

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

**Criminal
Case No. 25/1778 SC/CRML**

BETWEEN: Public Prosecutor

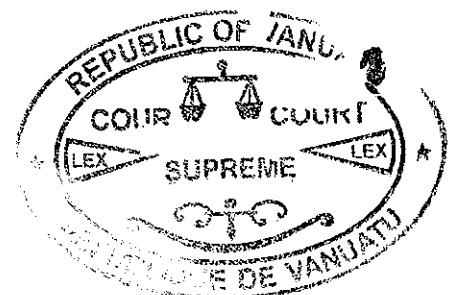
**AND: Philip Tarbeau
Defendant**

Coram: Justice Dudley Aru

**Counsel: Ms. M. Tasso for the Public Prosecutor
Mrs. C. Dehinavanua for the Defendant**

SENTENCE

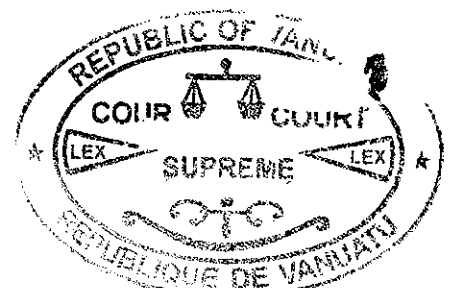
1. Mr Philip Tarbeau you pleaded guilty to one count of domestic violence contrary to s4 (1(f) and s10 of the Family Protection Act (Count 1), one count of prohibition of theft contrary to s125 a) of the Penal Code (Count 2) and one count of unlawfully entering a dwelling house contrary to s143 of the Penal Code (Count 3). You are convicted on your guilty pleas.
2. On 15 May 2025 at the Club Hippique area on Efate, you damaged the window of your mother's house then proceeded into the house damaging two locks of tool boxes containing electric tools and other items. You took the electric tools and other items inside the tool box from your mother's house then went to fres wota 2 area and sold the items in exchange for money for your use and benefit.
3. On 17 May 2025 the complainant was made aware of the break ins at her home and attempted to find out through her neighbours who subsequently confirmed that it was you who broke into the house.
4. On 22 May 2025, while you were confronted by your mother and other witnesses at Erakor road, you made a confession to them about your whereabouts and how you sold the electric tools and other items.
5. On 23 May 2025 you were cautioned and interviewed by the Police and admitted the offending.
6. When I consider what should be the starting point of your sentence, I am required to take into account the maximum penalties of the offences charged and then assess whether there are any aggravating or mitigating factors of the offending. The maximum penalty for domestic violence is 5 years imprisonment or a fine not exceeding VT100,000 or to both. For the offence of prohibition of theft, the maximum penalty is 12 years imprisonment and finally for the offence of unlawfully entering a dwelling house used for human habitation the maximum penalty is 20 years imprisonment.
7. There are a number of aggravating factors namely:-



- there is a breach of trust as you broke into your mother's home;
 - the offending occurred within the home which is meant to protect the complainant from such actions; and
 - there is some degree of planning on your part;
8. There are no mitigating factors of the offending.
 9. For purposes of comparison, the prosecution referred to the following cases namely **PP v Wako** [2025] VUSC 1, **PP v Bule** [2023] VUSC 2. *Wako* involves unlawful entry of a dwelling house and theft of several items (music box, pistol torch, bush knife and some groceries) including cash in the sum of VT 7000. There were a number of aggravating factors which the Court took into account and set a global starting point of 3 years imprisonment. *Bule* involves domestic violence and theft of VT9,000 cash and several items which were sold for cash including a pregnant pig and a size 38 macocot pot. The starting point of sentence was 12 months imprisonment on each charge. The facts of both cases are distinguished from the current case.
 10. No submissions were received from the defendant despite assurances from Counsel that these would be filed by 11.30am of 29 July 2025.
 11. On the charge of unlawful entry of a dwelling house I set the starting point of sentence at 2 years imprisonment. On the charge of prohibition of theft I set the starting point of sentence at 12 months imprisonment and for the charge of domestic violence I set starting point of sentence at 6 months imprisonment. The concurrent global starting point of sentence is 2 years imprisonment.
 12. I then turn to consider factors personal to you and your guilty plea. For the guilty plea you entered a guilty plea at the earliest available opportunity therefore the sentence start point will be discounted by 30%.
 13. In your Pre-sentence report your probation officer states that you are a 20-year-old young man and this is your first offending according to Correctional Services records. You currently reside with your parents at Erakor village. You completed your education at Year 10 at Tebakor Secondary School due to financial difficulties. You are employed by your uncle's garage at Erakor but you intend to join the seasonal work scheme overseas to continue to help your parents.
 14. Your mother speaks well of you and was shocked to learn of your offending. For your personal factors the sentence start point is further reduced by 3 months. A further 2 months is deducted to reflect time in pre-custody.

End Sentence

15. I sentence you to a concurrent end sentence of 12 months imprisonment. Next I consider whether I should exercise my discretion and suspend your sentence. Section 57 of the Penal Code requires that I consider the circumstances, in particular the nature of the crime and character of the offender.



16. The circumstances of the offending are that you broke into your own home and took a number of electric tools without your mothers' knowledge and sold them for cash. You are a young man of 20 years with a future still ahead of you. Being a first-time offender, I believe you have learned a valuable lesson not to reoffend again.
17. I therefore suspend your sentence for a period of 12 months. This is a second chance to begin a fresh. Make use of it to help your family and stay away from criminal activity. Should you reoffend during this period you will be arrested and placed in custody to serve your full sentence.
18. In addition, you will perform 100 hours of community work and also perform a custom reconciliation with your family. I also order supervision for 12 months to undertake rehabilitation programs to address your offending such as Drugs and Alcohol, Jois blong Gud Laef and Statem wan Niu Wokabaot.
19. You have 14 days to appeal if you are not satisfied with the decision.

DATED at Port Vila this 1st day of August, 2025

BY THE COURT

Dudley Aru
Judge

