

**IN THE SUPREME COURT OF THE
REPUBLIC OF VANUATU – Luganville**
(Criminal Jurisdiction)

Criminal Case No. 25/3659 SC/CRML

BETWEEN: PUBLIC PROSECUTOR
Port Vila

State

AND: Manu Gares
Wong Rasu
Port Vila

Defendant

Date of plea: 9 December 2025
Date of Sentence: 19 December 2025
Before: Justice B. Kanas Joshua
Counsel: Ms Betina Tamau, for the State
Mr Steven Karae Jnr, for the defendant

SENTENCE

Introduction

1. Mr Manu Gares and Mr Wong Rasu, today you appear for sentence after pleading guilty to the following charges, on 9 December 2025:

Manu Gares

- a. Malicious damage to property¹,
- b. Unlawful entry of non-dwelling house²,
- c. Theft³,

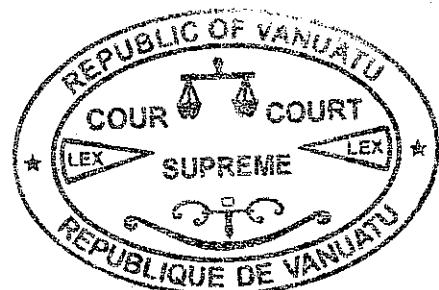
Wong Rasu

- d. Complicity and theft⁴, and
- e. Accessory after the fact⁵.

2. This sentence is to hold you both responsible for your actions so others, who also behave this way, can see that this is against the law and it has serious consequences. It will help to stop their actions, as it causes social harm. This sentence should help you to rehabilitate, and must be generally consistent.

Facts

¹ Section 133 of the Penal Code Act (CAP 135).
² Section 143(1) of the Penal Code Act (CAP 135).
³ Sections 122 and 125(a) of the Penal Code Act (CAP 135).
⁴ Sections 30, 122 and 125(a) of the Penal Code Act (CAP 135).
⁵ Section 34 of the Penal Code Act (CAP 135).



3. One day in September 2025, Michael Shao ("the complainant") and his wife went to check their yard at Side River when they noticed that there was a break-in at the stock house. The door of the stock house was open. Security camera footage revealed the defendant Manu Gares removing the camera and breaking the lock on the door. He then took 4 bags of kava roots and passed them over the fence to defendant Wong Rasu, who was waiting for him there, and they hid them there.
4. Two days later, Manu Gares, took two of the bags and sold them, leaving the other two bags for Wong Rasu. The day after that Wong Rasu arranged for a taxi to pick up the other two bags and went and sold them at Number 1 Kava Export. He was paid VT105,000. Wong then paid VT15,000 to the taxi driver as taxi fare, to have him dropped off at Port Olry. The taxi then took Wong to the Vodafone shop where Wong went and bought a phone for VT20,500, and later bought some alcohol. He was taken to Laplas where he drank the alcoholic drinks and got drunk.
5. Both defendants admitted to the allegations, under caution and in court.

Starting point

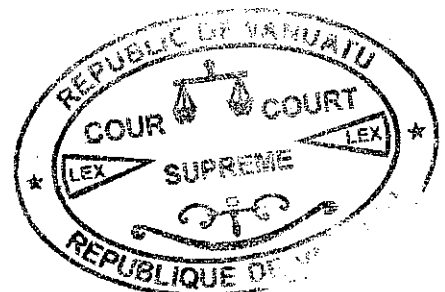
6. Following the two steps approach in *Jimmy Philip v. Public Prosecutor*⁶, the first step is to set a starting point. Reference is made to the aggravating and mitigating factors of the offending and the maximum penalty of the offence. The maximum penalty for these offences are:
 - a. 1 year imprisonment and/or VT5,000 fine (malicious damage to property),
 - b. 10 years imprisonment (unlawful entry non-dwelling house),
 - c. 12 years imprisonment (theft),
 - d. 12 years imprisonment (complicity to theft),
 - e. 12 years imprisonment (accessory after the fact to theft).
7. The aggravating factors here are:
 - a. The offending was premeditated and planned,
 - b. There was damage to the property,
 - c. Financial loss caused on the complainant.
8. There are no mitigating factors of the offending.
9. Cases of *PP v. Daniel*, *PP v. Malilil*, *PP v. Shem*⁹ were referred to by counsels. In *Daniel*, the court adopted a global starting point of 3 years 6 months. There were two defendants, similar to the present case, and they were charged with malicious damage to property, unlawful entry to non-dwelling house, attempted theft, theft, and complicity to malicious damage. There were 7 charges altogether. In *Shem*, there were 10 defendants and 41 charges of unlawful entry, attempted unlawful entry (dwelling and non-dwelling houses), theft, attempted theft and malicious damage to property. The offending occurred

⁶ [2020] VUCA 40, which applied *Moses v. R* [2020] NZCA 296.

⁷ [2024] VUSC 185.

⁸ [2023] VUSC 114.

⁹ [2024] VUSC 118.



at different places. The starting points varied for each defendant. The defendant Rodney Ngwera was charged with similar offences as in the present case, except accessory after the fact. A global starting point of 5 years was adopted. The defendant John Namaka was also charged with similar offences except accessory after the fact. A global starting point of 4 years was adopted. In *Malili*, the defendant was charged with unlawful entry and theft. A global starting point of 2 years was adopted.

10. In the present case, defendant Manu Gares pleaded guilty to malicious damage to property, unlawful entry of non-dwelling house and theft. Taking the aggravating features with the serious offendings, I impose the following starting points:
- Malicious damage to property – 3 months imprisonment
 - Unlawful entry of non-dwelling house – 2 years imprisonment
 - Theft – 2 years imprisonment

This gives a concurrent sentence of 2 years imprisonment, as a starting point.

11. The defendant Wong Rasu pleaded guilty to complicity to theft and accessory after the fact. I impose the following starting points:
- Complicity to theft – 2 years imprisonment
 - Accessory after the fact – 2 years imprisonment

12. For both defendants I adopt a global starting point of 2 years imprisonment.

Guilty plea and personal factors

13. In this second step I must make the appropriate deductions for the guilty plea and personal factors of the defendant. I give 25% discounts for their guilty pleas, for the reason that both are not first-time offenders. Both of them know that pleading guilty will get a discount but it does not necessarily mean that they are remorseful. This discount brings their sentence to 18 months imprisonment.

14. For the following mitigating factors, I reduce their sentence by 2 months:
- Early guilty plea at the first available opportunity.
 - Mr Gares is 22 years old, unmarried and supports his parents.
 - Mr Gares is employed and works for Yard Squad Team, located at Solomon Hill.
 - Mr Rasu has a de facto partner with a child.
 - Mr Rasu is employed by Dinh Shipping Ltd and is the sole breadwinner of his family.
 - Both defendants cooperated with the police and made admissions under caution.

15. This now brings the sentence to 16 months imprisonment. Another deduction for time spent in remand must be made. Manu Gares was remanded on 7 October to date. This is a total of 2 months 12 days, which is equivalent to an effective sentence of 4 months 24 days imprisonment. After this is deducted, it brings the sentence to 13 months 18 days.

16. Wong Rasu was remanded on 8 April – 2 May 2025. This is a total of 3 weeks 3 days, which is equivalent to an effective sentence of 6 weeks 6 days (1 month 20 days). In making this deduction, it brings his sentence to 14 months 10 days. He recommended whilst



on bail and was remanded on 29 September to date. This is a total of 2 months 20 days, which equates to an effective sentence of 5 months 10 days. In deducting this, his sentence is reduced to 9 months.

17. Both defendants have had previous convictions. Mr Gares was convicted for the offence of theft in October 2025. For this, I give an uplift of 2 months to Mr Gares' sentence, bringing it up to 15 months 18 days. No uplifts given for Mr Rasu's previous conviction as it is dissimilar to the current offence.

End Sentence

18. Mr Manu Garen, you are sentenced to 15 months 18 days. Mr Rasu, you are sentenced to 9 months imprisonment.

19. In considering a suspension, there is nothing exceptional to your circumstances to warrant a suspension. You both have had previous convictions but have not learned any lesson from it. You continue to offend the law. Suspending your sentence will not help you. You must serve your sentence immediately, as it is effective today.

20. I also order that you both must attend any suitable program offered by Probation Services to assist with your rehabilitation.

21. You have 14 days to appeal.

Dated at Port Vila on this 19th day of December 2025

BY THE COURT

B. Kanas Joshua
Justice B. Kanas Joshua

