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

[2026] SGHC 45

Magistrate's Appeal No 9168 of 2024/01

Between

Goh Chin Soon

… *Appellant*

And

Public Prosecutor

… *Respondent*

JUDGMENT

[Criminal Law — Appeal]
[Criminal Law — Statutory offences — Immigration Act]
[Statutory Interpretation — Construction of statute]
[Criminal Procedure and Sentencing — Sentencing — Appeals]

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Goh Chin Soon
v
Public Prosecutor

[2026] SGHC 45

General Division of the High Court — Magistrate's Appeal No 9168 of 2024/01
Dedar Singh Gill J
29 September 2025, 16 January 2026

3 March 2026 Judgment reserved.

Dedar Singh Gill J:

1 The appellant, a Singapore citizen, had knowingly produced a misleading Philippine passport on 45 occasions to enter and exit Singapore. On the 46th occasion when he produced the Philippine passport in an attempt to leave Singapore, he was arrested. Additionally, he had submitted false statements within his disembarkation forms on the 23 occasions when he entered Singapore. Based on the foregoing conduct, the appellant faced multiple charges under the Immigration Act (Cap 133, 2008 Rev Ed) ("IA"). After a retrial, the appellant was convicted and sentenced: see *Public Prosecutor v Goh Chin Soon* [2024] SGDC 304. He now appeals against the outcome of the retrial. This judgment sets out my reasons for dismissing the appeal.

2 I summarise the learned District Judge's ("DJ") decision following the retrial:

(a) The DJ convicted the appellant on 46 charges under s 28(4)(*d*) of the IA ("s 28(4)(*d*)"), punishable under s 28(4)(ii) of the IA. These charges concerned the appellant knowingly producing a Philippine passport which was a false or misleading document (collectively, "Passport Charges" and in the singular, "Passport Charge"). The DJ sentenced the appellant to five months' imprisonment per Passport Charge.

(b) The appellant was previously convicted on 23 charges under s 57(1)(*k*) of the IA ("s 57(1)(*k*)"), punishable under s 57(1)(vi) of the IA. These charges stemmed from the appellant's false statements in his disembarkation forms, upon arrival in Singapore, to obtain a visit pass (collectively, "White Card Charges" and in the singular, "White Card Charge"). The issue of sentence was remitted to the judge hearing the retrial and the DJ sentenced the appellant to six weeks' imprisonment per White Card Charge.

(c) The sentences of three of the Passport Charges and one White Card Charge were ordered to run consecutively, leading to a global imprisonment term of 15 months and six weeks.

3 This appeal is against the appellant's conviction and sentence on the Passport Charges and his sentence on the White Card Charges.

Facts

Background to the offences

4 The appellant, aged 70, is a Singapore citizen.[1] He was an undischarged bankrupt from the period of 17 May 2001 to 11 June 2015.[2]

5 In March 2011, the appellant obtained a Philippine passport through third-party assistance.[3] The Philippine passport's stated date of issue was 17 March 2010.[4]

6 Between 20 March 2011 and 31 August 2012, the appellant had produced the Philippine passport to the immigration officer to enter Singapore on 23 occasions and depart from Singapore on 22 occasions.[5] The appellant was arrested on 7 September 2012 when he produced the Philippine passport for the 23rd occasion at the departure checkpoint.[6]

7 The Philippine passport bore the following material details:[7]

> "a Philippines Passport bearing serial number WW0538286, and bearing [the appellant's] photograph, indicating
>
> a) [The appellant's] name as **Ngo Boris Jacinto**,
>
> b) [The appellant's] date of birth as **27.08.1967**,
>
> c) [The appellant's] place of birth as **San Juan, Rizal**,
>
> d) [The appellant's] nationality as **Filipino**"

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1 Record of Appeal dated 27 January 2025 ("ROA") at p 86 at para 1.

2 ROA at p 86 at para 2.

3 ROA at p 90 at paras 11 and 12.

4 ROA at p 86 at para 5.

5 ROA at p 87 at para 7.

6 ROA at p 87 at para 6.

7 ROA at p 40.

[emphasis in underline removed]

8 The material factual details in the Philippine passport were wholly inaccurate:

(a) The appellant's true identity was one "Goh Chin Soon". Thus far, he had only applied for his Singapore passport and identity card using "Goh Chin Soon".[8] Despite so, the Philippine passport referred to him as one "Ngo Boris Jacinto".

(b) The Philippine passport also misrepresented details relating to his date and place of birth. He was in fact born on 19 July 1955 in Singapore, and not on 27 August 1967 in the Philippines.[9]

(c) While the appellant only furnished his particulars and passport photograph to the third-party broker in May 2010 and August 2010, the Philippine passport's stated date of issue was some months prior (*ie*, 17 March 2010).[10]

9 The appellant knew that the particulars stated in the Philippine passport were incorrect.[11] Notwithstanding such knowledge, the appellant produced the Philippine passport on 46 occasions during immigration clearance in Singapore. This formed the context to the Passport Charges.

10 Upon arrival into Singapore, foreign travellers were required to fill out a disembarkation form reflecting their particulars and declare whether the

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8 ROA at p 903 at para 74.

9 ROA at p 90 at para 12.

10 ROA at pp 883 at para 51(c).

11 ROA at p 90 at para 12.

traveller had ever used a passport under a different name to enter Singapore. Hence, during each of the 23 occasions when the appellant had entered Singapore, he had also produced to the immigration officer a corresponding disembarkation form bearing his signature.[12] Consequently, on each occasion, the immigration officer had granted the appellant a visit pass by issuing a stamp on the Philippine passport.[13] The respective immigration officers would not have issued the visit pass but for the furnished Philippine passport and disembarkation form.[14] This formed the background to the White Card Charges.

11 The details furnished in the disembarkation form were largely a function of the particulars contained in an individual's passport. As such, the disembarkation forms and Philippine passport largely contained similar information. Both reproduced the same details I have set out in [7] above. The key difference lay in how the disembarkation forms contained a further declaration that the appellant had "never used a passport under a different name to enter Singapore".[15]

12 Relatedly, I summarise the relevant events relating to the appellant's Singapore passport:

(a) On 17 November 2000, the Immigration and Checkpoints Authority ("ICA") issued the appellant with a Singapore passport.[16]

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12 ROA at p 87 at para 8.

13 ROA at p 87 at para 8.

14 ROA at p 88 at para 9.

15 ROA at p 17.

16 ROA at p 90 at para 13.

(b) The appellant alleges that his Singapore passport was confiscated by the Chinese authorities some time in December 2004.[17]

(c) On 28 April 2010, the appellant applied for a Singapore passport at the Singapore Consulate in Xiamen.[18] Ultimately, no passport was issued in relation to this application due to processing issues.[19]

(d) The appellant made a fresh application for a Singapore passport on 30 January 2012.[20] On 1 February 2012, the ICA issued the appellant a Singapore passport, which was collected on 17 February 2012 at the Singapore Consulate in Xiamen.[21]

Procedural history

13 For completeness, I briefly set out the protracted proceedings leading up to this appeal.

14 During the first trial before another learned DJ, the appellant claimed trial to 46 charges under s 47(3) of the Passports Act (Cap 220, 2008 Rev Ed) ("PA") for knowingly using a foreign travel document that was not issued to him ("Original s 47(3) PA Charges") and the White Card Charges: *Public Prosecutor v Goh Chin Soon* [2018] SGDC 129. The DJ amended each of the Original s 47(3) PA Charges to charges under s 47(6) of the PA for knowingly possessing a false foreign travel document ("s 47(6) PA Charges"): at [3]. Upon conviction of the s 47(6) PA Charges and the White Card Charges, the appellant

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17 Appellant's Written Submissions dated 19 September 2025 ("AWS") at para 39.

18 ROA at p 90 at para 14.

19 ROA at p 90 at para 15.

20 ROA at p 90 at para 16.

21 ROA at p 90 at para 17.

was sentenced to 12 months' and two months' imprisonment per charge for the respective offences: at [4]. The DJ ordered two imprisonment terms for each type of offence to run consecutively, leading to a global sentence of 28 months' imprisonment: at [4].

15 On appeal, the learned High Court judge amended the s 47(6) PA Charges to a single charge under s 47(6) of the PA ("Amended s 47(6) PA Charge"): *Goh Chin Soon v Public Prosecutor* [2021] 4 SLR 401 at [8]. The appellant was convicted of the Amended s 47(6) PA Charge and the White Card Charges. The High Court judge ordered the sentences for the Amended s 47(6) PA Charge (*ie*, 18 months' imprisonment) and two of the White Card Charges (*ie*, six weeks' imprisonment per charge) to run consecutively, resulting in a global sentence of 18 months and 12 weeks' imprisonment: at [9].

16 The appellant next filed a criminal motion before the Court of Appeal ("CA"). The CA set aside the appellant's conviction on the Amended s 47(6) PA Charge: *Goh Chin Soon v Public Prosecutor* [2021] 2 SLR 308. As the Original s 47(3) PA Charges were materially different from the charges under s 47(6) of the PA, the appellant ought to have been allowed to call additional witnesses: at [65]. Accordingly, the CA only upheld the appellant's conviction on the White Card Charges and remitted the case for a retrial: at [87].

17 During the retrial, the Prosecution proceeded on fresh charges under the IA (*ie*, the Passport Charges) instead of charges under the PA. The appellant claimed trial to the Passport Charges. The DJ convicted the appellant on the Passport Charges and sentenced him on the Passport Charges and White Card Charges.[22] This appeal is against the outcome of the retrial.

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22 ROA at p 862 at para 9.

Decision below

18 The DJ convicted the appellant on the Passport Charges, holding that the appellant knowingly produced the Philippine passport which was a misleading document.[23]

19 The Prosecution called several witnesses. However, only one immigration officer who attended to the appellant was called to give evidence ("PW1").[24] The appellant was the sole Defence witness.

20 Based on the evidence and the appellant's own admissions in his first police statement, the DJ found that the appellant had known that the particulars in the Philippine passport did not represent him at all.[25]

21 Principally, the DJ found that the appellant had known that his "real and only identity" was Goh Chin Soon, a Singapore citizen.[26] The DJ did not view the appellant as a credible witness:[27]

(a) The DJ found that the appellant had not adopted the name "Ngo Boris Jacinto".[28] Thus far, the appellant had used his name "Goh Chin Soon" in his applications for his Singapore passport and identity card.[29] Moreover, his purported beliefs that "Ngo" corresponded to "Goh" and "Jacinto" was a translation of his mother's surname "Shen" were

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23 ROA at pp 908–909 at paras 83–84.

24 ROA at p 870 at para 33.

25 ROA at p 908 at para 83.

26 ROA at pp 907–908 at para 82.

27 ROA at p 901 at para 72.

28 ROA at p 901 at para 72.

29 ROA at p 903 at para 74.

unconvincing. The appellant had taken no steps to verify these beliefs and, to the contrary, the DJ pointed out that "Jacinto" in fact meant "Hyacinth".[30]

(b) The DJ disbelieved the appellant's evidence that he had gained Philippine citizenship from his investment in a Philippine tyre shop.[31] The appellant could not recall details of his investment, such as the company's location, size and history.[32] Further, the Philippine embassy had also informed ICA that there was no record of the appellant gaining Philippine citizenship.[33]

22 The DJ also highlighted the inconsistencies within the appellant's case as his purported justifications behind the use of the Philippine passport changed over time.[34] Initially, the appellant attributed his use of the Philippine passport to the processing issues behind his Singapore passport. He later claimed that it was due to the alleged danger to his life whilst working in China. Subsequently, he contended that he had used the Philippine passport because he wanted to attend his mother's wake. Lastly, he justified his continued use of the Philippine passport as he had used it multiple times without being questioned. Overall, the DJ opined that the appellant had assumed the persona of the identity within the Philippine passport "as and when it suited him".[35]

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30 ROA at pp 899–900 at paras 69–70.

31 ROA at pp 895–896 at para 65.

32 ROA at p 885 at para 51(e).

33 ROA at pp 895–896 at para 65.

34 ROA at p 892 at para 61.

35 ROA at p 892 at para 61.

23 Additionally, the DJ disbelieved the appellant's claims that his Singapore passport was collected by his friend at the Singapore Consulate in Xiamen on 17 February 2012.[36] Based on testimony by an ICA officer and the officer stationed at the Singapore Consulate, the DJ accepted that protocol had required applicants to personally collect their passports.[37] Moreover, the appellant was subject to face-to-face verification prior to the collection.[38] Thus, the DJ found that the appellant had personally collected his Singapore passport on 17 February 2012 at the Singapore Consulate in Xiamen.[39] The appellant had also not requested a for a document of identity ("DOI") at the Singapore Consulate in Xiamen that would have enabled urgent travel without a valid passport, such as to allow him to return to Singapore to apply for a new passport.[40]

24 Overall, the DJ found that the appellant had only "masqueraded as Ngo Boris Jacinto out of sheer convenience and disregard for the law".[41] This was because the Philippine passport enabled the appellant, who was then an undischarged bankrupt, to enter and exit Singapore without seeking the requisite permission from the Official Assignee ("OA").[42] In his police statement, the appellant said that he had used the Philippine passport to travel within Asia to conduct his business and settle his family affairs, such as his mother's passing.[43]

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36 ROA at p 886 at para 51(f).

37 ROA at p 892 at para 60.

38 ROA at p 871 at para 36.

39 ROA at p 892 at para 60.

40 ROA at pp 892–893 at para 62.

41 ROA at pp 907–908 at para 82.

42 ROA at p 907 at para 81.

43 ROA at p 873 at para 38.

25 On sentencing, the DJ found that the primary sentencing principles engaged were general deterrence against all immigration offenders and specific deterrence owing to the appellant's multiple offences.[44] The DJ also accepted the presence of several aggravating factors, namely, the appellant's persistent offending, degree of premeditation, motive behind the offences and lack of remorse.[45] Although the appellant did not have prior antecedents, the DJ did not consider him a first-time offender in view of the multiple offences.[46]

26 The DJ determined that the custodial threshold was crossed for the Passport Charges and White Card Charges.[47] A fine would be inappropriate and insufficient.[48] In calibrating the specific sentences, the DJ held that:

(a) For the Passport Charges, five months' imprisonment was appropriate for each charge.[49] The DJ considered that the appellant's persistent violations had reflected his disregard for Singapore's immigration laws.[50] It was also noted that the appellant was required to seek the OA's permission to leave the country.[51]

(b) Turning to the White Card Charges, the DJ found that six weeks' imprisonment per charge was appropriate, relying on the starting

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44 ROA at pp 917–918 at paras 106–108.

45 ROA at pp 918 at para 109.

46 ROA at p 918 at para 108.

47 ROA at p 918 at para 110 and pp 921–922 at para 118.

48 ROA at pp 921–922 at paras 117–118.

49 ROA at p 921 at para 117.

50 ROA at p 919 at para 112.

51 ROA at p 919 at para 113.

sentencing range in *Lin Lifen v Public Prosecutor* [2016] 1 SLR 287 ("*Lin Lifen*") at [66].[52]

27 In the final analysis, the DJ ordered the sentences of three of the Passport Charges and one of the White Card Charges to run consecutively as they "invaded distinct legally protected interests", resulting in a global term of 15 months and six weeks' imprisonment.[53]

The parties' cases

The appellant's case

28 The appellant primarily argues that he should be acquitted of the Passport Charges on a proper construction of s 28(4)(*d*). He submits that s 28(4)(*d*) is only engaged when the immigration officer issues a preceding "question, enquiry or demand" before the traveller knowingly produces the misleading document.[54] Accordingly, he asserts that his Passport Charges conviction cannot stand as the Prosecution failed to call each of the respective immigration officers to testify whether the appellant had produced the Philippine passport in response to their demand.[55]

29 In the alternative, the appellant contends that the common law doctrine of *autrefois convict* applies. This doctrine precludes an accused from being tried for an offence he was previously convicted of: *Beh Chew Boo v Public Prosecutor* [2021] 2 SLR 180 ("*Beh Chew Boo*") at [32].[56] According to the

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52 ROA at p 922 at paras 118–119.

53 ROA at p 924 at para 124.

54 AWS at paras 3–4.

55 AWS at paras 11 and 13.

56 AWS at para 14.

appellant, his conduct of producing the Philippine passport and disembarkation form upon entry into Singapore is "one and the same conduct or act".[57] Thus, the appellant seeks an acquittal on 23 of the Passport Charges that correspond to the White Card Charges to prevent him from being punished twice for the same act.[58]

30 On sentence, the appellant contends that non-custodial sentences and/or short imprisonment terms are appropriate for the Passport Charges and White Card Charges.[59] The appellant relies on the following grounds:

(a) First, as a Singaporean, his case does not fall within the core mischief that the IA seeks to address, *ie*, illegal immigrants, overstayers and undesirable foreigners.[60] Relatedly, a majority of the precedents meting out custodial sentences for charges under s 28(4)(*d*) and s 57(1)(*k*) involved foreign nationals and not Singapore citizens like the appellant.[61] According to the appellant, the DJ erred in purportedly considering his Singapore citizenship as an aggravating factor.[62]

(b) Second, the DJ was incorrect to have considered the appellant's compounded bankruptcy offences as an aggravating factor.[63]

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57 AWS at para 15.

58 AWS at paras 16–18.

59 AWS at para 25.

60 AWS at para 25(a).

61 AWS at para 25(b).

62 AWS at paras 160–162.

63 AWS at paras 25(d) and paras 205–213.

(c) Third, a lengthy imprisonment term is not required due to the appellant's "unique circumstances" which spurred him to obtain the Philippine passport.[64]

(d) Fourth, the appellant points out how the prolonged proceedings have resulted in a "heavy toll" on him and his family.[65]

31 Further, relying on *Lin Lifen* at [25]–[26], the appellant argues for parity in sentencing given that the Passport Charges and White Card Charges reveal "indistinguishable" culpability.[66] Accordingly, the appellant seeks one week's imprisonment for each Passport Charge and White Card Charge.[67] In the aggregate, the appellant contends that the sentences for one Passport Charge and one White Card Charge should run consecutively, resulting in two weeks' imprisonment.[68] Overall, the appellant seeks a hefty fine of up to $368,000 and/or two weeks' imprisonment.[69]

The respondent's case

32 The respondent submits that there is no basis to disturb the DJ's decision on conviction and sentence.[70]

33 Regarding conviction, the respondent first argues that s 28(4)(*d*) applies regardless of whether the immigration officer initially required or demanded the

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64 AWS at para 25(c).

65 AWS at para 25(e).

66 AWS at paras 21–22.

67 AWS at para 28.

68 AWS at para 29.

69 AWS at paras 27–29.

70 Respondent's Written Submissions dated 19 September 2025 ("RWS") at para 5.

document.[71] Moreover, the respondent posits that it is "pedantic" to insist that every immigration officer should testify as the appellant knew that he was required to produce his travel document and in fact pre-emptively produced his passport on each occasion.[72] Second, the respondent contends that *autrefois convict* does not apply as the Passport Charges and White Card Charges are not the same in fact and law.[73]

34 Turning to the appellant's sentence, the respondent raises the following main points.

(a) First, the DJ rightly found that the custodial threshold was crossed for the Passport Charges and White Card Charges.[74]

(b) Second, the DJ correctly identified the mitigating and aggravating factors.[75] Contrary to the appellant's argument, the DJ did not consider the appellant's Singapore citizenship as an aggravating factor and merely stated an "obvious fact" that the appellant was a Singapore citizen.[76] The DJ also rightly considered the appellant's compounded bankruptcy offences when calibrating the sentence.[77]

(c) The custodial sentences imposed are consistent with the sentencing range indicated by precedents.[78] Moreover, the DJ's decision

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71 RWS at para 98.

72 RWS at paras 63–64 and 67.

73 RWS at para 59.

74 RWS at paras 113–115.

75 RWS at paras 118–119.

76 RWS at para 120.

77 RWS at para 122.

78 RWS at para 128.

to run the sentences of three Passport Charges and one White Card Charge consecutively coheres with the totality principle.[79]

Issues to be determined

35 The appellant's conviction on the Passport Charges turns on two main issues.

(a) First, whether s 28(4)(*d*) requires a preceding question, enquiry or demand to be made before the traveller knowingly produces the relevant false or misleading document.

(b) Second, in the alternative, whether the doctrine of *autrefois convict* precludes the appellant's conviction on the 23 Passport Charges relating to his entries into Singapore due to his undisturbed conviction on the corresponding White Card Charges.

36 Regarding the sentences imposed for the Passport Charges and White Card Charges, the issue is whether they are manifestly excessive. This raises several sub-issues:

(a) First, whether the custodial threshold for the Passport Charges and the White Card Charges is crossed.

(b) Second, whether the principles in *Lin Lifen* at [25]–[26] are engaged such that there ought to be parity in the sentences for the Passport Charges and White Card Charges.

(c) Third, whether the individual sentences meted out for the Passport Charges and White Card Charges were appropriate.

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79 RWS at para 140.

(d) Fourth, whether the DJ erred in ordering the sentences of three Passport Charges and one White Card Charge to run consecutively.

My decision

Conviction on the Passport Charges

37 In my judgment, I find no reason to disturb the appellant's conviction on the Passport Charges.

A primer on passports

38 I begin by highlight the nature and functions of a passport to provide context behind the Passport Charges.

39 A passport is a sacrosanct document. It is an official travel document issued by a government as *prima facie* proof of the passport-holder's identity. When a traveller produces a passport during immigration clearance, he or she effectively makes a representation that the particulars contained therein belong to him or her.

40 Moreover, passports are indispensable to international travel and border security. Passports facilitate immigration control. They allow immigration authorities to identify travellers who are not permitted to enter or leave Singapore or are otherwise subject to travel restrictions. I outline a few non-exhaustive illustrations of such travellers:

(a) First, an individual declared a bankrupt in Singapore must not travel without the OA's prior approval: s 401(1)(*b*) read with s 401(3) of the Insolvency, Restructuring and Dissolution Act 2018 (2020 Rev Ed).

(b) Second, an individual who has been granted bail in Singapore must surrender his passport and cannot leave Singapore without the permission of the police officer or the court: ss 94(1)(*a*) and s 99(4) of the Criminal Procedure Code 2010 (2020 Rev Ed) ("CPC").

(c) Third, when a removal order has been issued against the individual, he or she cannot enter Singapore without permission from the Controller of Immigration: s 36 of the IA.

(d) Fourth, an individual who is subject to the Enlistment Act 1970 (2020 Rev Ed) ("EA") cannot leave Singapore without the requisite exit permit: s 32(1) of the EA read with s 52(1) of the IA.

41 In such circumstances, the passport crucially ensures that immigration authorities identify these travellers and prevent them from entering and/or departing from Singapore. However, these important functions served by the passport are predicated on the key assumption that travellers produce a passport that accurately represents their identity. Otherwise, such travellers would be able to evade identification by immigration authorities.

42 It thus becomes apparent that a passport's crucial functions are twofold. First, it serves as official proof of identity. Second, it is integral to robust immigration control systems. Accordingly, an immigration officer's first port of call to establish a traveller's identity is his or her passport. It is thus expected that the immigration officer will inspect one's passport during the immigration clearance process. Consequently, the traveller would prepare his or her passport for inspection either pre-emptively when approaching the immigration counter, or in response to the immigration officer's prompt.

43 Against the foregoing context, I turn to the interpretation of s 28(4)(*d*).

Interpretation of s 28(4)(d) of the Immigration Act

44 I first reproduce s 28 of the IA ("s 28"):

> **Interrogation of travellers**
>
> **28.**—(1) Any person who arrives in Singapore or who is about to leave Singapore shall —
>
> (*a*) fully and truthfully answer all questions and enquiries put to him by an immigration officer or a police officer tending, directly or indirectly, to establish his identity, nationality or occupation or bearing on any of the restrictions contained in this Act or the regulations or any absolute or conditional liability on his part to any military, naval or air force service under any state or country; and
>
> (*b*) disclose and produce to any such officer on demand all documents in his possession relating to those matters.
>
> (2) All such answers and documents shall be admissible in evidence in any proceedings under this Act against the person making, disclosing or producing the same.
>
> (3) Nothing in this section shall be construed as rendering any such answer inadmissible in any other proceedings in which they would otherwise be admissible.
>
> (4) Any person who —
>
> (*a*) refuses to answer any question or enquiry put to him under subsection (1);
>
> (*b*) knowingly gives any false or misleading answer to any such question or enquiry;
>
> (*c*) refuses or fails to produce any document in his possession when required to do so under subsection (1); or
>
> (*d*) *knowingly produces any false or misleading document*,
>
> shall be guilty of an offence and shall be liable on conviction —
>
> (i) in the case of an offence under paragraph (*a*), (*b*) or (*c*), to a fine not exceeding $2,000 or to imprisonment for a term not exceeding 6 months or to both; or

> (ii) in the case of an offence under paragraph (*d*), to a fine not exceeding $6,000 or to imprisonment for a term not exceeding 2 years or to both.
>
> [emphasis in bold in original; emphasis added in italics]

45 The appellant's primary case essentially turns on a question of statutory interpretation of s 28(4)(*d*). The three-step test set out in *Tan Cheng Bock v Attorney-General* [2017] 2 SLR 850 ("*Tan Cheng Bock*") is thus engaged (at [37] and [54]):

> (a) First, the court ascertains the possible interpretations of the provision, considering the text of the provision and its statutory context.
>
> (b) Second, the court determines the legislative purpose of the statute. Extraneous material may be considered in specified situations.
>
> (c) Third, the court compares the possible interpretations of the text against the legislative purpose. An interpretation which furthers the purpose of the written text is to be preferred.

46 On the interpretation of s 28, the DJ opined that the original inception of the provision related to the "interrogation of persons arriving in or departing… by a senior immigration officer".[80] Further, the DJ found that "no issue" arose on the interpretation of s 28.[81] PW1's act of saying "Ngo Boris Jacinto" to solicit a response formed the enquiry that was put to the appellant.[82]

47 However, the DJ's finding of fact only related to one instance of the appellant's entry into Singapore. As the appellant points out, the immigration

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80 ROA at p 890 at para 55.

81 ROA at p 890 at para 55.

82 ROA at p 890 at para 55.

officers involved in the 45 other instances relating to the Passport Charges were not called to give evidence.[83] The crux of the issue in deciding whether it is safe to affirm the appellant's conviction thus turns on a proper construction of s 28(4)(*d*).

(1) Possible interpretations of s 28(4)(*d*)

48 At the first stage of *Tan Cheng Bock*, the court ascertains the possible interpretations of the provision by determining its ordinary meaning: at [38].

49 Before me, the appellant and respondent contend for two contrasting possible interpretations of s 28(4)(*d*):

(a) The appellant's interpretation is that s 28(4)(*d*) is only made out when the immigration officer puts forth a preceding question, enquiry or demand before the traveller knowingly produces the false or misleading document ("appellant's interpretation").[84]

(b) By contrast, the respondent argues that no such requirement exists for s 28(4)(*d*) to be satisfied as the mere knowing production of the false or misleading document gives rise to an offence ("respondent's interpretation").[85]

50 In my view, the appellant's interpretation is not a possible interpretation for the purposes of the *Tan Cheng Bock* framework. The respondent's interpretation is the only possible interpretation of s 28(4)(*d*).

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83 AWS at para 116.

84 AWS at paras 3–4.

85 RWS at para 98.

51 Before I consider the express language of s 28(4)(*d*), it is important to clarify the context under which this provision arises. The appellant urges this court not to read s 28(4)(*d*) in isolation otherwise there lacks indication as to whom the document is produced to or the relevant context.[86] I agree in so far as the appellant is contending that statutory context is relevant when interpreting s 28(4)(*d*). However, it does not necessarily follow that the proper context of s 28(4)(*d*), as the appellant purports, arises when the relevant document is produced upon the immigration officer's demand.[87]

52 I begin with the title of s 28 which reads "Interrogation of travellers". While the title of a provision is relevant, it is not determinative of its contents but intended only to summarise the contents for ease of reference: *Ezion Holdings Ltd v Teras Cargo Transport Pte Ltd* [2016] 5 SLR 226 ("*Ezion Holdings*") at [18]. Accordingly, the appellant's assertion that the term "interrogation" imports the act of posing a question, enquiry or demand is not the end of the enquiry.[88] This is because the the title "Interrogation of travellers" is not meant to be exhaustive. Ultimately, the title of the section cannot limit the operation of the plain language in the provision: *Ezion Holdings* at [18]. Whether a prior question, enquiry or demand is an element under s 28(4)(*d*) would depend on the express language of the provision, which I will examine at [55] below.

53 Next, s 28(1) of the IA ("s 28(1)") introduces obligations on persons when arriving in or departing from Singapore. When the immigration officer poses a question or enquiry to establish, *inter alia*, matters pertaining to

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86 AWS at para 99.

87 AWS at para 99.

88 AWS at para 89.

nationality and identity, the traveller is under a duty to answer fully and truthfully: s 28(1)(*a*) of the IA. Additionally, if the immigration officer demands documents relating to the aforesaid matters, the traveller is obliged to disclose and produce them accordingly: s 28(1)(*b*) of the IA. However, these obligations only arise as and when such a question, enquiry or demand is posed. Thus, while s 28(1) imposes obligations, it does not in and of itself create an offence or prescribe a penalty. A criminal offence only occurs upon engaging the respective sub-limbs of the offence-creating provision, *ie*, s 28(4) of the IA ("s 28(4)").

54 For the present purposes, it suffices to note that the relevant context under which a s 28(4) offence could arise is during the immigration clearance process upon entry into or exit from Singapore which may involve a question, enquiry or demand by the immigration officer. To construe the elements of a s 28(4) offence, much would depend on the interpretation of its specific sub-limbs, which I examine in detail below.

55 First, the ordinary meaning of s 28(4)(*d*) is clear. The text of s 28(4)(*d*) states that "Any person who … knowingly produces any false or misleading document … shall be guilty of an offence and shall be liable on conviction". Construing the plain meaning of s 28(4)(*d*), there is simply no requirement that an initial question, enquiry or demand is made by the immigration officer for the provision to be engaged. Section 28(4)(*d*) merely requires a person to knowingly produce a false or misleading document. Accordingly, the plain text of s 28(4)(*d*) is unable to bear the appellant's interpretation.

56 Second, the lack of reference to any question, enquiry or demand in s 28(4)(*d*) is glaring when considering the statutory context of s 28(4). As the respondent points out, ss 28(4)(*a*) to 28(4)(*c*) of the IA ("ss 28(4)(*a*)–(*c*)") make

reference to a requirement of a question, enquiry or demand by the immigration officer.[89] Sections 28(4)(*a*) and 28(4)(*c*) of the IA do so by expressly referring to s 28(1) which imposes obligations on travellers when an immigration officer poses a question, enquiry or demand for documents. Similarly, the plain text of s 28(4)(*b*) of the IA indicates that it is engaged when the traveller is providing answers in respect of "such question or enquiry". Accordingly, it is material that s 28(4)(*d*) omits any reference to s 28(1) or the phrase "such question or enquiry" in stark contrast to ss 28(4)(*a*)–(*c*). In this vein, the maxim of statutory interpretation *expressio unius est exclusio alterius* is relevant, *ie*, the expression of one thing excludes another. It may be inferred that any omission to refer to matters falling within the same category covered by a provision was deliberate: *Public Prosecutor v Li Weiming* [2014] 2 SLR 393 at [46]. Accordingly, the references to a question, enquiry or demand in ss 28(4)(*a*)–(*c*) indicate that the exclusion of such references from s 28(4)(*d*) was intentional.

57 The appellant concedes that s 28(4)(*d*) makes no express reference to a requirement of a question, enquiry or demand by the immigration officer.[90] Yet, the appellant argues that it is precisely because ss 28(4)(*a*)–(*c*) make such references that s 28(4)(*d*) must be construed to mean the same. This argument is misconceived. The goal of purposive interpretation is to determine a provision's purpose in harmony with its express wording: *Tan Cheng Bock* at [50]. While the first step of *Tan Cheng Bock* empowers the court to consider the context of the provision within the statute (as I have considered at [51]–[54] above), such a power cannot override the express language of the provision. The courts simply cannot rewrite a statute. Ultimately, the court's role is limited to giving the text a meaning its language can bear: *Tan Cheng Bock* at [50]. To

89 RWS at para 80.

90 RWS at para 99.

adopt the appellant's interpretation as a possible interpretation would introduce a requirement that is plainly unsupported by the express text of s 28(4)(*d*).

58 Returning to the context of s 28 which I raised at [54] above, s 28(4)(*d*) therefore envisages both situations where a traveller pre-emptively produces a document and where he or she produces the document upon a question, enquiry or demand by the immigration officer. Under the former situation, it may or may not involve subsequent interrogation depending on whether the immigration officer is satisfied with the document that was pre-emptively produced. However, interrogation in the form of a question, enquiry or demand is not strictly necessary to engage s 28(4)(*d*).

59 For completeness, I address the appellant's reliance on the Malaysian counterpart of s 28(4) of Singapore's IA.[91] Section 28 of the Immigration Act 1959 (No 155 of 1959) (M'sia) ("Malaysian Ordinance") reads:

> **Interrogation of travellers**
>
> **28**. (1) Any person who arrives in Malaysia or who is about to leave Malaysia shall fully and truthfully answer all questions and enquiries put to him by an immigration officer, or a senior police officer, tending directly or indirectly to establish his identity, nationality or occupation or bearing on any of the restrictions contained in this Act or any absolute or conditional liability on his part to any military, naval or air force service under any state or country whatsoever, and shall disclose and produce to any such officer on demand all documents in his possession relating to those matters.
>
> (2) All such answers and documents shall be admissible in evidence in any proceedings under this Act against the person making, disclosing or producing the same:
>
> Provided that nothing in this section shall be construed as rendering any such answer inadmissible in any other proceedings in which they would otherwise be admissible.
>
> (3) Any person who–

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91 Minute Sheet for the hearing dated 29 September 2025 ("Minute Sheet") at p 4.

> (*a*) refuses to answer any question or inquiry put to him under subsection (1) or knowingly gives any false or misleading answer to any such question or inquiry; or
>
> (*b*) refuses or fails to produce any document in his possession when required to do so under subsection (1) or *knowingly produces any false or misleading document*,
>
> shall be guilty of an offence against this Act.
>
> [emphasis in bold in original; emphasis added in italics]

60 The appellant relies on the fact that the Malaysian Ordinance collapses the counterparts to ss 28(4)(*c*)–(*d*) of the IA into a singular subsection (*ie,* s 28(3)(*b*) of the Malaysian Ordinance) to argue that ss 28(4)(*c*)–(*d*) of the IA should be read in tandem.[92] However, under s 28(3)(*b*) of the Malaysian Ordinance, the phrase "when required to do so under subsection (1)" is only mentioned in connection with the failure to produce the relevant document and not *vis-à-vis* the knowing production of a false or misleading document. The appellant's references to the Malaysian Ordinance thus do not advance his case.

61 Third, it is presumed that Parliament would not have intended an unworkable or impracticable result: *Tan Cheng Bock* at [38]. An interpretation that would give rise to an illogical outcome is thus excluded as a possible interpretation for the purposes of the *Tan Cheng Bock* framework.

62 In my view, adopting the appellant's interpretation would engender an absurd result. I agree with the respondent that if the appellant's interpretation was adopted, a traveller could simply avoid liability under s 28(4)(*d*) by pre-emptively producing a false or misleading passport before any question, enquiry or demand can be made.[93] Such an outcome makes no sense.

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92 Minute Sheet at pp 3–4.

93 RWS at para 70.

63 This is especially so considering the modern realities of travel. It is now commonplace for travellers to produce their travel documents during immigration clearance without any prompts from the immigration officer. This much was conceded by the appellant.[94] Moreover, given the increasing prevalence of travel, travellers would reasonably be aware that they are expected to produce their passport during the immigration process and accordingly produce their passport pre-emptively to facilitate immigration clearance.

64 At the hearing before me, the appellant submitted that his interpretation causes no absurdity as s 57(1)(*k*) encompasses the knowing production of a false or misleading passport without any preceding question, enquiry or demand.[95] This argument is unconvincing.

65 I first reproduce s 57(1)(*k*):

> **Offences**
>
> **57**.—(1) Any person who —
>
> …
>
> (*k*) by making a false statement obtains or attempts to obtain an entry or a re-entry permit, pass, Singapore visa or certificate for himself or for any other person;
>
> …
>
> shall be guilty of an offence …
>
> [emphasis in original]

66 For reasons that I will develop further at [87]–[91] below, I am unpersuaded that s 57(1)(*k*) was intended to address the mischief of knowingly

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94 Minute Sheet at p 3.

95 Minute Sheet at p 3; AWS at paras 101–102.

producing a false or misleading passport. In short, s 28(4)(*d*) and s 57(1)(*k*) are entirely distinct provisions intended to address different forms of mischief. The gravamen of s 28(4)(*d*) is the false or misleading nature of the *document* while s 57(1)(*k*) concerns the false nature of the *information* contained within the relevant statement. As the appellant had conceded, there are no known cases where an individual was charged under s 57(1)(*k*) for producing a false or misleading document such as a passport.[96]

67 Therefore, the appellant's interpretation of s 28(4)(*d*) is excluded as a possible interpretation under the *Tan Cheng Bock* framework as it would lead to illogical outcomes. By contrast, the respondent's interpretation would avoid the "manifestly unreasonable result" engendered by the appellant's interpretation.[97]

68 To summarise my views on the first stage of *Tan Cheng Bock*, I find that the ordinary meaning of s 28(4)(*d*) is clear. Section 28(4)(*d*) is engaged when a person knowingly produces a false or misleading document. There is no requirement for a preceding question, enquiry or demand before the relevant document is produced. Accordingly, I exclude the appellant's interpretation as a possible interpretation under the first stage as it is unsupported by the express language of s 28(4)(*d*) and would lead to absurd outcomes.

(2) Legislative purpose of s 28(4)(*d*)

69 My view that the respondent's interpretation should prevail is fortified when considering the legislative purpose of s 28, as directed by step two of *Tan Cheng Bock*: at [39].

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96 Minute Sheet at p 4.

97 RWS at para 99.

70 The general purpose of the IA, as gleaned from its long title, is to govern matters relating to immigration into and departure from Singapore.

71 To facilitate this general purpose, s 28(4)(*d*) is specifically intended to prohibit the knowing production of false or misleading documents by travellers. As I have addressed at [58] above, such conduct may, but not necessarily, occur during the interrogation process when a traveller arrives or is about to depart Singapore, as informed by the title of the provision read with s 28(1).

72 Moreover, the text of s 28 indicates that Parliament intended to impose strict standards regarding the knowing production of false or misleading documents under s 28(4)(*d*).

73 First, as discussed at [56] above, s 28(4)(*d*) is intentionally drafted to exclude the requirement of a preceding question, enquiry or demand, in stark contrast to ss 28(4)(*a*)–(*c*). Otherwise, Parliament would have expressly indicated such a requirement as it had done so for ss 28(4)(*a*)–(*c*).

74 Second, the bifurcation of sentencing regimes for offences under s 28(4) indicates a specific purpose to impose stricter standards for s 28(4)(*d*) offences. Parliament had amended the IA in 2004 to enhance the maximum sentencing range for s 28(4)(*d*) offences, distinct from ss 28(4)(*a*)–(*c*) offences. While the former carries a fine of up to $6,000 and/or two years' imprisonment, the latter attracts a fine of up to $2,000 and/or six months' imprisonment: ss 28(4)(i)–(ii) of the IA. It is thus clear that s 28(4)(*d*) offences are intended to be of greater severity.

75 Indeed, extraneous material confirms the meaning of s 28(4)(*d*): *Tan Cheng Bock* at [48]. Parliamentary debates confirm that s 28(4)(*d*) ought to be

construed such that a mere knowing production of a false or misleading document suffices.

76 The rationale for imposing enhanced penalties for offences under s 28(4)(*d*) was stated as follows (Singapore Parl Debates; Vol 78, Sitting No 7; Col 1077; [16 November 2004] (Assoc Prof Ho Peng Kee, Senior Minister of State for Home Affairs)):[98]

> Second, enhanced penalty for *using forged travel documents*. Sir, last year, ICA officers arrested 586 people for using forged passports or other people's passports. In the first six months of this year, 303 people were arrested for this offence. MHA is concerned with this trend. In the current security climate, we must ensure that prohibited immigrants and syndicates are taken to task for using forged travel documents to enter or transit through Singapore.
>
> *To send a strong deterrent signal*, we propose to enhance the penalty for this offence which is currently a fine not exceeding $2,000 or imprisonment for a term not exceeding six months, or both. Clause 12 of the Bill amends section 28 of the Act to expressly provide for the penalty of a fine of up to $6,000, or imprisonment of up to 24 months, or both, for such an offence.
>
> [emphasis added]

77 The stated rationale is to send a strong deterrent signal to address the rising use of forged travel documents during immigration clearance. Naturally, as Prof Ho points out, illegal immigrants are the primary offenders who use forged travel documents. However, this does not detract from the fact that the legislative purpose behind s 28(4)(*d*) is to stamp out the use of false or misleading travel documents, regardless of the offender's profile. This much is apparent from how s 28(4)(*d*) makes no distinction between a Singaporean and a non-Singaporean offender.

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98 Agreed Bundle of Documents Vol 2 dated 19 September 2025 at p 348.

78 Parliamentary debates thus confirm that s 28(4)(*d*) is drafted to achieve the stated purpose to capture all forms of false or misleading document usage. In line with this purpose, an offence arises from the mere knowing production of a false or misleading document. It is unnecessary whether a prior question, enquiry or demand was made of the traveller.

79 Accordingly, the respondent's interpretation is to be preferred as it furthers the legislative purpose of s 28(4)(*d*): *Tan Cheng Bock* at [54(c)].

(3) Conclusion on the interpretation of s 28(4)(*d*)

80 I find that on a proper interpretation of s 28(4)(*d*), an offence is made out upon the knowing production of a false or misleading document. There is no requirement that a question, enquiry or demand is made of the traveller before the relevant document is produced.

81 Consequently, I find no reason to disturb the conviction on the Passport Charges on the appellant's primary case, even if the 45 other immigration officers were not called as Prosecution witnesses during the trial below. This is because on appeal, the appellant does not dispute the DJ's finding that he knowingly produced the misleading passport on each of the 46 occasions forming the Passport Charges.[99]

Autrefois convict

82 Next, I turn to the appellant's alternative case that his conviction on the 23 Passport Charges corresponding to the White Card Charges should be set aside due to the doctrine of *autrefois convict*.

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[99] ROA at p 909 at para 83.

83 The DJ found that *autrefois convict* was not engaged because the Passport Charges and the White Card Charges arose from "different provisions found at different parts" of the IA and involved separate documentation.[100]

84 As I have explained above at [29], *autrefois convict* bars a conviction of an accused for an offence he was already convicted of. However, the scope of the doctrine is unsettled. On the narrow view of the doctrine, it applies only where the offences are "the same in both fact and law": *Beh Chew Boo* at [32]. Whereas the broader conception of the doctrine is engaged when the offences are "substantially the same": *Beh Chew Boo* at [32].

85 In *Beh Chew Boo* at [36], the CA expressed provisional views in favour of the narrow doctrine of *autrefois convict*. Nonetheless, the CA ultimately left the issue regarding the scope of the doctrine open for future consideration: *Beh Chew Boo* at [36].

86 For reasons that I will develop further at [87]–[98], I find that the doctrine of *autrefois convict* is not engaged on the present facts, regardless of whether the narrow or broad view of the doctrine is undertaken.

(1) Differences between offences under s 28(4)(*d*) and s 57(1)(*k*) of the Immigration Act

87 The appellant argues that the elements of s 28(4)(*d*) and s 57(1)(*k*) "overlap entirely".[101] However, he fails to elaborate in detail on why this is the case.

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100 ROA at p 889 at para 54.

101 AWS at para 131.

88 To the contrary, I find that there are distinctions between an offence under s 28(4)(*d*) and s 57(1)(*k*). I note that Parliament does not legislate in vain: *Tan Cheng Bock* at [38]. As the respondent points out, s 28(4)(*d*) and s 57(1)(*k*) are distinct offences comprising of different legal elements which are found in separate provisions within the IA.[102]

89 First, s 57(1)(*k*) governs the provision of false statements while s 28(4)(*d*) addresses false documents. The appellant has sought to elide the distinction between false statements and documents, arguing that both in substance concern the provision of false information.[103] I disagree. In my view, the gravamen of s 28(4)(*d*) lies in the false or misleading nature of the *document* produced whereas the crux of s 57(1)(*k*) lies in the falsity of the *information* presented within the statement.

90 Second, it appears to me that, in general, the provision of a false document that is purportedly issued by a third-party will be an offence of greater severity. Further, the gravity of the offence may vary according to the nature of the document, the identity of the issuer and the purpose for which it is tendered. When an individual produces a document, the fact that the document is purportedly issued by the document-issuer lends credence to the reliability of the document at face value. As I have alluded to at [38]–[42] above, the importance of a passport cannot be overstated. Indeed, the respondent asserts that the production of a passport is of special significance since it is an official document with a degree of assurance regarding the passport-holder's identity.[104] By contrast, statements are self-declared. Such statements do not carry as much

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102 RWS at para 59.

103 Minute Sheet at pp 2 and 5.

104 Minute Sheet at p 19.

force regarding their legitimacy as the document issued by a third-party might. The mischief underlying the production of such a false or misleading document is, in most cases, more serious than providing a false statement. Consonant with my observation, s 28(4)(*d*) offences attract more severe punishment than s 57(1)(*k*) offences. Section 28(4)(*d*) offences attract a maximum $6,000 fine and/or two years' imprisonment while s 57(1)(*k*) offences attract a maximum $4,000 fine and/or 12 months' imprisonment.

91 Therefore, it cannot be said that s 28(4)(*d*) and s 57(1)(*k*) are the same, or even substantially the same, in law.

(2) Differences in factual circumstances

92 The appellant argues that the Philippine passport and disembarkation forms contained the same false information such as his name and birth date.[105] Further, the simultaneous act of presenting the documents to the immigration officer made it "one and the same conduct".[106] Conversely, the respondent contends that the Passport Charges and White Card Charges are distinct even if they contain the same underlying falsehoods.[107]

93 In my view, material factual differences exist from the circumstances giving rise to the Passport Charges and the White Card Charges.

94 The Philippine passport and the disembarkation forms were separate documents, despite containing similar false particulars. Accordingly, each production of the Philippine passport and the disembarkation form constituted

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105 AWS at para 136.

106 AWS at para 136.

107 RWS at para 61.

separate acts. This remains so even if the documents were presented contemporaneously upon arrival.

95 Moreover, as I have emphasised at [38]–[42] and [90] earlier, the functions of a passport and a disembarkation form are distinct. The appellant's production of his misleading Philippine passport in substance made representations to the immigration officer regarding his identity that were ostensibly endorsed by a foreign government. Whereas the disembarkation form contained self-declared particulars to facilitate immigration clearance. Thus, the act of producing a misleading passport is not equivalent to the provision of false statements within a disembarkation form.

96 Finally, I do not agree with the appellant's contention that the Philippine passport and disembarkation forms contained identical false information.[108] The disembarkation forms contained an additional false declaration that the appellant had "never used a passport under a different name to enter Singapore".[109] This declaration is material as it concerns information independent from the particulars within the Philippine passport. This differs from the other details required in the disembarkation form which were largely dependent on the information contained in the Philippine passport (*eg,* the appellant's name, nationality and date of birth): see [11] above. If the appellant truthfully declared that he had previously entered Singapore with a passport under a different name, this would have raised suspicions requiring further investigations. Accordingly, it is likely that the immigration officer would not have issued the appellant a visit pass to allow him entry into Singapore.

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108 AWS at para 136.

109 RWS at para 60(c); ROA at p 17.

97 Overall, these factual differences suffice to distinguish the two documents. Therefore, the facts giving rise to the 23 Passport Charges and the White Card Charges are neither the same nor substantially the same.

(3) Conclusion on the *autrefois convict* issue

98 Accordingly, the appellant's alternative case that his conviction on 23 of the Passport Charges is barred by the doctrine of *autrefois convict* fails.

Conclusion on the Passport Charges conviction

99 For the foregoing reasons, I find no reason to disturb the appellant's conviction on the Passport Charges. To summarise:

(a) Section 28(4)(*d*) was satisfied when the appellant produced the Philippine passport, which he knew was a false or misleading document, during immigration clearance on 46 occasions. It is immaterial whether there was a preceding question, enquiry or demand by the immigration officer before the passport was produced.

(b) The doctrine of *autrefois convict* does not bar the appellant's conviction of 23 of the Passport Charges corresponding to the White Card Charges. These charges are not the same, or even substantially the same, in both fact and law.

Sentencing

100 The threshold for appellate intervention in a trial court's decision on sentencing is met where (*ADF v Public Prosecutor* [2010] 1 SLR 874 at [17]–[18]):

(a) the trial judge erred with respect to the proper factual basis for sentencing;

(b) the trial judge failed to appreciate the materials placed before him;

(c) the sentence was wrong in principle; or

(d) the sentence was manifestly excessive or inadequate, *ie*, there was a need for a "substantial alteration" and not merely an "insignificant correction" to remedy the injustice.

101 I pause to note that some of the cases I will discuss concern charges brought under a different edition of the IA. Notwithstanding, in most of these cases (with the exception of the case noted at [139(b)] below), the old s 28(4)(*d*) and s 57(1)(*k*) referenced are *in pari materia* to the provisions presently engaged. For simplicity, I will hereinafter generally refer to the provisions in the different editions of the IA as s 28(4)(*d*) and s 57(1)(*k*) respectively.

102 Bearing in mind these principles, I turn to consider the appeal on the sentences imposed for the Passport Charges and White Card Charges.

General considerations

(1) Significance of *Lin Lifen*

103 The crux of the appeal on sentencing turns on whether the DJ properly appreciated the material before her when imposing the relevant sentences. In particular, the appellant argues that the DJ failed to consider the observations by Chao Hick Tin JA (as he then was) in *Lin Lifen*.[110]

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110 AWS at para 143.

104 Chao JA observed that it is not uncommon for distinct offences to be engaged when an offender makes a false statement in an immigration-related application and supports it with a forged document: *Lin Lifen* at [25]. Accordingly, the court must bear this in mind at the sentencing stage to ensure a "semblance of fairness": *Lin Lifen* at [25].

105 Against this context, Chao JA opined the following (*Lin Lifen* at [26]–[27] and [30]) ("*Lin Lifen* principles"):

> (a) Where the nature of wrongdoing under the two offences is the *same*, the offender's culpability under these offences is indistinguishable. For instance, this could occur when the two offences are effectively two manifestations of a single criminal enterprise. The same sentence ought to be imposed for both offences.
>
> (b) Where the offender's criminality under the distinct offences is very *similar*, the sentences imposed generally ought not to diverge substantially.

106 In my respectful view, the *Lin Lifen* principles are cogent. They flow from the general principle that a court must pass a sentence proportionate to an offender's degree of culpability: Kow Keng Siong, *Sentencing Principles in Singapore* (Academy Publishing, 2nd Ed, 2019) at [01.046]. Thus, where the offender's degree of culpability between two distinct offences is similar, it follows that similar sentences ought to be passed.

107 The anterior question is therefore to assess the degree of similarity in the accused's culpability between the distinct offences. The offender's culpability under both offences must be identical or similar to fall within the scope of *Lin Lifen*.

108 In *Lin Lifen*, the appellant had submitted applications for permanent residency ("PR") in 2001 and 2002. Amongst other charges, the appellant was charged under s 471 of the Penal Code (Cap 224, 1985 Rev Ed) for using a forged degree certificate in her 2001 application ("eighth charge") and charged under s 57(1)(*k*) for falsely stating in her 2002 application that she held a degree ("seventh charge"). Chao JA found that the appellant's culpability under the seventh and eighth charges was the same. Crucially, the two related PR applications formed the background to the appellant's use of a forged degree certificate and her false statement. Even though the appellant only submitted the forged degree certificate in the 2001 application, Chao JA found that the forged certificate remained in her file during the 2002 application. Accordingly, it could reasonably be inferred that the appellant would have tendered the certificate again in the 2002 application if prompted to: at [26]. Against this context, Chao JA was satisfied that the nature of the wrongdoing in both the 2001 and 2002 applications was the same, *ie*, to present the appellant as a graduate to obtain PR status: at [26].

109 In this regard, the appellant argues that his criminality under the Passport Charges and the White Card Charges is indistinguishable.[111] The appellant mainly relies on the fact that the Philippine passport and the disembarkation forms purportedly contained identical information and were presented simultaneously.[112]

110 I disagree. In my view, the appellant's culpability under the Passport Charges and White Card Charges is so different such that the *Lin Lifen* principles are not engaged. The production of the false or misleading Philippine

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111 AWS at para 145.

112 AWS at para 144.

passport is substantially more serious conduct than the making of false statements within the disembarkation forms.

111 First, as I have earlier held, the two documents merely contained similar but not identical information. The key factual differences between the Passport Charges and White Card Charges are set out above at [93]–[96].

112 Second, even though the information provided within the documents was similar, it does not necessarily follow that the same culpability would arise. This is because a passport and a disembarkation form are fundamentally different types of documents. A passport is a considerably more important than a disembarkation form (see [38]–[42]; [90] and [95] above). As an official document issued by government authorities, it is naturally relied on as verification of the document-holder's identity. Understandably, government authorities take pains to guard against the misuse of passports, as evident from the heightened security features enclosed therein. By contrast, the disembarkation form is a self-declared document by the traveller.

113 As the nature of the two documents (*ie*, a passport and a disembarkation form) is markedly different, it follows that the nature of wrongdoing between the Passport Charges and White Card Charges would differ. Immigration authorities trust and rely on the outward legitimacy of passports. The appellant's misuse of the Philippine passport abuses this trust. Accordingly, the offence of producing a false or misleading passport must necessarily be more severe than making false statements within a disembarkation form, regardless of the overlap in their contents.

114 Moreover, a passport is of greater significance than the forged degree certificate utilised in *Lin Lifen*. The official endorsement behind a passport

issued by a government is weightier than a certificate issued by a university conferring a degree. Thus, in *Lin Lifen*, it was easier to view the appellant's actions (*ie,* the use of a forged degree certificate and her false statement) as a single enterprise to portray herself as a graduate for the PR applications. Whereas such an argument cannot apply unquestioningly to an immigration clearance context, bearing in mind the stark disparity in significance between an ostensibly official passport and a self-declared disembarkation form.

115 Therefore, I am satisfied that the appellant's use of the Philippine passport is far more culpable than his provision of false statements within the disembarkation forms.

116 Accordingly, I find that the present case concerns neither a situation of similar nor identical culpability. The appellant's culpability between the Passport Charges and White Card Charges is distinct. It follows that the *Lin Lifen* principles are not engaged and in considering the appeal on sentence, I am not obliged to impose identical or even similar sentences for each of the Passport Charges and White Card Charges.

(2) The custodial threshold is crossed

117 As I indicated to parties during the hearing, the custodial threshold is crossed for both the Passport Charges and White Card Charges.[113]

118 In the context of offences under s 57(1) of the IA, a custodial sentence is the applicable norm and a fine is only warranted under exceptional circumstances: *Abu Syeed Chowdhury v Public Prosecutor* [2002] 1 SLR(R) 182 ("*Chowdhury*") at [26]. Otherwise, a fine would merely be a slap on the

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[113] Minute Sheet at p 23.

wrist for immigration offenders with financial capacity: *Chowdhury* at [26]. These considerations apply equally to the present case for both the Passport Charges and White Card Charges.

119 Relatedly, the appellant argues that a fine would suffice to achieve specific deterrence since the appellant would unlikely reoffend as a discharged bankrupt holding a Singapore passport.[114] While the appellant accepts that general deterrence is also relevant, he argues that specific deterrence should be the overriding consideration as the situation of a Singaporean using a false or misleading passport with false particulars is unlikely to recur.[115] I am unable to accept such a narrow contention. As the respondent argues, it is not unthinkable that Singaporeans could use false or misleading documents to evade detection,[116] such as in the examples I have highlighted at [40] above. Further, I am satisfied that the IA was intended to deter all immigration offenders, regardless of nationality (see [77] earlier; [128]–[129] below). Thus, both general and specific deterrence are engaged on the facts. Imposing a mere fine would not meet these objectives.

120 For completeness, I address the appellant's further submissions drawing my attention to the unreported case of *Public Prosecutor v Teo Teck Yong Jerome Leonard* SC-908262-2025 (12 November 2025) ("*Leonard Teo*"). There, the accused ("Mr Teo"), a Singaporean, was convicted of three charges under s 5A(1)(*a*) read with s 5A(3) of the IA for failing to present his Singapore passport during immigration clearance. He had produced his Australian passport

114 Minute Sheet at p 14.

115 Minute Sheet at pp 13–14.

116 Minute Sheet at p 21.

to the immigration officer instead. Mr Teo was fined $2,400 for the three charges with four other charges taken into consideration.

121 I do not find *Leonard Teo* to be of any utility to the present case for the following reasons.

(a) The appellant draws outward similarities between the facts of *Leonard Teo* and the present facts *vis-à-vis* their ages, their status as Singaporeans, that both were not banned from entry into Singapore and that the cases did not involve a fake foreign passport.[117] However, these purported parallels do not overcome the fatal difference that both cases involve distinct provisions of the IA. Section 5A(1)(*a*) of the IA concerns the failure to produce one's valid Singapore passport upon entry into Singapore. This differs from the mischief of s 28(4)(*d*) relating to the knowing production of a false or misleading document.[118] It bears highlighting that Mr Teo's use of his Australian passport was not the subject of his conviction.

(b) In any event, the appellant's circumstances cannot be likened to Mr Teo, who had acquired Australian citizenship and produced an Australian passport which bore his identity.[119] By contrast, the appellant was never a Philippine citizen and the Philippine passport had contained various inaccuracies (see [8] and [20] above). The offending conduct in both cases is thus so different that "no meaningful comparisons can be drawn".[120]

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117 Appellant's Further Submissions dated 16 January 2026 ("AFS") at para 4.

118 Respondent's Further Submissions dated 16 January 2026 ("RFS") at para 4.

119 RFS at para 3.

120 RFS at para 2.

(c) The appellant's reliance on *Lin Lifen* in this respect is also misguided. The appellant argues that even though Mr Teo's charges were different from his, *Lin Lifen* opined that it would be anomalous to impose different sentences for identical conduct.[121] I do not agree that the appellant's conduct was identical to Mr Teo for the reason I have stated in [121(b)] above and the aggravating factors which feature presently (see [137] below).

(d) Moreover, as the respondent raises, *Leonard Teo* should be given little weight as an unreported case without any written or oral grounds.[122]

122 There are thus no exceptional circumstances justifying the imposition of a fine for the offences. To the contrary, there are various aggravating factors that feature which I turn to consider.

(3) Aggravating factors

123 At the outset, I highlight the various aggravating factors engaged on the present facts. The DJ accepted the following general aggravating factors:[123]

(a) The appellant's high degree of premeditation in obtaining the Philippine passport to circumvent his travel restrictions as an undischarged bankrupt.

(b) The appellant had committed the offences for personal gain to travel while avoiding detection by the authorities.

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121 AFS at para 6.

122 RFS at para 6.

123 ROA at pp 910–911 at para 90.

(c) The appellant's lack of remorse as evident from his fanciful excuses at trial. For instance, the appellant had for the first time, during the retrial, mentioned one "Max Toh" who had allegedly caused him to be arrested.

124 The DJ also accepted the appellant's persistent offending by presenting the Philippine passport on 46 occasions as an aggravating factor.[124] At this juncture, I note that the factor regarding the appellant's persistent offending may be more appropriately considered at the next stage of sentencing when determining which sentences should run consecutively. This is to ensure that the aggravating factors are not factored against the appellant twice: *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 ("*Shouffee*") at [78].

125 The appellant challenges the DJ's decision on the relevant aggravating factors specific to the Passport Charges on four grounds. These grounds are summarised at [30] above.

126 First, the appellant argues that the DJ improperly regarded his Singaporean nationality as an aggravating factor in commenting that as a Singapore citizen, he should "all the more be fully aware of Singapore's laws and abide by them".[125] Particularly, the appellant contends that the true mischief that s 28(4)(*d*) addresses is the problem of illegal immigrants and undesirable foreigners entering Singapore and not Singaporeans who have a right to enter Singapore.[126] The appellant relies on the following observations made in Parliament (Singapore Parl Debates; Vol 78, Sitting No 7; Cols 1071 and 1077

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124 ROA at pp 910–911 at para 90.

125 AWS at paras 160–162.

126 AWS at para 162.

[16 November 2004] (Assoc Prof Ho Peng Kee, Senior Minister of State for Home Affairs)):

> Sir, Singapore is a small country with limited resources. The presence of immigration offenders, *such as illegal immigrants and overstayers*, poses a serious social problem, and compromises our safety and security. MHA has taken, and will continue to take, a tough stance against *all immigration offenders* as well as anyone who harbours, employs or assists them to enter or remain unlawfully in Singapore.
>
> …
>
> Second, enhanced penalty for using forged travel documents. … In the current security climate, we must ensure that prohibited immigrants and syndicates are taken to task for using forged travel documents to enter or transit through Singapore.
>
> [emphasis added]

127 In my view, the DJ's comment must be read in context. The DJ was responding to defence counsel's contention that imposing a harsh sentence on the appellant, a Singaporean, would not address policy objectives to deter foreign illegal immigrants.[127] Therefore, the DJ made the general point that the IA is applicable to *any* individual in breach of immigration laws. In the circumstances, I do not believe that in making such a comment, the DJ was treating the appellant's nationality as an aggravating factor.

128 Moreover, while the core mischief that s 28(4)(*d*) is directed at is illegal immigration, it does not follow that offenders falling outside of the regulatory target should be accorded mitigatory weight. It bears emphasising that the elements of s 28(4)(*d*) are the same regardless of the profile of the offender, including their nationality (see [77] above). All that is required is that the offender knowingly produced a false or misleading document to the

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127 ROA at p 919 at para 111.

immigration officer. As such, it is apparent that the IA concerns all immigration offenders.

129 Accordingly, for the avoidance of doubt, I find that the appellant's status as a Singaporean citizen is merely a neutral factor in sentencing. This is consonant with the general principle that sentencing is determined by the nature and circumstances of the offence, and not the offender's nationality: *Fricker Oliver v Public Prosecutor* [2011] 1 SLR 84 at [2]. I thus reject the appellant's argument that as a Singaporean, he ought to receive a lighter sentence as he is not the main regulatory target of the IA.[128]

130 Second, the appellant argues that the DJ erred in considering his circumvention of bankruptcy laws as aggravating.[129] In my view, the appellant's motive in committing the offences is entirely relevant. Although the offences under the then-Bankruptcy Act (Cap 20, 2009 Rev Ed) ("BA") were compounded by the OA, the fact remains that the offences committed allowed the appellant to travel without being detected by the OA.[130]

131 Parties do not dispute the DJ's observation that different policies underlie bankruptcy and immigration laws.[131] However, the appellant argues that as the compounded bankruptcy offences concerned different policy objectives, the DJ should not have considered the said offences as aggravating factors.[132] I disagree. The distinct underlying regimes indicate that the compounding of the bankruptcy offences did not extinguish the separate policy

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128 Minute Sheet at p 7.

129 AWS at paras 206–213.

130 ROA at p 868 at para 29.

131 AWS at para 213; RWS at para 122.

132 AWS at para 212.

considerations underlying immigration offences. Therefore, the factual circumstances behind the compounded bankruptcy offences, *ie*, that the appellant was motivated to commit the present offences to bypass the requisite permission from the OA, remains a relevant aggravating factor.

132 Third, the appellant urges me to consider the "unique" circumstances behind his use of the Philippine passport.[133] In short, the appellant points to the delay in the processing of his Singapore passport application, his efforts at expediting the application and his personal family circumstances justifying his urgent need to travel.[134] These efforts purportedly illustrate his "intent on using his Singapore passport".[135] For reasons that I will explain, I am unable to accept the appellant's contention.

133 The DJ made a finding of fact that the appellant had personally collected his Singapore passport on 17 February 2012.[136] Yet, the appellant had used the Philippine passport to enter Singapore on 11 occasions and exit Singapore ten times after the Singapore passport's date of issue. He had also produced the Philippine passport for an 11th time but was arrested before he could depart Singapore. It is therefore inexplicable why the appellant continued to use the Philippine passport on 22 occasions after possessing his Singapore passport from 17 February 2012. Before me, the appellant sought to diminish his actions as one of poor judgment.[137] I find this explanation wholly devoid of merit. The appellant's attempt to justify his use of the Philippine passport purportedly due

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133 AWS at para 195.

134 AWS at paras 197–198 and 216.

135 AWS at para 199.

136 ROA at p 892 at para 60.

137 Minute Sheet at p 12.

to unusual circumstances is contradicted by his conscious choice to not use his Singapore passport from 17 February 2012 to the time of his arrest on 7 September 2012.

134 It also calls into question why the appellant did not pursue legal means to enable his travels. Under urgent circumstances, a DOI would have allowed him to return to Singapore without a passport upon confirmation of his citizenship. However, the appellant had failed to request a DOI at all material times.[138]

135 Viewed against this context, the appellant's personal circumstances do little to assist his case. Given the appellant's sustained use of the Philippine passport notwithstanding the available legal avenues of travel, it is doubtful that he truly intended to use the Singapore passport. To the contrary, the facts highlighted in [133]–[134] are aggravating.

136 Finally, the appellant urges consideration of the "heavy toll" on him and his family over the course of the protracted proceedings.[139] This includes his serious health issues and the fact that his wife's long-term visit pass and children's student passes were not renewed by the ICA.[140] The appellant was well within his rights to file appeals and a criminal motion. Nonetheless, the prolonged nature of proceedings is a natural consequence from the challenges the appellant has mounted. Moreover, matters relating to the ICA's exercise of discretion are simply not within the court's purview in so far as determining the

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138 ROA at p 871 at para 35 and pp 892–893 at para 62.

139 AWS at para 214.

140 AWS at paras 215 and 217.

appellant's sentence is concerned. Overall, the circumstances raised by the appellant are not relevant to sentencing.

137 In the circumstances, I find that the DJ had correctly identified the relevant aggravating factors as summarised at [123] above. Moreover, I also view the appellant's use of the Philippine passport despite the possible legal means of travel to be aggravating (see [133]–[134] above). Next, I turn to consider the individual sentences imposed for the respective charges.

Passport Charges

138 The appellant cites various District Court cases relating to the use of false or misleading passports under s 28(4)(*d*).[141] In these cases, the sentences imposed for s 28(4)(*d*) offences appear to range from two months to six months' imprisonment. I consider them in turn.

139 I first highlight two cases which I approach with caution:

(a) In *Public Prosecutor v Duong Bao Ngoc* [2010] SGDC 178 ("*Duong*"), the accused claimed trial to, amongst other charges, three charges under s 28(4)(*d*) for using a false passport and four charges under s 57(1)(*k*) for false declarations within her disembarkation forms. The accused was subject to a removal order and required permission from the Controller of Immigration to enter Singapore yet entered Singapore using a fake passport on three occasions: at [3]. The accused was sentenced to two months' imprisonment for each of the s 28(4)(*d*) charges: at [11]. I consider that *Duong* should be viewed with caution as the court did not fully explicate the reasons behind imposing this

[141] AWS at paras 189–192.

sentence for the s 28(4)(*d*) charges. Instead, the court relied on the same sentence imposed for the s 57(1)(*k*) charges. However, for reasons I have outlined at [110]–[116] above, it is not appropriate to unquestioningly apply the same sentence for offences under s 28(4)(*d*) and s 57(1)(*k*) in the immigration clearance context given the different degrees of culpability between the two offences. Accordingly, two months' imprisonment per s 28(4)(*d*) charge appears to be manifestly inadequate.

(b) In *Public Prosecutor v Ng Chong Lin* [2016] SGDC 186 ("*Ng Chong Lin*"), the accused, a Singaporean, claimed trial to one charge under s 28(4)(*d*), amongst other charges. He was sentenced to five months' imprisonment for the s 28(4)(*d*) charge. The accused there had produced a misleading passport to leave Singapore despite being out on bail: at [7]. Several aggravating factors featured such as his antecedents and how his abscondment hindered the OA's administration of his bankruptcy affairs: [47]; [49] and [51]. The accused was tried under the previous version of the IA which imposed a maximum fine of $2,000 and/or six months' imprisonment which is lower than the current maximum sentencing range: see [44] above. Five months' imprisonment per s 28(4)(*d*) charge thus appears to be unusually high when viewed against the maximum sentence at that time of six months' imprisonment. Therefore, *Ng Chong Lin* does not provide much guidance.

140 In my view, the following cases are more relevant:

(a) In *Public Prosecutor v Mohamed Ismail Hasan Husain* [2017] SGDC 195, the accused pleaded guilty to amongst other charges, two s 28(4)(*d*) charges with five counts of s 28(4)(*d*) offences taken into consideration. The accused was sentenced to four months'

imprisonment for each of the s 28(4)(*d)* offences for using a false passport to enter Singapore: at [17]. The DJ noted how the accused had previously used a forged educational certificate to obtain an employment pass in Singapore. Moreover, the s 28(4)(*d*) offences had allowed him to enter Singapore and reap substantial financial benefits from working here for more than seven years: at [14].

(b) In *Public Prosecutor v Anita Galih Susanna* [2006] SGDC 197, the accused pleaded guilty to two charges under s 28(4)(*d*) with three other charges taken into consideration. She was sentenced to six months' imprisonment per charge with the sentences to run concurrently. Despite being barred from entering Singapore, the accused re-entered Singapore under a new passport with different particulars. In calibrating the sentence, the DJ was of the view that s 28(4)(*d*) offences usually attract four months' imprisonment: at [13].

(c) In *Public Prosecutor v Bachu Miah* [2006] SGDC 47, the accused pleaded guilty to one charge under s 28(4)(*d*), amongst other charges, with ten other charges taken into consideration. The accused was a "career immigration offender" who was barred from entering Singapore yet re-entered using a forged passport: at [12]. Considering the accused's immigration-related antecedents, the DJ imposed six months' imprisonment for the s 28(4)(*d*) charge: at [13].

141 I note that the relevant precedents have meted out four to six months' imprisonment for a s 28(4)(*d*) charge: see [140] above. In each of these cases, the accused persons had pleaded guilty. In my judgment, four months' imprisonment should be the starting point when a passport constitutes the false or misleading document that was knowingly produced and the accused claims

trial. Based on this starting point, the sentencing court should calibrate the individual sentence for the s 28(4)(*d*) charge after accounting for the relevant mitigating and aggravating factors specific to the factual matrix.

142 I consider the identified starting point of four months' imprisonment to be in line with the gravity of an offence where a false or misleading passport is knowingly produced, keeping in mind the sacrosanct nature of a passport (see [38]–[42]; [90]; [95] and [112] above). To reiterate, the presentation of a false or misleading passport compromises the integral functions of a passport as proof of identity and its role in maintaining border security.

143 Presently, an uplift to five months' imprisonment for the Passport Charges is justified due to the various aggravating factors which are summarised at [137] above. I nonetheless wish to highlight a salient point regarding the appellant's self-serving motive behind the use of the Philippine passport. Plainly, the Philippine passport enabled his travels without seeking the requisite permission from the OA. This much was clear from how even after the Singapore passport was obtained, the appellant continued to use the Philippine passport on 22 occasions. The appellant has failed to demonstrate cogent reasons behind his use of the Philippine passport. It appears that the appellant mainly relied on the Philippine passport to conduct his business affairs,[142] using it to travel between Singapore and Taiwan to deal with property matters in Taiwan.[143] Overall, the aggravating factors warrant the uplift to five months' imprisonment from the identified starting point. The DJ's decision on sentence for each Passport Charge thus cannot be said to be manifestly excessive.

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142 ROA at p 873 at para 38.

143 AWS at para 51.

144 Accordingly, I affirm the appellant's sentence of five months' imprisonment for each of the Passport Charges.

White Card Charges

145 In my view, there is no reason to disturb the DJ's sentence of six weeks' imprisonment for each of the White Card Charges.

146 On appeal, the appellant cites various cases relating to false declarations in PR and employment pass situations.[144] I do not find these cases to be particularly persuasive. Different considerations could feature in disembarkation form cases: *Lin Lifen* at [55].

147 Instead, the sentencing benchmarks identified in *Lin Lifen* are relevant. The starting point for making false statements in disembarkation forms is five to six weeks' imprisonment where the offender is not barred from entering Singapore but is subject to an outstanding arrest warrant: *Lin Lifen* at [66]. This is contrasted to the starting point of two months' imprisonment where the offender is subject to a previous removal order or has been barred from entry: *Lin Lifen* at [66]. Moreover, when calibrating the length of custodial sentence for s 57(1)(*k*) offences, it is instructive to consider the materiality of the false statement on the decision-maker's mind, the nature and extent of deception, the consequences of deception and any personal mitigating factors: *Chowdhury* at [28]–[31].

148 On the facts, the starting point would be less than five to six weeks' imprisonment since the appellant was not subject to an outstanding arrest warrant. However, I do not accept the appellant's submission that the sentence

144 AWS at para 173.

should be "far below" five to six weeks' imprisonment because he does not fall within either of the categories in *Lin Lifen* mentioned in [147] above.[145] The fact remains that the appellant was subject to travel restrictions by the OA. The false particulars within the disembarkation forms allowed the appellant to bypass such travel restrictions which also amounted to offences under the BA.

149 I consider that in a situation where an undischarged bankrupt circumvents the OA's permission to travel and tenders false statements within a disembarkation form, the starting point should be in the range of four to five weeks' imprisonment where the accused claims trial. From this starting point, the sentencing court should adjust the sentence based on the mitigating and aggravating factors that are engaged.

150 In my view, the fact that the bankruptcy offences were compounded by the OA does not affect the starting point identified at [149] above, as the policy reasons underpinning immigration laws to prevent the misuse of the disembarkation form apply here (see [131] above).

151 In *Lin Lifen,* the appellant additionally pleaded guilty to two charges under s 57(1)(*k*) for making false statements that she had never used a passport under a different name to enter Singapore. She was not charged in relation to her use of the passport. The false statements allowed the appellant to avoid detection in view of her outstanding arrest warrant: at [61]. The court was of the view that five weeks' imprisonment for each of the s 57(1)(*k*) charges would be appropriate after accounting for mitigating circumstances such as how she entered Singapore for familial reasons: at [66]. I also note that as a plead guilty

145 AWS at para 180.

case, the sentence imposed in *Lin Lifen* would have been adjusted downwards after applying a sentencing discount.

152 In my view, the nature and extent of deception on the present facts is more severe than *Lin Lifen*. In *Lin Lifen*, the false statement concerned the declaration that the appellant had never entered Singapore using a passport under a different name: at [2(c)]. Whereas the appellant's disembarkation forms contained additional false statements beyond the false declaration made by the appellant in *Lin Lifen*. These included false particulars regarding his name, nationality, date of birth and place of birth. Moreover, the deception on the present facts was difficult to detect since the false statements in the disembarkation forms were aided by the simultaneous production of a corroborative false document (*ie*, the Philippine passport): *Chowdhury* at [29]. This justifies an uplift in the imprisonment term. In the circumstances, the imposition of six weeks' imprisonment presently is not out of line with the outcome in *Lin Lifen* where five weeks' imprisonment was imposed.

153 Accordingly, I am satisfied that the DJ's sentence of six weeks' imprisonment for each of the White Card Charges is not manifestly excessive. The uplift from the initial starting point I identified of four to five weeks' imprisonment is justified in view of the nature and extent of deception and the identified aggravating factors.

The aggregate sentence

154 The DJ ordered the sentences of three Passport Charges and one White Card Charge to run consecutively because they "involved offences on different

dates and invaded distinct legally protected interests".[146] Specifically, the sentences for the following charges were chosen to run consecutively:[147]

(a) the Passport Charge concerning the appellant's departure from Singapore on 7 September 2012 (DAC-032665-2012 (R));

(b) the Passport Charge concerning the appellant's entry into Singapore on 31 August 2012 (DAC-032666-2012 (R));

(c) the Passport Charge concerning the appellant's departure from Singapore on 17 August 2012 (DAC-032667-2012 (R)); and

(d) the White Card Charge concerning the appellant's disembarkation form submitted on 11 August 2012 (DAC-000341-2015 (R)).

155 The starting point is that where an accused is sentenced to more than three distinct offences, the sentences of at least two offences must run consecutively: s 307(1) of the CPC. Given that the appellant was convicted on 46 Passport Charges and 23 White Card Charges, the sentences of two of the offences must minimally run consecutively.

156 I first consider the applicability of the one transaction rule. The one transaction rule is not an inflexible rule. It is a set of non-determinative guidelines intended to filter out sentences that generally ought not to run consecutively: *Shouffee* at [27] and [37]. The overarching issue is whether the law should deem the series of offences as part of the same transaction such that separate punishment is not warranted: *Shouffee* at [32].

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146 ROA at p 924 at para 124.

147 ROA at p 862 at para 9.

157 The court may consider indicia such as factual proximity (*eg*, proximity in time and place of the offences): *Shouffee* at [28] and [34]. Moreover, it may be inappropriate to run sentences consecutively where the offences involve a single invasion of the same legally protected interest: *Shouffee* at [30]. However, that is not the end of the inquiry. The crux of the one transaction rule is whether the offender ought to be doubly punished for offences that have been committed close together in time: *Shouffee* at [32] and [39]. As this inquiry will often engage moral considerations, it cannot be resolved solely by reference to factual proximity: *Shouffee* at [32].

158 In this regard, the appellant seeks the sentences of one Passport Charge and one White Card Charge to run consecutively. He argues that the Passport Charges and White Card Charges protect the same legally protected interests in having travellers provide truthful information and documents regarding their identity.[148] However, this contention does not account for the fact that the invasion of interests plainly occurred on distinct dates. This is not a situation of a *single* invasion of the same legally protected interest: *Shouffee* at [30]. Even if the Philippine passport and disembarkation form were produced contemporaneously each time the appellant entered Singapore, the production of these documents occurred on 23 different occasions, on 23 different dates. Moreover, the 23 other occasions when the appellant produced the Philippine passport during departure also occurred on 23 other dates.

159 In this vein, the court in *Shouffee* raised the example of a serial burglar who breaks into two homes, with the second break-in occurring three months after the first: at [34]. In such circumstances, the two house-breaking offences would not form a single transaction. In this example, it appears to me that these

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148 AWS at para 233.

offences cannot be considered to have involved a *single* invasion as they occurred on different dates and were not proximate in time. Likewise, I note that the sentences selected by the DJ to run consecutively (see [154] above) represented distinct invasions occurring on different dates.

160 In any event, I find that this is precisely a case where the one transaction rule ought not to be rigidly applied. Otherwise, strictly applying the one transaction rule would allow the appellant to benefit from the court's failure to consider his enhanced culpability reflected in the multiplicity of offences: *Shouffee* at [41]. In view of the sheer number of charges, *ie*, 46 Passport Charges and 23 White Card Charges, the imposition of consecutive sentences is appropriate to reflect the offender's increased culpability: *Shouffee* at [42].

161 The consideration of which sentences ought to run consecutively involves a multi-factorial consideration where the court ascertains a proportionate and adequate aggregate sentence in light of the totality of the offender's criminality: *Shouffee* at [81(e)]. To address persistent or habitual offenders, the court may order more than two sentences to run consecutively: *Shouffee* at [80]. Failing which, ordering merely two consecutive sentences may not fully encompass the offender's overall criminality: *Shouffee* at [80]. Therefore, I find no reason to disturb the DJ's exercise of discretion to order three of the Passport Charges and one White Card Charge to run consecutively. Such a sentence would adequately reflect the appellant's persistent offending of producing a false passport on 46 occasions and making false statements on 23 occasions over the prolonged span of more than a year.

162 Finally, I consider the totality principle which comprises of two limbs:

(a) First, whether the aggregate sentence was substantially above the normal level of sentences for the most serious of the individual offences involved: *Shouffee* at [54]. The "normal level" of sentences is determined by reference to the usual range of sentences imposed for the offence and not by the statutorily prescribed maximum punishment: *Shouffee* at [56].

(b) Second, whether the effect of the aggregate sentence is to impose a crushing sentence not in keeping with the offender's past record and future prospects: *Shouffee* at [57].

163 It bears emphasis that the totality principle is not an immutable rule but a mere guideline to ensure proportionality between the sentence and the gravity of the offender's conduct: *Shouffee* at [48]. It is recognised that the totality principle applies with greater force in cases involving longer aggregate sentences ("aggregation principle"): *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 ("*Raveen Balakrishnan*") at [79]. For instance, where the individual sentences span several years or decades, concerns of proportionality are more apparent: *Raveen Balakrishnan* at [79]. Thus, the ultimate enquiry is whether the overall sentence is proportionate to the offender's overall criminality.

164 At first blush, the aggregate sentence of 15 months and six weeks' imprisonment may appear to be substantially above the normal range of sentences imposed for s 28(4)(*d*) offences (see [140] above). However, I am mindful that the totality principle is not intended to constrain the court's discretion in determining a sentence reflecting the offender's aggregate criminality. For instance, in *Public Prosecutor v DAN* [2024] SGHC 250, while the aggregate sentence may have been substantially above the normal level of

sentences for the most serious charge (*ie*, culpable homicide), the court was satisfied that the aggregate sentence was necessarily high to reflect the gravity of offending: at [103]. Further, on appeal, the CA enhanced the individual sentence for the culpable homicide charge to life imprisonment: *DAN v Public Prosecutor* [2025] 2 SLR 19 at [57].

165 Given the vast number of offences in the present circumstances (*ie,* 69 charges), the total sentence of 15 months and six weeks' imprisonment adequately reflects the appellant's overall culpability (see [161] above). Additionally, the aggregate sentence on the present facts is also not relatively lengthy such that the aggregation principle applies.

166 Further, the total sentence is also not crushing. The global imprisonment term of 15 months and 6 weeks is not relatively long, especially after accounting for any remission of the sentence for good behaviour.

167 In the aggregate, I affirm the appellant's sentence of 15 months and six weeks' imprisonment.

Conclusion

168 To conclude:

(a) The appeal on conviction on the Passport Charges is dismissed. On a proper interpretation of s 28(4)(*d*), there is no requirement for a preceding question, enquiry or demand. The offence was thus made out when the appellant knowingly produced the Philippine Passport on each of the 46 occasions. I also find that the appellant's conviction on the White Card Charges does not preclude his conviction on the Passport Charges as the doctrine of *autrefois convict* is not engaged.

(b) The appeal on sentence for both the Passport Charges and White Card Charges is dismissed. The present facts do not engage the operation of the *Lin Lifen* principles as the appellant's culpability under both offences is different. Moreover, the individual sentences imposed for the Passport Charges (*ie*, five months' imprisonment) and White Card Charges (*ie*, six weeks' imprisonment) cannot be said to be manifestly excessive.

(c) In the aggregate, the sentences of three Passport Charges and one White Card Charge are to run consecutively. This adequately reflects the appellant's culpability from his persistent offending.

169 The appellant took the court below on a flight of fantasy with his lies and inconsistent testimony. Here and below, the appellant strained the interpretation of two statutory provisions, asking the court to make the provisions bear an unwarranted burden. Stripped of the seemingly attractive arguments that did not withstand close scrutiny, the appellant's case is one of a recalcitrant offender who repeatedly violated Singapore's immigration laws for his own private and business affairs. On the evidence before the court, his call for a hefty fine and/or a light imprisonment sentence is difficult to comprehend. An appropriate imprisonment sentence that addresses his overall criminal behavior is required and imposed to meet the demands of general and specific deterrence.

170 Accordingly, I dismiss the appeal in its entirety. The appellant is sentenced to 15 months and six weeks' imprisonment.

Dedar Singh Gill
Judge of the High Court

Harpreet Singh Nehal SC, Jordan Tan, Victor Leong and Lim Jun Heng (Audent Chambers LLC) (instructed), RS Bajwa (Bajwa & Co) for the appellant;
Christopher Ong SC, Jane Lim and Wong Shiau Yin (Attorney-General's Chambers) for the respondent.