

**BETWEEN: Public Prosecutor**

**AND: Philip Naupa  
Defendant**

**Coram: Justice Dudley Aru  
Counsel: Ms. L. Lunabek for the Public Prosecutor  
Mr. A. Bal for the Defendant**

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**SENTENCE**

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**Introduction**

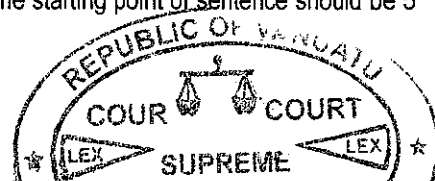
1. Mr Philip Naupa you pleaded guilty to a single charge of intentional assault resulting in the victim's death contrary to s107 d) of the Penal Code [CAP 135]. You are convicted on your guilty plea and the admitted facts. This is your sentence.
2. The maximum penalty for intentional assault resulting in death is 14 years imprisonment.

**The facts**

3. The offending happened in the early hours of 3 October 2024 at the compounds of the Metro Nightclub at Fresh Wota. The deceased had followed a bus with a couple of friends who went to Club Lite then later on drove to Metro Nightclub at Fresh Wota around 3.00 am. They entered the club after a brief encounter with one of the security guards preventing one his female friends from entering the club.
4. Later that night an argument broke out outside the club involving one of the deceased 's female friends and a security guard. The deceased was talking to the security guard when you and some other men all from Erromango came out of the club and started arguing with the deceased. You punched and hit the deceased twice with your hand and the deceased fell to the ground. You then fled the scene.
5. Friends of the deceased drove him to his house and left him on the front porch of the house. Later that day the deceased was declared dead.
6. The matter was then reported to the Police.

**Starting point of sentence**

7. The maximum sentence available for intentional assault resulting in death is 14 years imprisonment. The main aggravating factor of the offending is that the assault upon the deceased was unprovoked and when the deceased fell to the ground, you fled the scene.
8. There are no mitigating factors of the offending.
9. The prosecution referred to *PP v Ierongen* [2002] VUCA 34 and submitted that the starting point of sentence be between 4 to 7 years imprisonment. They also referred to a number of cases of similar offending namely: *PP v Horhor* [2024] VUSC 240; *PP v Iata* [2021] VUSC 45 and *PP v Willie* [2021] VUSC 184. In these cases the starting point range was between 5 to 10 years imprisonment.
10. Mr Bal on your behalf requested more time to file his submissions. He was allowed time to do so and has now filed those submissions. He submits on your behalf that the starting point of sentence should be 5 years imprisonment.



11. I have considered and taken into account the submissions from the prosecution and Mr Bal. I adopt a sentence start point of 6 years imprisonment.

### Guilty plea and personal factors

12. You entered a guilty plea at the earliest available opportunity as a sign of remorse therefore the sentence start point will be discounted by 33%.
13. As for your personal factors, your Pre-Sentence Report states that you are from Erromango and you are now 30 years old. You live in a de facto relationship and you have three children. You are also a first-time offender. Regarding your educational background, in 2023 you graduated from the USP with a certificate in Business and Financial Management and again in 2024 you obtained a Diploma in Project Management. Your job involves supervising construction workers, designing roads and houses and you are also skilled in surveying and costing projects for clients. You are the main breadwinner for your family.
14. Your chief speaks highly of you as a supportive member of your community. For your personal factors I deduct 7 months from the sentence start point.
15. The report also discloses that you performed a custom reconciliation to the deceased's family on 22 August 2025 witnessed by members of the Probation Services. The following items were exchanged :-
- Two cows valued at VT 160,000 (VT 80,000 each)
  - One live pig valued at VT 70,000
  - Nine (9) big traditional mats valued at VT 2000 each (totalling VT 18,000)
  - Sixteen (16) smaller mats valued at VT 2000 each (totalling VT 32,000)
  - Local food (bundle bananas) – VT1,500 each (totalling VT34,000)
  - Manioc – VT 500 per bundle (totalling VT25,000)
  - Calico – VT 600 per roll (totalling VT15,000)
  - A piece of Land – valued at VT 2million
- Estimate total value – VT 2,354,500
16. Taking this into account, I deduct 5 months from the sentence start point.

### End Sentence

17. I sentence you to an end sentence of 3 years imprisonment. A custodial sentence is warranted as taking someone's life is a very serious matter. Suspending the sentence would send the wrong message to the community at large. Since you have not been held in custody at any time prior to today, when I apply s50 of the Penal Code, you are to present yourself to the Correctional Centre in Vila to begin serving your sentence by **no later than 7 November 2025**. The Correctional Centre Manager shall inform the Court if you fail to deliver yourself to the Correctional Centre as directed.
18. You have 14 days to appeal if you are not satisfied with the decision.

DATED at Port Vila this 24<sup>th</sup> day of October, 2025

