEs, Day 2 (PW1 XX), p 46, lines 22–29, ROA at p 161.

¹³⁹ Teo's AWS at [24]; Exhibit P8, ROA at pp 2563, 2608–2610, 2617–2619, 2642 and 2662.

¹⁴⁰ GD at [49] and [53], ROA at pp 921 and 923.

73 I then turned to consider Teo’s own evidence. In the very first statement Teo gave to the CPIB,¹⁴¹ he denied doing anything to help Liang and Cheng stay in Singapore, save for advising them to seek legal advice and send appeal letters to the ICA.¹⁴² He did not state anything which suggested that he was cultivating Liang and Cheng as informants, that Liang and Cheng would be suitable informants, or if Liang and Cheng even possessed any information that would be of interest to the ICA.¹⁴³ It was only in his third statement to the CPIB that he briefly alluded to the idea of Liang and Cheng serving as ICA informants.¹⁴⁴ Even then, Teo did not categorically state that they were informants. Instead, Teo stated that:

I thought that I could use [Liang or Cheng] as potential sources for ICA to get information about other overstayers and maintain contact with them till I post into Intel Branch in future.¹⁴⁵

74 The above quotation was the full extent of what Teo disclosed to the CPIB on the “intelligence factor” which, if he were to be believed, coloured his entire relationship with Liang and Cheng. Glaringly, this “intelligence factor” was also not explored at trial in the court below. Instead, Teo advanced a case theory where he had sought to hand Liang and Cheng over to Li to help Li meet her performance targets as an ICA informant.¹⁴⁶ In this regard, I agreed with the Prosecution that Teo’s own evidence on this “intelligence factor” had been egregiously inconsistent.

¹⁴¹ Exhibit P33 (Teo’s Statement dated 15 August 2019) at [11], ROA at p 3258.

¹⁴² Exhibit P33 (Teo’s Statement dated 15 August 2019) at [10], ROA at p 3258.

¹⁴³ Exhibit P33 (Teo’s Statement dated 15 August 2019), ROA at pp 3254–3261.

¹⁴⁴ Exhibit P11 (Teo’s Statement dated 2 March 2020) at [81], ROA at p 2718.

¹⁴⁵ Exhibit P11 (Teo’s Statement dated 2 March 2020) at [81], ROA at p 2718.

¹⁴⁶ NEs, Day 9 (DW1 EIC), p 24, lines 16–19, ROA at p 530.

75 I turned to consider the other available evidence on this point. In his submissions, Teo asserted that “there [was] no rule or regulation” which prohibited him from cultivating and maintaining a network of informants.¹⁴⁷ This was contradicted by his testimony on the stand, where he acknowledged that he lacked any authorisation to do so.¹⁴⁸ This was also contradicted by the evidence of his superior at the material time, Superintendent Kwa Say Kiong (PW8), who testified that he had denied Teo permission to deal with informants outside of the Woodlands Checkpoint and Tuas Checkpoint, and that Teo’s unit did not rely on informants at the time Teo was in contact with Liang and Cheng.¹⁴⁹ For completeness, I noted that there was no evidence which suggested that Teo would be posted back to Intelligence Operations.

76 Taken together, I rejected Teo’s assertion that he helped Liang receive a Special Pass in order to cultivate her as an informant for the ICA, and that the Special Pass was part of a *quid pro quo* for information on illegal activity. For completeness, I also rejected this assertion in respect of Cheng. As I saw it, the only *quid pro quo* arrangement here was that of sexual and financial gratification in exchange for a Special Pass.

Mens rea for the specific charges

77 Aside from Teo’s submissions on the “intelligence factor”, Teo mounted specific challenges against the PDJ’s finding that he had the requisite *mens rea* for the 3rd, 4th, 5th, 6th and 7th charges. I shall address these challenges sequentially.

¹⁴⁷ Teo’s AWS at [12].

¹⁴⁸ NEs, Day 11 (DW1 XX), p 14, lines 1–19, ROA at p 627.

¹⁴⁹ NEs, Day 6 (PW8 EIC), pp 40–42, ROA pp 388–390.

78 Specific to the 3rd charge, Teo contended that the red packet of RMB188.88 was a *bona fide* gift. Teo asserted that the timing of the red packet, along with the relatively low amount of money involved, proved that the red packet was given not as an inducement, but as a customary greeting for the Mid-Autumn Festival.¹⁵⁰

79 There was some force behind this argument. In *Chan Wing Seng v Public Prosecutor* [1997] 1 SLR(R) 721 (“*Chan Wing Seng*”), the court held that the size of a gift and any special relationship would be indicators as to whether a gift was *bona fide* (at [51]). The court also provided an illustration, that there was “no reason why genuine tokens of appreciation or tipping for performing well, even though in breach of some rules, must necessarily infect the transaction with a corrupt element” (at [37]).

80 However, I found that despite the small quantum involved, the nature of the relationship between Teo and Liang indicated that the red packet was not a *bona fide* gift but was instead given as part of a transactional relationship. Teo simply did not have an innocent explanation for this red packet of RMB188.88.¹⁵¹ I found that the PDJ was right to have deemed this relationship a “purely transactional” one,¹⁵² and I found that the presumption in s 8 of the PCA was not rebutted in respect of the 3rd charge.

81 In relation to the 4th, 5th, 6th and 7th charges, which involved the loans Liang had extended to Teo, Teo pointed to the undisputed fact that he had repaid the largest of these loans (that of RMB5,000, which was the subject of the 4th

¹⁵⁰ Teo’s AWS at [145]–[146].

¹⁵¹ PWS at [59].

¹⁵² GD at [52] and [111], ROA at pp 922 and 939.

charge),¹⁵³ and reasoned that since the total value of the outstanding loans was relatively low, none of the loans constituted gratification under s 6(a) of the PCA.¹⁵⁴ Teo also argued that the repayment of the RMB5,000 loan would negate any corrupt element in this transaction.¹⁵⁵

82 As with the 3rd charge, I similarly found that the loans in the 4th, 5th, 6th and 7th charges were extended and accepted as part of a transactional relationship, and that this relationship outweighed the factor of size to indicate that these were not given *bona fide*.

83 I was also unable to accept Teo's submission that his repayment of the RMB5,000 loan negated any corrupt element. As held by this court in *Public Prosecutor v Marzuki bin Ahmad and another appeal* [2014] 4 SLR 623 at [60], where money gratification is given as a loan, it is the recipient's ability to use that money for a period of time that constituted the gratification. This was also consistent with this court's decision in *Goh Ngak Eng v Public Prosecutor* [2023] 4 SLR 1385 at [61(a)], that there is no material difference, as far as culpability was concerned, between gratification taking the form of an outright gift and that in the form of a loan.

84 Taken together, I found that the PDJ was correct to have convicted Teo on the 1st to 8th charges.

¹⁵³ Teo's AWS at [155]; NEs, Day 1 (PW1 EIC), p 43, lines 25–27, ROA at p 100.

¹⁵⁴ Teo's AWS at [168], [169] and [174].

¹⁵⁵ Teo's AWS at [162].

Issue 4: Whether the 10th to 12th charges were made out

85 As recounted above, the Prosecution’s appeal against Teo’s acquittal on the 10th to 12th charges was founded on two submissions, namely that Liang’s evidence in relation to these charges was not hearsay, and that the PDJ placed insufficient weight on Cheng’s statements to the CPIB.¹⁵⁶ I will address these in turn.

Whether Liang’s evidence on the 10th to 12th charges constituted hearsay

86 In the court below, the PDJ found that “any evidence from Liang ... about what Cheng had told her, would clearly be hearsay evidence”.¹⁵⁷ The PDJ also rejected the Prosecution’s submission that Cheng’s statements were corroborated by other sources of evidence.¹⁵⁸ Thus, it appeared that the PDJ declined to consider Liang’s evidence when he considered whether the 10th to 12th charges were made out.

87 Before me, the Prosecution submitted that the PDJ erred in this regard, and sought to rely on Liang’s testimony alleging that:

- (a) Teo attempted to obtain \$1,500 from Cheng in exchange for his help with Cheng’s immigration matters;¹⁵⁹ and
- (b) Teo arranged for Cheng to be arrested.¹⁶⁰

¹⁵⁶ PWS at [103].

¹⁵⁷ GD at [79], ROA at p 930.

¹⁵⁸ GD at [80], ROA at p 931.

¹⁵⁹ NEs, Day 1 (PW1 EIC), pp 49–50, ROA at pp 106–107.

¹⁶⁰ NEs, Day 1 (PW1 EIC), pp 51–52, ROA at pp 108–109.

88 I shall first address Liang’s evidence on Teo’s attempt to obtain \$1,500 from Cheng. For ease of reference, I reproduce the relevant portions of the NEs below:¹⁶¹

- Q: And what happened in this conversation?
- A: I ask him how much does he charge for getting a white card.
- Q: And what did he say?
- A: He told me the time is a little bit tight.
- Q: And so, did he answer your question of how much he charges?
- A: Yes.
- Q: What did he say?
- A: Singapore dollars 1,500.

89 By way of context, it was Liang’s evidence that she had referred Cheng to Teo, and had served as a conduit for communications between the two for some time before Cheng and Teo became better acquainted with one another.¹⁶² This was also supported by the WeChat message log extracted in the course of investigations,¹⁶³ which showed that on 25 July 2019, Liang had a conversation with Teo about a friend of hers who was an overstayer (Cheng), which was punctuated by a 31-second call.¹⁶⁴

90 Seen in this context, Liang’s evidence on what Teo told her in these exchanges, in the excerpt from the NEs reproduced above, constituted direct evidence and was therefore admissible.

¹⁶¹ NEs, Day 1 (PW1 EIC), p 49 at lines 4–12, ROA at p 106.

¹⁶² NEs, Day 1 (PW1 EIC), p 48 at lines 24–30, ROA at p 105.

¹⁶³ Exhibit P8 (Translation of WeChat Conversations), ROA at pp 2662–2663.

¹⁶⁴ P14 (Forensic Extracts of WeChat Conversations) at S/N 1358, ROA at p 3014.

91 I turn to address Liang’s evidence on Teo arranging for Cheng to be arrested. Again, for ease of reference, I reproduce the relevant portions of the NEs below:¹⁶⁵

Q: Okay. And after you sent her request to Mr Teo and send her contact – sent Mr Teo’s contact to her, did you follow up to see if he was indeed helping her?

...

A: Yes, he said that he would help her.

Q: And do you know if he did help her?

A: He told me that he would arrange for someone to arrest her, asked me not to worry.

92 Plainly, this conversation took place between Liang and Teo, and while Cheng was the subject of this conversation, Cheng did not take part in it. With this in mind, I concluded that Liang’s evidence on this point was direct evidence and was therefore admissible.

Weight to be placed on Cheng’s statements

93 I now turn to address the Prosecution’s assertion that the PDJ erred by placing insufficient weight on Cheng’s statements to the CPIB.

94 In the court below, the PDJ reasoned that since Cheng had taken her own life, this meant that “the court did not have the benefit of her oral and sworn

¹⁶⁵ NEs, Day 1 (PW1 EIC), p 51, line 24 to p 52, line 1, ROA at pp 108–109.

testimony”, and thus, these statements were to be considered with some caution.¹⁶⁶

95 As a matter of law, I agreed with the Prosecution that a conviction could be founded on a confession in the statement of a witness who was not cross-examined.¹⁶⁷ Indeed, in *Chin Seow Noi and others v Public Prosecutor* [1993] 3 SLR(R) 566, the Court of Appeal relied on the contents of an offender’s statement to establish another offender’s *mens rea*, even though the former elected to remain silent and was consequently not cross-examined (at [99]). Relatedly, in the recent decision of *Public Prosecutor v Muhammad Hanafi bin Abdul Talip and another* [2024] SGHC 319, the court relied on the confession of an offender in his statement to establish the *actus reus* for a charge which another offender was facing, despite the former departing from the contents of said statement during cross-examination (at [154]).

96 As a matter of fact, I found that Cheng’s statements were credible. It was undisputed that Cheng’s statements were given voluntarily and accurately recorded.¹⁶⁸ Likewise, it was uncontroverted that Cheng incriminated herself in her statements. For instance, in her statement dated 5 August 2019, Cheng admitted to providing paid sexual services,¹⁶⁹ immigration offences,¹⁷⁰ and the giving of gratification in contravention of the PCA.¹⁷¹ Similarly, in her statement dated 6 August 2019, Cheng corroborated her admission in her previous

¹⁶⁶ GD at [77], ROA at p 930.

¹⁶⁷ PWS at [122].

¹⁶⁸ GD at [81], ROA at p 931.

¹⁶⁹ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [2], ROA at p 3038.

¹⁷⁰ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [3], ROA at p 3038.

¹⁷¹ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [18], ROA at p 3044.

statement by admitting that she knowingly gave sexual gratification to an ICA officer in contravention of the PCA.¹⁷² As observed by the Court of Appeal in *Imran bin Mohd Arip v Public Prosecutor and other appeals* [2021] 1 SLR 744 (“*Mohd Arip*”), self-incriminating statements “are generally more reliable because they are made against the interest of the maker” (at [62]).

97 As for the reliability of Cheng’s statements, Teo submitted that this was vitiated due to a discrepancy contained therein. In her statement dated 5 August 2019, Cheng stated that Teo attempted to obtain gratification of \$1,500 from her on the night of 23 July 2019.¹⁷³ As a result, the Prosecution initially framed the 10th charge as having taken place on 23 July 2019. However, in the court below, the Prosecution applied to amend the 10th charge to read “on or about 25 July 2019”, in order to cohere with the objective evidence tendered before the court.¹⁷⁴

98 I agreed with Teo that this amendment betrayed an inconsistency in Cheng’s statements. However, I accepted the Prosecution’s submission that Cheng’s incorrect recollection of the precise date on which the alleged solicitation took place did not undermine the overall credibility of her statements.¹⁷⁵ Rather, I found this understandable, given that Cheng did not have

¹⁷² Exhibit P20 (Cheng’s Statement dated 6 August 2019) at [37]–[40], ROA at pp 3055–3056.

¹⁷³ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [11], ROA at pp 3041–3042.

¹⁷⁴ GD at [18]–[19], ROA at p 914.

¹⁷⁵ PWS at [113].

access to her mobile phone, or any other material for that matter, to verify the exact dates which she provided in her statement.¹⁷⁶

99 In this regard, I agreed with the Prosecution that Cheng's statements, save for the aforementioned discrepancy, were consistent with the external evidence and corroborated in several material aspects.

100 Cheng's statements were entirely consistent with Liang's testimony in the court below.¹⁷⁷ Indeed, both stated that Cheng had reached out to Liang for assistance in acquiring a Special Pass because Liang acquired one through the help of Teo.¹⁷⁸ Both stated that Cheng was to pay a sum of \$1,500 to Teo in exchange for a Special Pass,¹⁷⁹ and both stated that Teo had arranged for Cheng to be arrested.¹⁸⁰ Relatedly, Cheng's statements provided details which were largely consistent with Teo's evidence in the court below. Cheng's recollection of how Teo coached her in preparation for her arrest by the ICA was consistent with Teo's evidence on the stand.¹⁸¹ Similarly, Cheng's recollection as to the

¹⁷⁶ NEs, Day 3 (PW3 EIC), p 29 at lines 1–4, ROA at p 210.

¹⁷⁷ PWS at [111].

¹⁷⁸ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [11], ROA at p 3042; NEs, Day 1 (PW1 EIC), p 48, lines 24–32, ROA at p 105.

¹⁷⁹ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [11], ROA at p 3042; NEs, Day 1 (PW1 EIC), p 49, lines 5–17, ROA at p 106.

¹⁸⁰ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [16], ROA at p 3043; NEs, Day 1 (PW1 EIC), p 51, lines 24–32, ROA at p 108.

¹⁸¹ Exhibit P22 (Cheng's Statement dated 15 August 2019) at [49]; NEs, Day 12 (DW1 XX), p 3, lines 10–21, ROA at p 701.

time and duration of Teo's visit to her condominium unit on 27 July 2019 was consistent with Teo's account.¹⁸²

101 Taken together, I found Cheng's statements to be credible, and that the PDJ accorded insufficient weight to them in the court below.

Whether the 10th and 12th charges were made out

102 Since the 10th and 12th charges were closely connected, I first considered whether these two charges were made out.

103 As I alluded to above (at [100]), Cheng recounted in her statements that she requested for Teo's help to acquire a Special Pass, that this request was conveyed through Liang, and in response, Teo communicated through Liang that this help would be provided for a fee of \$1,500.¹⁸³ This was consistent with Liang's testimony, that she had contacted Teo on Cheng's behalf to seek help with acquiring a Special Pass, and was told that it would cost \$1,500.¹⁸⁴ The WeChat message log between Liang and Teo, extracted in the course of investigations, corroborated this further. I reproduce the relevant messages below:¹⁸⁵

Liang: Any illegal persons want to get white card?

Liang: More than 2 months, 8 more days to 3 months.

Teo: Ok

Teo: Send me her WeChat

Teo: She does not have much time left

¹⁸² NEs, Day 12 (DW1 XX), p 6, line 14 to p 7, line 18, ROA at pp 704–705.

¹⁸³ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [11], ROA at p 3042.

¹⁸⁴ NEs, Day 1 (PW1 EIC), p 48, lines 24–32, ROA at p 105.

¹⁸⁵ Exhibit P8 (Translation of WeChat Conversations), S/N 1340–1354, ROA at pp 2662–2663

Liang: Yes

Teo: Send to me now

Teo: I'll speak to her

104 Digital forensic extracts indicated that one minute after the last message in this conversation was sent, Teo and Liang engaged in a 31-second call.¹⁸⁶ I agreed with the Prosecution that Teo's attempt at obtaining gratification of \$1,500 from Cheng was communicated to Liang in this 31-second call.

105 I found that the events which followed further supported this conclusion. Within an hour of this 31-second call, Teo proceeded to arrange for Cheng to be arrested. Indeed, Teo messaged Li and furnished her with Cheng's particulars, duration of overstay, and residential address.¹⁸⁷ For good measure, Teo sought (and received) confirmation from Li later that day that Cheng's information was relayed to the ICA.¹⁸⁸

106 Teo had sought to refute the *actus reus* for the 10th charge by pointing to evidence showing that he did not accept money from Cheng and did not directly request payment from Cheng.¹⁸⁹ This missed the point. Indeed, it was Cheng's evidence,¹⁹⁰ and the Prosecution's case,¹⁹¹ that Teo did not directly

¹⁸⁶ P14 (Forensic Extracts of WeChat Conversations) at S/N 1358, ROA at p 3014.

¹⁸⁷ Exhibit P13 (Translation of WeChat Messages) at pp 95–97, ROA at pp 2862–2864.

¹⁸⁸ Exhibit P13 (Translation of WeChat Messages) at p 98, ROA at p 2865.

¹⁸⁹ Teo's RWS at [3]–[5].

¹⁹⁰ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [14], ROA at p 3043.

¹⁹¹ PWS at [111].

attempt to obtain a sum of \$1,500 from Cheng but had instead indirectly communicated this request through Liang.

107 Taken together, I found that Teo attempted to obtain \$1,500 from Cheng as an inducement for arranging for her to be issued with a Special Pass. I found that this attempt was coloured by a corrupt element, and I accordingly convicted Teo on the 10th charge.

108 I turn to address the 12th charge, which alleged that Teo corruptly agreed to accept an unspecified monetary reward from Cheng as a reward for securing her a Special Pass.

109 In her statements, Cheng recounted that when was leaving her condominium unit in the early morning of 28 July 2019, she had attempted to pass Teo \$500 in cash and was declined.¹⁹² Cheng also recounted that Teo said he would only accept the money after Cheng was issued a Special Pass.¹⁹³

110 Furthermore, Cheng’s attempt to pass Teo a cash sum on that night was corroborated by Teo’s testimony. It was Teo’s evidence that he was at Cheng’s condominium unit that same night, that Cheng offered him “a stack of 50 dollars” as he was leaving in the early morning, and that he declined this offer.¹⁹⁴ Indeed, the only material difference in their evidence on this encounter was

¹⁹² Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [14], ROA at p 3043.

¹⁹³ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [14], ROA at p 3043.

¹⁹⁴ NEs, Day 10 (DW1 EIC), p 16, line 30, to p 17, line 4, ROA at pp 593–594.

Teo's denial of ever saying that he would accept the money after Cheng was issued a Special Pass.

111 I accepted Cheng's account of what transpired, and I found that Teo had told Cheng he would only accept the money after Cheng was issued a Special Pass. As the Prosecution rightly pointed out, Teo offered no explanation as to why Cheng offered him money,¹⁹⁵ and did not report Cheng's offer of money despite knowing that he was, as a public servant, under a duty to report all bribe offers.¹⁹⁶ I found Teo's version of events to be illogical.

112 In comparison, I found that Cheng's account was consistent with the undisputed facts as to how this encounter transpired (*ie*, that cash was offered and rejected). As I previously observed (at [107]), there was an arrangement for Cheng to pay Teo \$1,500 in exchange for his help to acquire a Special Pass. This corresponded with Cheng's explanation as to why she offered Teo a sum of \$500, namely, that she knew she was due to pay Teo for his assistance in securing a Special Pass and was embarrassed after rejecting Teo's request for sexual intercourse.¹⁹⁷ Thus, she offered him \$500 "for him to get someone else to engage in sexual intercourse with".¹⁹⁸

113 Taken together, Teo's rejection of the cash sum of \$500, and his remark to Cheng that he would only accept Cheng's money after she was issued a Special Pass, invited the irresistible inference that Teo had corruptly agreed to accept an unspecified monetary amount from Cheng in the future as a reward

¹⁹⁵ PWS at [117(a)].

¹⁹⁶ PWS at [117(b)]; NEs, Day 12 (DW1 XX), p 70, lines 5–8, ROA at p 768; ROA at p 3101.

¹⁹⁷ Exhibit P20 (Cheng's Statement dated 6 August 2019) at [34], ROA at p 3055.

¹⁹⁸ Exhibit P20 (Cheng's Statement dated 6 August 2019) at [34], ROA at p 3055.

for arranging for her to be issued with a Special Pass. Accordingly, I convicted Teo on the 12th charge.

114 In sum, it was clear that Teo proactively helped Cheng receive a Special Pass. Teo had no innocent reason to do so, and the only explanation Teo could offer was an illogical, self-serving assertion that Cheng was slated to be an informant for the ICA. I found that Teo did so for the sake of gratification, and I found these convictions to be safe.

Whether the 11th charge was made out

115 Lastly, I turn to address the 11th charge, which alleged that Teo had corruptly received a free massage and masturbation from Cheng as an inducement for arranging for her to be issued with a Special Pass.

116 It was undisputed that the “unusually convincing” standard was applicable, as Cheng’s uncorroborated evidence was the only available inculpatory evidence relevant to the 11th charge and would thus form the sole basis for a conviction (see *GCK* at [87]).

117 In the recent decision of *GII v Public Prosecutor* [2025] 3 SLR 578 (“*GII*”), Sundaresh Menon CJ clarified that “unusually convincing” would require proof beyond a reasonable doubt within the Prosecution’s case, and proof beyond a reasonable doubt on the totality of the evidence (at [25]–[28]).

118 Pertinently, the sole dispute in relation to the 11th charge was whether the *actus reus* took place. Thus, if this was proven, then the presumption in s 8 of the PCA would be applicable. As I recounted earlier (at [21]), this presumes that any gratification paid or given to or received by a person in the employ of the Government from a person who seeks to have any dealing with the

Government, is deemed to have been paid or given and received corruptly as an inducement or reward. Since Teo advanced a bare denial in respect of this charge, this presumption, if invoked, would not be rebutted.

119 I first considered the Prosecution’s case. I found that Cheng’s evidence on the free massage and masturbation was internally consistent. I had earlier reasoned (at [93]–[97]) that Cheng’s statements were credible, and in this regard, I agreed with the Prosecution that Cheng’s recollection of what transpired on the night of 27 July 2019 was compelling.¹⁹⁹ Cheng was able to recall why she offered Teo a free massage and masturbation (*ie*, that she declined Teo’s request for sex but offered to masturbate him instead).²⁰⁰ Cheng was also able to recount how the massage and masturbation took place. Her account was vivid, in its detail as to how long it took for Teo to ejaculate, and how careful Teo was, for he even asked if Cheng’s portable charger was a recording device.²⁰¹

120 As I recalled previously (at [96]), self-incriminating statements are generally more reliable because they are made against the interest of the maker (*Mohd Arip* at [62]), and “in the ordinary course of affairs a person is not likely to make a statement to his own detriment unless it is true” (see *Raj Kumar s/o Aiyachami v Public Prosecutor and another appeal* [2022] 2 SLR 676 at [67]). Indeed, between her admission to being an illegal overstayer and a sex worker, the most self-incriminating portion of Cheng’s statements was still her

¹⁹⁹ PWS at [127].

²⁰⁰ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [14], ROA at p 3043.

²⁰¹ Exhibit P18 (Cheng’s Statement dated 5 August 2019) at [14], ROA at p 3043.

admission that she masturbated Teo, who she knew was an ICA officer, in exchange for his help to acquire a Special Pass.²⁰²

121 I was cognisant that Cheng and Teo were similarly situated as co-accused persons, in the sense that if Cheng were still alive, it was likely that she would have been handed a mirror charge to Teo's 11th charge under s 6(b) of the PCA. Indeed, the Prosecution had duly preferred nine mirror charges against Liang, which corresponded to the 1st to 9th charges preferred against Teo.²⁰³ As the Court of Appeal observed in *Chai Chien Wei Kelvin v Public Prosecutor* [1998] 3 SLR(R) 619, a co-accused person's uncorroborated testimony should be treated with caution, as he "would have reasons of his own to exaggerate the culpability of or implicate the accused, while reducing the magnitude or importance of his own involvement in the matter" (at [61]). However, on this point, I found Cheng's testimony on the 11th charge to be credible, as she did not exaggerate Teo's culpability or minimise her own involvement. Indeed, by admitting that she had offered to masturbate Teo ("he then *agreed* for me to just give him a handjob"²⁰⁴), Cheng essentially admitted to possessing a higher degree of culpability than one who simply acceded to requests for gratification.

122 For the avoidance of doubt, in my assessment of Cheng's evidence, I accorded no weight to the statement of one Au Yong Seh Enn.²⁰⁵ Indeed, salient points within that statement, such as the assertion that Teo drove a red Mercedes

²⁰² Exhibit P20 (Cheng's Statement dated 6 August 2019) at p 8, [Q4], ROA at p 3057.

²⁰³ Exhibit P9 (Statement of Facts in SC-9093580-2020), ROA at pp 2680–2698.

²⁰⁴ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [14], ROA at p 3043.

²⁰⁵ Exhibit P31 (Au Yong's Statement dated 5 August 2019) at pp 3249–3250.

when he visited Cheng on 27 July 2019, were inconsistent with the available evidence.²⁰⁶

123 Taken together, I was satisfied that this evidence was sufficient to establish Teo’s guilt beyond a reasonable doubt, at least on a *prima facie* basis (*GII* at [27]).

124 I turned to assess the totality of the evidence, which necessarily included a consideration of the case mounted by Teo (*GII* at [28]). As I alluded to previously (at [118]), Teo advanced a bare denial in respect of the 11th charge. Teo admitted that he went to Cheng’s condominium unit on the night of 27 July 2019, and that he arrived at or around 11.00pm.²⁰⁷ His evidence was that he did not enter the condominium unit but had instead stood in the corridor adjacent to the unit, where he conversed with Cheng for approximately 60 to 90 minutes.²⁰⁸ However, in spite of this, and in spite of his testimony that he had left the condominium “before 1.00am”,²⁰⁹ Teo confirmed that it was he who was depicted in Closed Circuit Television footage captured at the lobby of the condominium at 1.34am.²¹⁰ Conversely, this chronologically corroborated Cheng’s account, as in her statement, she said that Teo arrived at her

²⁰⁶ NEs, Day 8 (PW9 XX), p 27, lines 20–27, ROA at p 496.

²⁰⁷ NEs, Day 12 (DW1 XX), p 19, lines 16–20, ROA at p 717.

²⁰⁸ NEs, Day 10 (DW1 EIC), p 11, line 10 to p 12, line 12, ROA at pp 588–589.

²⁰⁹ NEs, Day 12 (DW1 XX), p 20, lines 5–7, ROA at p 718.

²¹⁰ NEs, Day 12 (DW1 XX), p 23, line 31 to p 24, line 1, ROA at pp 721–722.

condominium unit at around 11.00pm and spent approximately 150 minutes there, which would correspond to him leaving at around 1.30am.²¹¹

125 In support of his bare denial, Teo contended that Cheng's statements contain fabricated evidence concocted to falsely implicate him. I was unable to accept this assertion. As I explained above at [38], where a motive for a false allegation is raised, the Defence must first establish sufficient evidence of such a motive (*GCK* at [102]). Plainly, Teo did not do so.

126 For completeness, I noted that Teo had highlighted the fact that the Prosecution did not call Cheng's roommate, who, according to Cheng, was present at the condominium unit when Teo visited her on the night of 27 July 2019.²¹² I found this immaterial. Cheng's evidence was that Teo never met her roommate when he visited on 27 July 2019, as she remained in her room the entire time.²¹³ This was consistent with the rest of Cheng's evidence, that her condominium unit consisted of two floors, and that she resided in the lower level while her roommate resided in the upper level.²¹⁴ This was also consistent with Teo's evidence. Indeed, at no point in time did Teo allege that Cheng's

²¹¹ Exhibit P18 (Cheng's Statement dated 5 August 2019) at [14], ROA at p 3043.

²¹² RWS at [10].

²¹³ Exhibit 22 (Cheng's Statement dated 15 August 2019) at [47], ROA at p 3064.

²¹⁴ Exhibit 22 (Cheng's Statement dated 15 August 2019) at [47], ROA at p 3064.

roommate saw him and would therefore be able to testify on what transpired in the condominium unit that night.

127 Having considered the entirety of the evidence, I found that there remained no reasonable doubt as to Teo's guilt. The Prosecution's case prevailed in this regard, and accordingly, I convicted Teo on the 11th charge.

Conclusion

128 For the above reasons, I dismissed Teo's appeal against conviction on the 1st to 8th charges and allowed the Prosecution's appeal against Teo's acquittal on the 10th to 12th charges.

Vincent Hoong
Judge of the High Court

David Menon, Andrew Chia, and Jheong Siew Yin (Attorney-
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