

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

[2026] SGHC 110

Magistrate's Appeal No 9080 of 2025

Between

Galvez Mary Joe Blanco

... Appellant

And

Public Prosecutor

... Respondent

JUDGMENT

[Criminal Law — Statutory offences — Section 55A(1)(a)(i) read with section 55A(1)(b)(iii) Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992]

[Criminal Procedure and Sentencing — Sentencing — Appeals]

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Galvez Mary Joe Blanco

v

Public Prosecutor

[2026] SGHC 110

General Division of the High Court — Magistrate's Appeal No 9080 of 2025
Sundaresh Menon CJ, Tay Yong Kwang JCA and See Kee Oon JAD
18 March 2026

21 May 2026

Judgment reserved.

Tay Yong Kwang JCA (delivering the judgment of the court):

Introduction

1 The appellant, Ms Galvez Mary Joe Blanco (“Appellant”), is a foreign domestic worker from the Philippines. She was 35 years old at the time of the offence set out below.

2 The Appellant pleaded guilty to a charge under s 55A(1)(a)(i) read with s 55A(1)(b)(iii) of the Corruption, Drug Trafficking and other Serious Crimes (Confiscation of Benefits) Act 1992 (2020 Rev Ed) (“CDSA”), punishable under s 55A(5) of the CDSA (“s 55A(1)(b)(iii) Offence”). The District Judge (“DJ”) convicted and sentenced the Appellant to 40 days’ imprisonment. The DJ’s decision is published in *Public Prosecutor v Galvez Mary Joe Blanco* [2025] SGDC 154 (“*Galvez*”).

3 The Appellant appealed against the sentence imposed. She was granted bail pending her appeal.

4 We reproduce the charge and statement of facts in full (with the Appellant referred to as “the accused” in the statement of facts):

Charge

You, [the Appellant] are charged that you, between 15 May 2024 and 29 May 2024, in Singapore, are concerned in an arrangement, under which the control by another person of that person’s benefits from criminal conduct is facilitated, and under the said arrangement, you did transfer money amounting to a total SGD116,154.51 from POSB account [redacted] which payment account is operated by you, to Kasikornbank bank account number [redacted] which account holder is one Saichit Jeremiah, and at the time you were concerned with the said arrangement, you did fail to take reasonable steps to ascertain the destination of the money, and you have thereby committed an offence under Section 55A(1)(a)(i) read with Section 55A(1)(b)(iii) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 and punishable under Section 55A(5) of the said Act.

Statement of Facts

The accused is **Galvez Mary Joe Blanco**, a 35-year-old Filipino female bearing FIN. [redacted] (D.O.B. [redacted]). She was a domestic helper at the material time of the offences. The accused was arrested on 2 October 2024 and was released on the same day.

2. The involved person is Maria Luz Suerte Lopez (“Maria”) a 57-year-old Filipino female. At the material time, she was a domestic helper working in the same household as the accused.

FACTS PERTAINING TO THE 1ST CHARGE (DAC-919775-2024)

3. The first victim is a female Singaporean then 61-years-old. At the time of the offence, she was a sales adviser.

4. On 29 May 2024 at 6.37pm, the first victim lodged a police report at Bedok Neighbourhood Police Centre stating that she was a victim of an internet love scam. In total, the first victim was induced by the scammers into transferring \$13,300 into two bank accounts. Investigations revealed that a sum of \$6800 out of the total scam proceeds of \$13,300 was transferred into POSB account number [redacted] which was

registered in the name of the accused (“the POSB bank account”).

5. The second victim is a female Singaporean then 70-years-old. At the time of the offence, she was a kitchen helper.

6. On 31 May 2024 at 12.22am, the second victim lodged a police report stating that she was a victim of an internet love scam. In total, the second victim was induced by the scammers into transferring \$108,500 into seven bank accounts. Investigations revealed that a sum of \$13,500 out of the total scam proceeds of \$108,500 was transferred into the POSB bank account. The second victim is a vulnerable victim.

7. Sometime in May 2024, Maria received a friend request on the TikTok application from a person known as Alex Stillinger (“Alex”). Alex introduced himself as an army personnel with the United States Army and started chatting with Maria on the TikTok application on a daily basis.

8. About two weeks later, Alex requested for Maria’s help to receive monies that he had allegedly earned through his investments in gold. Maria agreed to Alex’s request but informed that she did not have a bank account and would need to open one. Maria eventually opened a bank account in her name on 9 May 2024.

9. After Maria agreed to help Alex, she solicited the assistance of the accused to receive monies in the POSB bank account as she did not have a bank account at that time. Maria told the accused that a friend of hers needed help to receive monies from his gold investment business and to remit it to a Thai bank account. For each transaction the accused assisted with, she would receive a small token sum.

10. Between 15 May 2024 to 29 May 2024, in Singapore, a total of \$118,133 was transferred by Alex into the accused’s POSB bank account. The accused then transferred a sum of S\$116,154.51 to a Kasikornbank bank account number [redacted] belonging to one “Saichit Jeremiah”. At all material times, the accused did not take reasonable steps to ascertain the destination of the money. Out of this amount, \$20,300 was directly traceable to scam proceeds belonging to the first and second victim. No funds were recovered from the accused’s POSB bank account. The accused surrendered a sum of S\$1151.50 in cash, which represented her benefits from the arrangement.

11. By virtue of the foregoing, the accused, between 15 May 2024 and 29 May 2024, in Singapore, was concerned in an arrangement, under which the control by another person of that person’s benefits from criminal conduct is facilitated, and

under the said arrangement, the accused did transfer money amounting to a total of S\$116,154.51 to a Kasikornbank bank account number [redacted] belonging to one “Saichit Jeremiah” from her POSB bank account, and at the time the accused was concerned into the said arrangement, she did fail to take reasonable steps to ascertain the destination of the money. The accused has thereby committed an offence under Section 55A(1)(a)(i) read with Section 55A(1)(b)(iii) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 and punishable under Section 55A(5) of the said Act.

5 In the Appellant’s appeal against sentence, she submits that the DJ should have called for a probation suitability report. She also contends that the sentence of 40 days’ imprisonment is manifestly excessive. The Appellant is presently on bail put up by her current employers and was still working and residing in the same household at the time of the hearing of this appeal.

6 This appeal raises the issue of the appropriate sentencing framework for s 55A(1)(b)(iii) Offences. A three-judge court of the General Division of the High Court was therefore convened to hear this appeal. A Young Independent Counsel, Mr Terence Yeo (“YIC”) of TSMP Law Corporation, was also appointed to provide a neutral view on what the appropriate sentencing framework should be.

The statutory provisions

7 Section 55A of the CDSA states:

Assisting another to retain benefits of drug dealing or benefits from criminal conduct in certain circumstances, etc.

- 55A.—**(1) Any person (A) —
- (a) who enters into, or is otherwise concerned in, an arrangement under which —
 - (i) the retention or control by or on behalf of another person (B) of B’s, or any other

- person's, benefits of drug dealing or benefits from criminal conduct is facilitated (whether by concealment, removal from jurisdiction, transfer to nominees or otherwise);
- (ii) funds that are placed at another person's (*B*) disposal are secured, directly or indirectly, by *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; or
 - (iii) property is acquired for another person's (*B*) benefit, by way of investment or otherwise, using *B*'s, or any other person's, benefits of drug dealing or benefits from criminal conduct; and
- (b) who does so in any of the following circumstances:
- (i) the value of the benefits of drug dealing or benefits from criminal conduct involved in the arrangement mentioned in paragraph (a) is disproportionate to *A*'s known sources of income;
 - (ii) under the arrangement mentioned in paragraph (a) —
 - (A) *A* enables *B* or any other person to access, operate or control a payment account which *A* is able to access, operate or control; and
 - (B) at the time *A* enters into or becomes concerned with the arrangement, *A* fails to take reasonable steps to ascertain the purpose of *B* or that other person being able to access, operate or control the payment account mentioned in sub-paragraph (A);
 - (iii) under the arrangement mentioned in paragraph (a) —
 - (A) money is received in or transferred from a payment account which *A* is able to access, operate or control; and

- (B) at the time A enters into or becomes concerned with the arrangement, A fails to take reasonable steps to ascertain the source or destination of the money;
- (iv) under the arrangement mentioned in paragraph (a) —
 - (A) A receives money from or transfers money to B or any other person; and
 - (B) at the time A enters into or becomes concerned with the arrangement, A fails to take reasonable steps to ascertain B's or that other person's identity and physical location,

shall be guilty of an offence.

...

(3) In any proceedings against a person for an offence under subsection (1), it is a defence to prove that the person did not know and had no reasonable ground to believe that the arrangement mentioned in subsection (1)(a) related to any person's benefits of drug dealing or benefits from criminal conduct, as the case may be.

...

(5) Any individual who commits an offence under subsection (1) or (2) shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

...

(7) In this section, "payment account" has the meaning given by section 2(1) of the Payment Services Act 2019.

The DJ's decision

8 In the District Court, the Prosecution submitted that the sentencing framework set out in *Huang Ying-Chun v Public Prosecutor* [2019] 3 SLR 606 ("*Huang Ying-Chun*") ("*Huang Ying-Chun* framework") for offences under the

former s 44(1)(a) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A, 2000 Rev Ed), which is now s 51(1)(a) of the CDSA (“s 51(1)(a) Offence”), could be utilised for the sentencing of s 55A(1)(b)(iii) Offences. The Defence submitted that, if the court was minded to impose an imprisonment sentence, then the *Huang Ying-Chun* framework could apply subject to various discounts to reflect the differences between s 51(1)(a) Offences and s 55A(1)(b)(iii) Offences.

9 The DJ agreed that the *Huang Ying-Chun* framework could be adapted for the present case since the principal factual elements of money laundering under s 55A(1)(b)(iii) Offences were similar to those under s 51(1)(a) Offences (*Galvez* at [35]–[37]). The DJ was of the view that the different maximum sentences and *mens rea* requirements could be taken into account by scaling down the indicative sentencing ranges under the *Huang Ying-Chun* framework by a linear factor of 3/10 (*Galvez* at [39] and [48]). The DJ was also of the view that the offence-specific factors and offender-specific factors identified in *Huang Ying-Chun* were relevant to the present case (*Galvez* at [41]–[42]).

10 The DJ assessed the level of harm to be at the lowest end of moderate since a significant amount of \$116,154.51 was transferred out of the Appellant’s POSB bank account to the bank account in Thailand, thereby involving a transnational element. There was, however, no evidence of a syndicate being involved. The DJ assessed the level of culpability to be low because: (a) the offending took place across two weeks; (b) there was no evidence that the Appellant was primarily motivated by personal gain to commit the offence; (c) there was no evidence of premeditation; (d) there was no evidence of abuse of trust because the Appellant did not interact directly with the victims; (e) the Appellant was not in direct contact with “Alex” and had followed Maria’s instructions instead; and (f) the commission of the offence was not the

Appellant’s sole purpose for being in Singapore (*Galvez* at [43]–[45] and [52]). The indicative sentencing range was therefore three to nine months’ imprisonment and the appropriate starting point was three months’ imprisonment (*Galvez* at [51]–[52]).

11 The DJ then adjusted the starting point downwards to two months’ imprisonment in view of the Appellant’s mitigating factors: (a) the Appellant had disgorged her full financial benefit of \$1,151,50 from the offence; (b) the Appellant had cooperated with the authorities; and (c) the Appellant had no criminal record. The DJ then applied a further 30% reduction (of the imprisonment term of two months or 60 days) in view of the Appellant’s early plea of guilt, in accordance with the Sentencing Advisory Panel’s (“SAP”) Guidelines on Reduction in Sentences for Guilty Pleas (“PG Guidelines”). The final outcome was a sentence of 40 days’ imprisonment (*Galvez* at [53]–[57]).

12 The DJ rejected the Defence’s submissions for the court to call for a probation suitability report. The DJ relied on *Public Prosecutor v Fernando Payagala Waduge Malitha Kumar* [2007] 2 SLR(R) 334 (“*Fernando*”) at [17] where the court held that the “logistical and administrative difficulties involved in the monitoring and supervision of a non-resident render a probation order both inappropriate and impracticable in the case of an offender”. While a foreign offender with some local roots in the form of relatives who were locally resident could be an exception, the exception did not apply in this case. The Appellant only had a cousin working as a domestic helper in Singapore and she was not in contact with the cousin. Even if the Appellant’s local employer was willing to facilitate the rehabilitation process, her employer could change. The DJ was also of the view that the seriousness of the offence and the need for general and specific deterrence outweighed strongly the need for rehabilitation (*Galvez* at [60]–[61] and [63]–[64]).

The parties' submissions on appeal

The defence in s 55A(3) of the CDSA

13 We first make some general remarks about the statutory defence in s 55A(3) of the CDSA. As set out above, s 55A(3) provides a defence to a s 55A(1)(b)(iii) Offence where the accused person did not know and had no reasonable ground to believe that the arrangement in issue related to any person's benefits from criminal conduct. At the hearing before us, the Appellant confirmed that she was not relying on this defence.

14 In her mitigation plea in the proceedings before the DJ, the Appellant explained that she received \$3,000 in her POSB bank account on or about 17 May 2024 and another \$2,000 on or about 23 May 2024. The Appellant claimed that, at that time, she was completely unaware that she was being exploited for the transfer of criminal proceeds out of Singapore. However, on or around 24 May 2024, the Appellant received a substantially larger amount of \$45,000 and she began to feel alarmed. The Appellant accepted that by the time this \$45,000 was transferred into her POSB account, she had reasonable grounds to believe that the arrangement related to benefits from criminal conduct.

15 Therefore, at most, it could be said that the Appellant's culpability in respect of the two earlier transactions was reduced. Even after 24 May 2024, besides the \$45,000, she transferred out another \$66,000 to the Thai bank account.

The YIC's submissions

16 The YIC submits that the sentencing framework for s 55A(1)(b)(iii) Offences should be modelled after the framework set out in *Logachev Vladislav*

v Public Prosecutor [2018] 4 SLR 609 (“*Logachev*”) (“*Logachev* framework”) and as adapted subsequently in the *Huang Ying-Chun* framework. This is because: (a) there are close similarities in the underlying factual conduct and the sentencing considerations for s 51(1)(a) Offences and s 55A(1)(b)(iii) Offences; (b) a *Logachev* framework considers both harm and culpability equally; and (c) a *Logachev* framework is sufficiently flexible to account for the diverse ways in which s 55A(1)(b)(iii) Offences may manifest. However, the YIC submits that the sentencing framework should be confined to offences involving bank accounts as opposed to other forms of payment accounts. This is because the definition of “payment account” captures a wide and heterogeneous range of payment instruments that differ materially in their functionality, regulatory context and capacity for misuse. Bank accounts are characterised typically by more stringent and formalised requirements regarding the bank’s customer, the capacity to receive and transfer large sums of money repeatedly and bear a closer nexus to the financial system and international clearing mechanisms. This means that the misuse of bank accounts often carries a distinct level of harm, both in facilitating the laundering of criminal proceeds and in undermining confidence in the integrity of our financial system.

17 The YIC submits that the offence-specific factors set out in *Huang Ying-Chun* at [98] are largely applicable in the present case. The YIC also proposes the inclusion of the following offence-specific factors: (a) public disquiet and the undermining of public confidence in the integrity of financial institutions; (b) vulnerability of victims; and (c) the number and frequency of transactions.

18 The YIC proposes the following sentencing matrix.

Harm Culpability	Slight	Moderate	Severe
Low	Fine and/or up to short custodial sentence	Up to 6 months' imprisonment	6 to 12 months' imprisonment
Medium	Up to 6 months' imprisonment	6 to 12 months' imprisonment	12 to 24 months' imprisonment
High	6 to 12 months' imprisonment	12 to 24 months' imprisonment	24 to 36 months' imprisonment

The Appellant's submissions

19 Contrary to her position in the proceedings before the DJ, the Appellant now submits that the DJ erred in adopting the *Huang Ying-Chun* framework for s 55A(1)(b)(iii) Offences. She contends that this is because the culpability architectures of ss 51 and 55A of the CDSA require different sentencing frameworks. She submits that a distinction should be drawn between “Money Mules” and “Victim Mules” and that the *Huang Ying-Chun* framework and the factors therein are inapplicable to “Victim Mules”. The Appellant claims that she was a Victim Mule and since the custodial threshold in sentencing was not crossed, the starting point of her sentence should be a fine.

20 The Appellant argues that probation should be considered and that the DJ should have called for a probation suitability report. She submits that rehabilitation is the dominant sentencing consideration in her case because she has a strong propensity for reform, her culpability in the offence was low, she does not have antecedents and she has demonstrated remorse through an early plea of guilt, her cooperation with the authorities and complete restitution of her

financial benefits. Further, general deterrence should not be the primary sentencing consideration for “Victim Mules”. The Appellant submits that the DJ placed undue weight on her status as a foreigner and did not consider the meaningful stabilising conditions in her life. She has a structured and supervised living arrangement in Singapore, has external sources of motivation to reform and has credible anchoring features and accountability mechanisms to facilitate probation.

21 If the court is unwilling to consider calling for a probation suitability report, the Appellant submits that an appropriate sentence would be a fine of \$5,757.50, representing five times the amount of money (\$1,151.50) that she received from the transactions. Her submissions do not include a harm-culpability matrix and therefore do not include specific assessments as to the level of harm and culpability.

The Prosecution’s submissions

22 The Prosecution agrees with the YIC that a sentencing framework modelled after the *Huang Ying-Chun* framework should be adopted for s 55A(1)(b)(iii) Offences. The Prosecution also agrees with the YIC that the offence-specific factors set out in *Huang Ying-Chun* at [98] can apply to the present case and agrees with the four additional offence-specific factors proposed by the YIC, subject to some qualifications. However, the Prosecution disagrees with the YIC’s submission that the framework should apply to only offences involving bank accounts.

23 The Prosecution proposes the following sentencing matrix which differs from that proposed by the YIC.

Harm Culpability	Slight	Moderate	Severe
Low	Fine and/or up to 3 months' imprisonment	3 to 9 months' imprisonment	9 to 18 months' imprisonment
Medium	3 to 9 months' imprisonment	9 to 18 months' imprisonment	18 to 27 months' imprisonment
High	9 to 18 months' imprisonment	18 to 27 months' imprisonment	27 to 36 months' imprisonment

24 The Prosecution submits that the DJ was correct in her decision that a probation order was unsuitable in this case:

(a) There are logistical and administrative difficulties in implementing a probation order for an adult foreigner with no roots in Singapore. While probation is not ruled out entirely for all foreigners, the Appellant has no meaningful roots in Singapore to ensure her adherence with the terms of probation. The Appellant's employer could change and she was not in contact with her cousin who was also working as a domestic helper in Singapore.

(b) There is also no evidence that the Appellant has an extremely strong propensity for reform. The Appellant's early plea of guilt and voluntary disgorgement of her financial gain are insufficient to demonstrate a strong propensity for reform.

(c) Further, deterrence should replace rehabilitation as the dominant sentencing consideration for s 55A(1)(b)(iii) Offences. This is because of the seriousness and prevalence of scams-related offences.

25 Applying its proposed sentencing framework, the Prosecution submits that the harm caused by the offence was moderate as a significant sum was transferred out of the Appellant’s POSB bank account. Further, the offence involved a transnational element and the predicate offence was serious with at least two reported fairly elderly victims, one of whom was a “vulnerable person” (within the definition used in the SAP’s Guidelines for Scams-Related Offences (“Scam Offences Guidelines”) as she was above 65 years in age). In the District Court proceedings, it was accepted by the parties and the DJ that these guidelines did not apply to the present case as they concern primarily the criminal conduct of handing over control of bank accounts (*Galvez* at [10], [22] and [32]).

26 The Appellant’s culpability was low because the duration of offending was only two weeks, there were several transactions performed and there was no evidence that the Appellant was motivated primarily by personal gain to commit the offence. Further there was no planning or premeditation.

27 The indicative sentencing range is therefore three to nine months’ imprisonment and an indicative starting point of five months’ imprisonment would be reasonable. The starting point can be adjusted downwards to three months’ imprisonment in view of the offender-specific factors since the Appellant was a first-time offender, cooperated with the police and also disgorged her profits from the offence. In view of her early plea of guilt, a further 30% reduction would apply. The result would be a sentence of about 60 days’ imprisonment. The DJ sentenced the Appellant to 40 days’ imprisonment.

The Prosecution submits that the 20-day difference does not render the DJ's sentence manifestly inadequate on the facts (and therefore no enhancement is needed). The Prosecution asks that the appeal against sentence be dismissed accordingly.

Issues to be determined

28 The issues to be determined are as follows:

- (a) whether the DJ should have called for a probation suitability report;
- (b) what is the appropriate sentencing framework for s 55A(1)(b)(iii) Offences; and
- (c) whether the DJ's sentence of 40 days' imprisonment is manifestly excessive.

Some preliminary issues

29 First, we address the relevance of the Scam Offences Guidelines to the present appeal. The Scam Offences Guidelines were published in August 2024. They recommend a sentencing approach for scams-related offences involving the handing over of control of a bank account (under ss 51(1), 55(1A) and 55A(1) of the CDSA) and the disclosure of Singpass credentials to another person (ss 8A and 8B of the Computer Misuse Act 1993 (2020 Rev Ed)). Most of the offence-creating provisions which are addressed by the Scam Offences Guidelines came into operation in early 2024. In relation to the offences involving the handing over of control of a bank account, the maximum sentences range from a maximum fine of \$50,000 or imprisonment of up to three years or both to a maximum fine of \$500,000 or imprisonment of up to ten years or both.

30 The Scam Offences Guidelines are not directly relevant to the present case since s 55A(1)(b)(iii) Offences (which the present appeal involves) do not involve the handing over of control of a bank account. Nonetheless, the policy considerations discussed in the Scam Offences Guidelines in relation to scams-related offences are useful for the court in the present case.

31 Second, the Appellant submits that s 55A(1)(b)(iii) Offences are strict liability offences whereas the Prosecution submits that they are not. In our view, it is unnecessary to determine whether s 55A(1)(b)(iii) Offences are strict liability offences because nothing turns on such a classification here.

32 For a s 55A(1)(b)(iii) Offence to be established, the Prosecution must prove beyond reasonable doubt that the accused person “fails to take reasonable steps to ascertain the source or destination of the money”. If the accused person cannot invoke the defence in s 55A(3) of the CDSA (in that the accused person “did not know and had no reasonable ground to believe” that the arrangement in issue related to any person’s benefits from criminal conduct), then he is guilty as charged.

33 If the offence in question is regarded as a strict liability offence, there is the defence of having “exercised reasonable care” under s 26H(4) of the Penal Code 1871 (2020 Rev Ed) (“Penal Code”). If an accused person has exercised reasonable care, it must mean that the Prosecution has not succeeded in proving beyond reasonable doubt that the accused person “fails to take reasonable steps to ascertain the source or destination of the money”.

34 By pleading guilty to the charge and acknowledging that the defence in s 55A(3) of the CDSA cannot be invoked on the facts, the Appellant has conceded that neither defence in s 55A(3) of the CDSA nor in s 26H(4) of the

Penal Code was available to her. It is therefore immaterial for the present appeal whether the offence in issue is one of strict liability.

35 Third, we disagree with the YIC as we see no need to differentiate bank accounts from other types of payment accounts for the purposes of developing a sentencing framework for s 55A(1)(b)(iii) Offences. The charge in this case describes the Appellant’s POSB bank account as a payment account operated by the Appellant. Section 55A(7) of the CDSA defines “payment account” as having the meaning given by s 2(1) of the Payment Services Act 2019 (2020 Rev Ed), which defines it as (among others) “any account, or any device or facility (whether in physical or electronic form), that is held in the name, or associated with the unique identifier, of any person, and is used by that person for the initiation of a payment order or the execution of a payment transaction, or both”. The definition also includes “a bank account, debit card, credit card or charge card”.

36 A bank account is merely one of the many conduits by which money can be received or transferred in present-day financial transactions although it is probably the most common and well-known type of payment account at present. The abuse of all forms of payment accounts can affect public confidence in the financial system and in electronic transactions in varying degrees and this can be considered by the court on the facts of the individual cases. Accordingly, there is no need to give special emphasis to bank accounts for the purposes of this appeal.

Whether the DJ should have called for a probation suitability report

37 The Scam Offences Guidelines recommend that custodial sentences be the norm for scams-related offences. The guidelines note that scams-related

offences are prevalent and increasing and are typically committed after some deliberation and involve an organised criminal group. The guidelines also emphasise that the sentences for scams-related offences must be punitive enough and commensurate with the harm caused to the victims. The victims' financial losses can be devastating if they involve, for instance, a retiree's life savings. This could also lead to significant psychological harm. Scams can also cause harm beyond the victims and their families by eroding public trust in public or financial institutions and in the use of electronic transactions.

38 Consequently, the guidelines recommend that fines, probation and community sentences are generally not appropriate for scams-related offences. Instead, imprisonment or reformatory training should be considered given the need for deterrence and the public interest in suppressing scams. This applies to all offenders even if they are below 21 years in age, except for juveniles dealt with in the Youth Court.

39 We agree with the above observations. They are equally applicable in the present case although the Appellant was not the scammer. Deterrence and retribution should be the dominant sentencing considerations for scams-related offences, including s 55A(1)(b)(iii) Offences, because of their devastating effects, their prevalence and continued proliferation locally and worldwide. Scam offences are a scourge in any society. They have grown into a crime pandemic, exploiting the ease and speed of modern electronic financial transactions. They are particularly reprehensible when committed against vulnerable victims who are usually the least able to recover from the disaster of financial loss.

40 Section 55A of the CDSA was introduced fairly recently by the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of

Benefits) (Amendment) Bill (Bill No 12/2023) (“CDSA Bill”). In the second reading of the CDSA Bill, the then-Second Minister for Home Affairs (“the Minister”) explained that the number of reported scam cases and the amount of money lost to scams have increased exponentially in Singapore. The Minister added that individuals who allow criminals to control their payment accounts or use their accounts to receive or transfer moneys under the instructions of criminals play a significant role in facilitating the laundering of criminal proceeds by scam syndicates and in making it difficult for authorities to track the money trail. Section 55A of the CDSA, among other provisions, was therefore introduced to make it easier for the authorities to take action against such individuals who claim that they did not know they were dealing with criminal proceeds.

41 As deterrence and retribution are the dominant sentencing considerations for scams-related offences such as s 55A(1)(b)(iii) Offences, probation is generally inappropriate as a sentencing option. In *Public Prosecutor v Siow Kai Yuan Terence* [2020] 4 SLR 1412 at [52], Sundaresh Menon CJ explained that even if an adult offender demonstrates an extremely strong propensity for reform, rehabilitation may be displaced as the dominant sentencing consideration by deterrence and retribution because of the gravity of the offence. For the reasons mentioned above, the present case is such an instance. Therefore, even if we accept the Appellant’s submissions that she has an extremely strong propensity for reform, deterrence and retribution will still be the dominant sentencing considerations because of the serious nature of s 55A(1)(b)(iii) Offences.

42 The above analysis is true regardless of whether the offender is a foreigner or a Singapore citizen or permanent resident. In *Fernando* at [17], the court explained that while “[t]he logistical and administrative difficulties

involved in the monitoring and supervision of a non-resident render a probation order both inappropriate and impracticable in the case of an offender”, the court was “loath to *completely* rule out the possibility of probation as a sentencing option in the case of *all* foreigners [emphasis in original]”. The court noted further that “a foreign offender with some local roots in the form of relatives who are locally resident, may, in appropriate circumstances, constitute a suitable candidate for a probation order”. Nevertheless, in our view, granting probation to a foreign offender working in Singapore would be extremely rare because immigration and employment policies would often render such an order impracticable.

43 Since deterrence and retribution are the dominant sentencing considerations for the offence in issue here, probation is not a suitable sentencing option. The DJ was therefore correct in deciding not to call for a probation suitability report.

What is the appropriate sentencing framework for s 55A(1)(b)(iii) Offences

44 We disagree with the Appellant’s submissions that a distinction should be drawn between “Money Mules” and “Victim Mules” and that the starting sentence for “Victim Mules” should be a fine. The Appellant refers to a variety of factors which she submits should be considered in determining whether an offender is a “Victim Mule”. The Appellant submits that a “Victim Mule” is not usually motivated by reward to facilitate the movement of funds, is often groomed and deceived by someone whom he or she trusts to participate in the criminal conduct and tends to have diminished capacity to recognise and respond to red flags. However, it is obvious that these characteristics operate in a spectrum and different offenders may exhibit different characteristics in

varying degrees. It would not be appropriate to have a clear dichotomy between “Money Mules” and “Victim Mules” when many, if not most, cases would have the characteristics of both the described categories.

45 In any case, the structure of Part 6 of the CDSA already recognises varying degrees of culpability of offenders who commit scams-related offences. On one end of the spectrum are offenders who have high culpability because they know or have reasonable grounds to believe that the arrangement they are concerned with involves benefits from criminal conduct (see s 51(1) of the CDSA). Then there are offenders who have lower culpability because they commit the offence rashly or negligently (see s 51(1A) of the CDSA). On the other end of the spectrum are offenders who could arguably be said to have even lower culpability because they only fail to take reasonable steps to ascertain the source or destination of moneys transacted in their payment account (see s 55A(1)(b)(iii) Offences).

46 We agree with the YIC and the Prosecution that a *Logachev* framework is appropriate for s 55A(1)(b)(iii) Offences. A *Logachev* framework is better suited for offences where a broad range of outcomes can arise under the specific axes of harm and culpability (*Sue Chang v Public Prosecutor* [2023] 3 SLR 440 at [64], citing *Wu Zhi Yong v Public Prosecutor* [2021] SGHC 261 at [28]). Where s 55A(1)(b)(iii) Offences are concerned, they address the offending conduct of failing to take reasonable steps to ascertain the source or destination of moneys received in or transferred from a payment account which the offender is able to access, operate or control. The offending conduct may occur in many different ways in a wide variety of situations. The versatility of a *Logachev* framework will be useful in addressing the diversity of such offending conduct.

47 We set out below what we consider to be the appropriate sentencing framework for s 55A(1)(b)(iii) Offences.

Harm Culpability	Slight	Moderate	Severe
Low	Fine of up to \$50,000 and/or up to 6 months' imprisonment	6 to 12 months' imprisonment	12 to 18 months' imprisonment
Medium	6 to 12 months' imprisonment	12 to 18 months' imprisonment	18 to 24 months' imprisonment
High	12 to 18 months' imprisonment	18 to 24 months' imprisonment	24 to 36 months' imprisonment

This sentencing framework utilises the full range of punishment provided (a maximum fine of \$50,000, imprisonment of up to three years or both). It creates an even escalation of the indicative sentencing ranges by using multiples of six months' imprisonment for each tier of harm and culpability. It reserves the highest end of the sentencing range (24 to 36 months' imprisonment) for the most serious offences involving severe harm and high culpability. If the sentencing court deems it fit that a fine should be imposed for the disgorgement of criminal benefits in addition to imprisonment, it can do so. This framework should facilitate easy application for parties involved in plea bargaining and for the court in determining the appropriate sentence.

48 For s 55A(1)(b)(iii) Offences, the offence-specific factors identified in *Huang Ying-Chun* at [98] are a useful starting point. However, appropriate modifications should be made to take into account the nature of s 55A(1)(b)(iii) Offences.

49 First, the court in *Huang Ying-Chun* at [91] accepted that, for the purposes of s 51(1)(a) Offences, if the underlying predicate offence is proved to be one that has harmed confidence in Singapore’s public administration (“predicate offence factor”), that would be an aggravating factor. In s 51(1)(a) Offences, the offender must know or have reasonable grounds to believe that the arrangement he is concerned with involves benefits from criminal conduct. There is therefore greater proximity between the offender’s culpability and the predicate offence which justifies taking into account the harm the predicate offence causes to confidence in Singapore’s public administration. However, in s 55A(1)(b)(iii) Offences, the essence of the offence is that the offender fails to take reasonable steps to ascertain the source or destination of the money. There is therefore greater distance between the offender’s culpability and the predicate offence. Accordingly, if the Prosecution wishes to rely on the predicate offence factor as an aggravation for s 55A(1)(b)(iii) Offences, it will have to show some nexus between the offender and the predicate offence by way of the offender’s knowledge or reasonable grounds of belief.

50 In any case, the Prosecution in s 55A(1)(b)(iii) Offences does not need to rely on the predicate offence factor. It can rely simply on the aggravating factor that facilitation of laundering of criminal proceeds tends to undermine public confidence in financial institutions and payment accounts in general and the almost ubiquitous bank accounts in particular. Such offences abuse the ease of swift electronic transfers in and out of bank accounts and are bound to cause concern, if not alarm, among users of bank accounts.

51 Second, we agree with the YIC and the Prosecution that the vulnerability of victims should be regarded as an aggravating factor. Where vulnerable victims are involved, usually those who are elderly, the consequences of scams-related offences are often much graver, both in terms of the financial losses and

the resultant psychological damage caused to the vulnerable victims and their families.

52 The Scam Offences Guidelines recognise the vulnerability of victims as a relevant offence-specific factor. The guidelines define “vulnerable persons” as persons who: (a) are of or above the age of 65; or (b) by reason of mental or physical infirmity, disability or incapacity, are substantially unable to protect themselves from abuse, neglect or self-neglect. Limb (a) provides an indicator of who is considered an elderly person while limb (b) follows the wording in the definition of “vulnerable person” in s 74A(5) of the Penal Code. The guidelines also recommend uplifts in the indicative sentence by 50% if the offender knew that vulnerable persons were targeted specifically by the scams and by 25% if vulnerable persons were affected even if they were not targeted specifically and even if the offender did not know that such persons would be affected.

53 In the recent decision of the General Division of the High Court in *Public Prosecutor v Tan Shay Howe* [2026] SGHC 90, delivered on 29 April 2026 by the same three members of this court in the present appeal, the court in dealing with another aspect of scams-related offences stated (at [50]–[51]):

50 We agree that the involvement of vulnerable persons as victims from whom the funds were derived is a relevant sentencing consideration. It bears noting, however, that where the involvement of vulnerable persons as victims has been taken into account in assessing the seriousness of the predicate offence, this should not be considered again as a separate sentencing consideration as that will constitute impermissible double counting ...

51 We share the Prosecution’s view that elderly persons should generally be included in the definition of vulnerable victims. As the Prosecution rightly pointed out, s 74A(5) of the PC was meant to protect vulnerable persons from physical abuse. There is therefore no reason to limit the definition of vulnerable persons in scam-related offences to the definition

articulated in that provision. Elderly persons are presumptively especially vulnerable to scams as evinced by the fact that the average amount they lost per victim was the highest amongst the various age groups in 2024. Elderly persons are thus more likely, generally speaking, to suffer the greatest harm, and would be less able than a younger person to recover from pecuniary loss. Indeed, this was a factor considered by the court in *Huang Ying-Chun* as well (at [110]).

54 We agree with the approach taken in the Scam Offences Guidelines. In *Huang Ying-Chun* at [110], the court observed that “[t]he harm was also exacerbated by the fact that the victims of the scams were generally elderly, with the youngest being 50 years of age”. It is a well-recognised fact that the elderly in our society tend to be less tech-savvy and less familiar with present-day modes of payment and transfer of funds. It is also a known fact that scammers would generally go for easier prey like the elderly as well as people who are more gullible or trusting. Elderly people therefore suffer on two fronts. First, they are more prone to be victims of scams. Second, they tend to lose more money to scammers. They are therefore the hardest hit by scams because losing a large portion of their retirement savings at a fairly advanced age means they are much less likely to recover from the financial setback. Losing their means of livelihood at that age can obviously have serious psychological implications as well.

55 It cannot be disputed that criminals who target the more vulnerable segments in our society deserve to be punished more severely and that this principle should apply equally to those who facilitate their crimes. For example, in non-scam situations, no reasonable person would disagree that, generally, an assault against an elderly defenceless person calls for more severe punishment than an attack against a young able-bodied man.

56 Where an offender in s 55A(1)(b)(iii) Offences merely fails to take reasonable steps to ascertain the source or destination of the money transacted through the offender’s payment account, it may be argued that the offender would not be aware of who the victims were and that it would therefore be unjust to treat the vulnerability of victims as an aggravating factor. In our view, such an offender is at least indifferent as to the identity of the victims. He is not the least bit concerned about who the scam victim(s) might be. Further, as explained above, it is a known fact that scammers would generally go for easier prey like the elderly. It is therefore just that the offender in such cases be made to bear the consequences if the scams-related offence happens to involve a vulnerable victim. Naturally, if the offender knew or had reason to believe that vulnerable victims would be or were targeted in the scams, that would increase the gravity of the facilitating offence even further.

57 Third, we accept the Prosecution’s submission that the factor of “the amount cheated” in the *Huang Ying-Chun* framework should be revised to “the amount laundered” for scams-related offences. Section 55A of the CDSA refers to the “benefits from criminal conduct”. “Criminal conduct” is defined in s 2(1) of the CDSA as “doing or being concerned in, whether in Singapore or elsewhere, any act constituting a serious offence or a foreign serious offence”. The terms “serious offence” and “foreign serious offence” are in turn defined to include any offence specified in the Second and the Third Schedules of the CDSA respectively. The essence of s 55A(1)(b)(iii) Offences is therefore the laundering of criminal proceeds and not the nature of the predicate offence(s). Therefore, the words “the amount laundered” reflects more accurately the nature and the scope of s 55A(1)(b)(iii) Offences.

58 We also agree with the recommendation in the Scam Offences Guidelines that where significant funds of \$100,000 or more were received or

transferred out of the offender's bank account, there should be an uplift in sentence (the suggestion there was for an uplift of at least 25% of the indicative sentence). The quantum of funds laundered is a good gauge of the culpability of the offender and the seriousness of the harm caused by the offence in much the same way as the amount of money cheated in cheating offences is. The court then proceeds to consider whether the offender benefited from the funds laundered and if so, to what extent.

59 Fourth, we agree with the YIC that the number and the frequency of transactions are relevant considerations. However, these considerations can be assimilated into the factor of the "duration of offending" in the *Huang Ying-Chun* framework by broadening it to the "duration, number and frequency of offending". In the context of s 55A(1)(b)(iii) Offences, which may involve multiple discrete transactions in a payment account, the total number of transactions and the frequency with which they occurred are relevant as indicators of how "determined the offending conduct [was]" (*Logachev* at [59]).

60 Having set out the applicable sentencing matrix and the modified offence-specific factors for s 55A(1)(b)(iii) Offences, we now consider the factual situation in this appeal. We have decided that the DJ was correct in not calling for a probation suitability report. The only question that remains is whether the sentence of 40 days' imprisonment is manifestly excessive as the Appellant contends.

Whether the sentence of 40 days' imprisonment is manifestly excessive

61 The DJ assessed the level of harm to be moderate (at the lowest end of the range) and the level of culpability to be low. Before us, the Appellant accepts that if a *Logachev*-style framework is to be adopted, the level of harm should be

pegged at moderate and the level of culpability should be pegged at low. The Prosecution also agrees that the harm caused by the offence was moderate and the Appellant's culpability was low. Applying the sentencing framework that we have set out at [46] above, the indicative sentence would be in the sentencing range of six to twelve months' imprisonment.

62 We agree with the parties that the harm would be in the moderate category and the culpability would be in the low category. The reason why we agree that there was low culpability is that the Appellant appeared to have been misled by the older foreign domestic worker (Maria) and that the Appellant's culpability only became obvious in the last six days (24 May 2024 to 29 May 2024) out of the period of 15 days specified in the charge.

63 However, the DJ did not appear to have taken into account the fact that at least one vulnerable victim (a female kitchen helper aged 70 at the time of the offence) was impacted in this case (although only \$13,500 out of the total of this victim's loss of \$108,500 was transferred into the Appellant's bank account – see paragraph 6 of the statement of facts). The other victim was a female sales adviser aged 61 at the time of the offence. This may explain why the DJ considered the level of harm to be at the lowest end of the moderate tier and why she arrived at an indicative starting point of three months' imprisonment (*Galvez* at [52]). Including the fact that there was a vulnerable victim as an additional offence-specific factor, we hold that the appropriate starting point in the framework should be seven months' imprisonment.

64 We agree with the DJ that the starting point can be adjusted downwards by one month to account for the mitigating factors, namely, that the Appellant had disgorged her financial gains from the offence and had cooperated with the authorities. The Appellant's lack of antecedents is only a neutral and not a

mitigating factor (*BPH v Public Prosecutor* [2019] 2 SLR 764 at [85]). We therefore have an indicative sentence of six months' imprisonment. Applying a further 30% reduction for the Appellant's early plea of guilt in accordance with the PG Guidelines, we arrive at a final sentence of slightly more than four months' imprisonment.

65 There is therefore no merit in the Appellant's contentions that her sentence of 40 days' imprisonment is manifestly excessive. Accordingly, we dismiss her appeal against sentence.

66 For completeness, as noted by the DJ (*Galvez* at [66]), the older foreign domestic worker (Maria) named in paragraph 2 of the statement of facts pleaded guilty on 23 May 2025 to two charges for s 55A(1)(b)(iii) Offences. This was a few days after the Appellant here pleaded guilty before the DJ. Maria was sentenced to five months' imprisonment on each charge with both sentences to run concurrently. There was no appeal in that case.

Conclusion

67 We therefore maintain the Appellant's sentence of 40 days' imprisonment and dismiss her appeal against sentence accordingly. The

Appellant is on bail pending this appeal. We intend to order the sentence to commence today unless there are good reasons for ordering otherwise.

68 We thank the YIC and the Prosecution for their submissions which have assisted us greatly in our deliberations.

Sundaresh Menon
Chief Justice

Tay Yong Kwang
Justice of the Court of Appeal

See Kee Oon
Judge of the Appellate Division

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