

**BETWEEN: The Public Prosecutor**

**AND: Filiami Baleratu**

**Defendant**

**Date of Plea:** 21<sup>st</sup> July 2020  
**Date of Sentence:** 16<sup>th</sup> October 2020  
**Before:** Justice Oliver Saksak  
**In Attendance:** Mr Simcha Blessing for Public Prosecutor  
Ms Linda Bakokoto for Defendant

---

**SENTENCE**

---

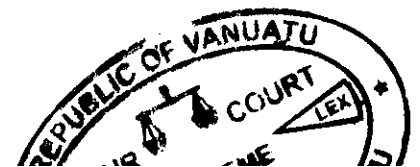
1. Filiami Baleratu pleaded guilty to 68 counts of obtaining monies by deception on 21<sup>st</sup> July 2020 contrary to section 130B of the Penal Code Act [CAP 135] (the Act). He is now appearing for sentence.
2. The maximum penalty of this offence is 12 years imprisonment.
3. The facts are that from June 2019 through February 2020 the defendant obtained monies from the following people-

**(a) June 2019**

VT 10.000 from Jacques Molvara- Count 1

**(b) November 2019**

VT 15.000 from Micheal Kalsakar Count 2  
VT 15.000 from Junior Felix Count 3  
VT 15.000 from Sonia Karen Pakoa- Count 4  
VT 12.000 from Robert Boblang Count 5  
VT 15.000 from Jimo Jimmy Count 6  
VT 15.000 from Andrew Harry Count 7  
VT 12.000 from Robert Boblang Count 8  
VT 12.000 from Francois Kalsakar Count 9  
VT 12.000 from Alomis Kalsakar Count 10  
VT 12.000 from Tony Jeffrey Taga Count 11  
VT 15.000 from Joel Ngwele Sara Count 12  
  
VT 12.000 from Rasel Kalowi Count 13



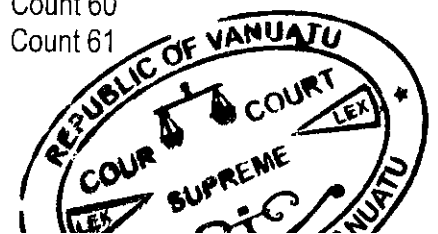
VT 12.000 from Alice Philip	Count 14
VT 15.000 from Linda Laua	Count 15
VT 15.000 from Kalo Ishmael	Count 16
VT 15.000 from Jennifer Sampet	Count 17
VT 15.000 from Kalter Kalsulik	Count 18
VT 15.000 from Gideon Kaltapu	Count 19
VT 15.000 from Helena Iaput	Count 20
VT 15.000 from Tara Taga	Count 21
VT 12.000 from Rasel Kalowi	Count 22
VT 10.000 from Commi Elijah	Count 23

**(c) January 2020**

VT 20.000 from Tom Terter	Count 24
VT 12.000 from Micheal Kalosik	Count 25
VT 12.000 from Salome Lewia Johnson	Count 26
VT 12.000 from Jimmy Samuel	Count 27
VT 12.000 from John Surao	Count 28
VT 15.000 from Hilda Watas	Count 29
VT 15.000 from Daniella Kalosik	Count 30
VT 15.000 from Mersani Luvu Cullwick	Count 31
VT 15.000 from Nike Malverus	Count 32
VT 12.000 from Kalros Kalangis	Count 33
VT 15.000 from Meto Tasso	Count 34
VT 15.000 from Raymond Kalsakau	Count 35
VT 15.000 from Devrina Tari	Count 36
VT 12.000 from Kalo Ishamael	Count 37
VT 20.000 from Tom Terter	Count 38
VT 15.000 from Jacques Harry	Count 39
VT 10.000 from Jacques Harry	Count 40
VT 10.000 frn Valerie Philip	Count 41
VT 15.000 from Rosinda Viti	Count 42
VT 15.000 from Lucy Maltery	Count 43
VT 15.000 from Narau Failet	Count 44
VT 12.000 from Anita Kalses	Count 45
VT 12.000 Rejel Nepnep	Count 46
VT 12.000 from Anita Kalses	Count 47
VT 12.000 from Erman Sumsum	Count 48
VT 10.000 from Sali Lala	Count 49
VT 10.000 from Pierre Tasal	Count 50

**(d) February 2020**

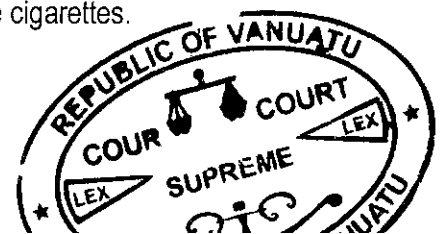
VT 15.000 from Kalsaf Kalsakau	Count 51
VT 10.000 from Noe Nalet	Count 52
VT 15.000 from Taronmal Areng Namal	Count 53
VT 15.000 from Kalsaf Kalsakau	Count 54
VT 10.000 from Naenalet	Count 55
VT 15.000 from Jocelyne Sese	Count 56
VT 10.000 from Yanno Yale	Count 57
VT 15.000 from Yir Kalta Felix	Count 58
VT 15.000 from Rose Yamak	Count 59
VT 12.000 from Bilsen Kalses	Count 60
VT 15.000 from Renzo Robert	Count 61



VT 15.000 from Suzanne Keinoho	Count 62
VT 15.000 from Martine Lamai	Count 63
VT 15.000 from Suznne Kainolo	Count 64
VT 15.000 from Silas Naulas	Count 65
VT 15.000 from Rini Kalomuana	Count 66
VT 15.000 from Peter lamak	Count 67
VT 10.000 from Claude Tom	Count 68

The total amount he collected deceptively was **VT 924,000**.

4. The defendant became jobless after he was terminated from 2 previous employments. He needed quick cash and therefore started a fraudulent scheme whereby he introduced himself to the public as an agent of Seasonal Employer Scheme ("RSE"). He obtained monies and promised them contracts for and on behalf of farming companies in New Zealand. He told persons he would use monies to pay for their medical examinations, visas, passports, ID photos and other relevant documents, None of these things ever materialised. The complainants made formal complaints to the police. Investigations were made and the defendant was arrested and questioned under caution. He made admissions.
5. The defendant used up all the monies he collected for own use and benefit. None of the money collected was recovered.
6. The offendings were planned. There were repetitive. They were committed on simple citizens in dire need of employment and money. There was a serious breach of trust. The defendant seemed to have enjoyed what he was doing. He has caused a huge loss to 68 people who are obviously affected financially and mentally as a result off the defendant's deceptions. I consider these are the aggravating features of this defendant's offendings.
7. I consider that the defendant's case is far more serious than that of **Bong v PP** [2020] VUCA 19 but obviously less serious than **Tari** and **Mala** cases.
8. There are absolutely no mitigating circumstances warranting the commission of this offence repeatedly over 68 times.
9. Considering the totality of the circumstances, together with the seriousness of the offences committed, I set the starting sentence to be one of 3 years imprisonment.
10. I therefore sentence the defendant to 3 years imprisonment on each of 68 counts, to be served concurrently. This means the defendant has a total concurrent sentence of 3 years imprisonment.
11. He is 35 years old. He is married with children. He is relatively educated. He is skilful in cooking and is an ambitious cook with a small catering business. He cares for and looks after his family well. He is in good health and does not drink kava or smoke cigarettes.



12. He has not performed any reconciliation ceremony but expresses willingness to make repayments. He has so far made repayments to 5 victims.
13. Had a clean criminal record. He admitted his actions to the police and made admissions to the Court on the plea day. I am prepared to give him the full 1/3 reduction for this factor. His sentence is reduced therefore by 1 year.
14. I allow a further 6 months for his other mitigating factors and personal factors. His end sentence is therefore 1 years and 6 months imprisonment.
15. As to whether or not his sentence should be suspended, I do not see any exceptional circumstances to warrant such a course. There is therefore no suspension of sentence.
16. Finally I take into account the period the defendant has spent in custody. I therefore backdate his end sentence to 23<sup>rd</sup> February 2020.
17. The defendant has a right of appeal against this sentence within 14 days if he does not accept it.

DATED at Port Vila this 16<sup>th</sup> day October 2020

BY THE COURT

  
OLIVER.A.SAKSAK

Judge

