

Suang Wijaya

Partner

LL.B. (1st Class Hons),
National University of Singapore (2014)
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ABOUT SUANG

“He has a first-class legal mind, is detailed, industrious, responsive, professional and has a very good ‘bedside’ manner in handling his clients through difficult situations.” – [Asialaw Profiles 2022](#)

Suang Wijaya’s record as lead counsel includes securing an acquittal for a domestic helper accused of numerous theft charges and persuading the Court of Appeal to permit a novel application for financial relief consequential upon foreign divorce. An aggressive trial advocate with a keen eye on a good deal, Suang delivers – whether through favourable trial outcomes or negotiated settlements. Suang regularly advises on high-value contentious matters including shareholder and corporate disputes, fraud and asset recovery, employment disputes and professional disciplinary processes.

In 2014, Suang graduated with First Class Honours from the National University of Singapore. Drawn to the firm’s commitment to access to justice and the upholding of fundamental liberties, he joined Eugene Thuraisingam LLP. In 2018, after three years in practice, Suang became a partner of the firm.

Suang has interests in civil and criminal procedure, and has published in both these areas. Recently, he co-authored the annotations of Criminal Procedure Code 2010 published by Lexis Advance® under the Annotated Laws of Singapore. He was also a contributor to the book *Same But Different: Legal Guidebook For LGBT Couples & Families in Singapore (2016)*.

黄舒旺律师专长于复杂商事争议解决及白领刑事辩护。黄律师的核心执业领域包括公司纠纷、商业纠纷、金融纠纷、等争议项目。

无论是法庭诉讼、仲裁或其它替代性争议解决方案，黄律师与本所团队为客户全力以赴。在争议的每个阶段，黄律师不懈地为客户策划经济并高效的战略。黄律师在法律与商业领域中具有专业了解，也拥有强烈的伦理意识。因此，黄律师在商事及刑法争议中获取了多宗胜利，也得到了新加坡法律界的认可。

黄律师的教育背景为新加坡国立大学法学院，法学学士（一等荣誉）。

Matters of significance in which Suang was lead counsel include:-

- **Confidential client:** Advising a global healthcare company who has acquired a 65% stake in a Singapore-incorporated holding company of Vietnam-incorporated subsidiaries operating medical manufacturing plants, in connection with disputes that have arisen with the 35% minority shareholder, the previous majority shareholder, and receivers appointed over the 35% minority shares of the holding company.
- **Confidential client:** Advising a director and 50% shareholder of a top Indian vegetarian restaurant in Singapore, in connection with corporate governance and minority oppression disputes with the other director and 50% shareholder.
- **HC/S 685/2020:** Negotiated a favourable settlement in our client's claim against a Singapore law corporation, where it was alleged that arising from a conveyancing solicitors' negligence, the client suffered damages amounting to the entire purchase price of a property.
- **HC/MA 9002/2020/01:** Acted for a Filipino domestic helper, Portela Vilma Jimenez ("**Portela**"), as a lead counsel at trial and on appeal. Portela had been convicted by the District Court of 10 theft charges and sentenced to 12 months' imprisonment. On appeal, the High Court Judge accepted our legal argument that there was a reasonable doubt raised on the charges against Portela. The High Court Judge therefore acquitted her on all 10 charges.
- **HC/OS 1207/2019:** Successfully defended a claim by our client's ex-mother-in-law for beneficial ownership of a property valued at approximately SGD 2.28 million. After a trial lasting 4 days, the High Court Judge dismissed the plaintiff's claims in its entirety. This decision by the High Court paves the way for our client to continue her application for financial relief consequential upon foreign relief (see [UFN v UFM \[2019\] SGCA 54](#) and [UFM v UFN \[2017\] SGHCF 22](#) below).
- ***Fauziyah bte Mohd Ahbidin v Singapore Land Authority and others [2020] SGHC 123:*** After taking over conduct of a case, successfully persuading the High Court Judge to reverse the Assistant Registrar's decision striking out the entire claim against the Defendants (collectively the "**State**"). The case involves complex issues of Muslim charitable trusts.
- ***UFN v UFM [2019] SGCA 54* and *UFM v UFN [2017] SGHCF 22:*** Successfully persuaded the Court of Appeal to affirm the High Court Judge's decision in our client's (the wife's) favour in a case raising novel questions of matrimonial law of public interest. These questions include:- (a) the extent to which a foreign divorcee's decision not to exhaust remedies in the foreign divorce courts precludes an application for financial relief in Singapore under Chapter 4A of the Women's Charter; (b) the applicability of the doctrine of *forum conveniens* to the Singapore courts' exercise of discretion to allow financial relief under Chapter 4A of the Women's Charter. Suang was lead counsel having conduct of oral arguments both in the High Court and the Court of Appeal.
- **HC/MA 9102/2019:** In an appeal against sentence for offences under the Prevention of Corruption Act, successfully persuaded the High Court Judge to substitute a three-month imprisonment sentence with a fine.
- **HC/S 400/2018:** Defended an individual against a claim by her former employer, a medical diagnostics company, for alleged breaches of confidentiality. After litigation involving numerous contested applications before a High Court Judge (including an application for a search order (formerly an Anton Piller Order)), the matter was settled favourably without the individual having to pay any damages or costs to her former employer.

- **HC/S 683/2018:** Successfully persuaded a High Court Judge to discharge an interim injunction obtained by international companies in the business of multi-level marketing, against a former prominent representative leader of the companies.
- **HC/OS 789/2018:** Acted for a client in filing urgent High Court proceedings asserting the client's beneficial interests in properties exceeding SGD 1.2 million. The matter was settled favourably with the registered proprietors recognising, in writing, the client's beneficial interests as asserted.
- **HC/S 697/2018:** In an ongoing matter, acting for a major sports goods company in a claim against a former director for an alleged complex fraudulent scheme resulting in the misappropriation of approximately SGD 3.5 million from the company. The case also raises an interesting legal issue as to whether the company is bound by a matrimonial settlement agreement between the defendant and another director of the company.
- **HC/S 685/2020:** In an ongoing matter, acting for a plaintiff in a negligence claim against a Singapore law corporation. As a result of a conveyancing solicitor's alleged negligence, a sum of approximately SGD 1.2 million remitted by the plaintiff for the purchase of a Singapore property was misappropriated.
- ***KPMG Services Pte Ltd v Pawley, Mark Edward [2021] SGHC 54:*** Acted for a defendant in defending a claim of alleged professional fees amounting to USD 944,050.70 brought by KPMG Services Pte. Ltd. This case raises interesting legal issues, including the circumstances in which an agent who signs a contract on his principal's behalf can become personally liable under the contract.
- **Confidential clients:** Acted for confidential clients in High Court judicial review proceedings against Singapore's Registrar of Marriages. Media coverage: [Same-sex couple drop case against ROM for voiding their marriage.](#)

Matters of significance in which Suang was second-chair include:-

Civil and commercial disputes

- **CA/CA 38/2018 and *UJF v UJG [2018] SGHCF 1:*** Acted for the wife in the division of matrimonial assets exceeding SGD 11 million. The case was particularly complex, as noted by the High Court judge:- *"Although both parties were entrepreneurs focused on making a success of their respective business and investment activities, the maintaining of records and tracking of inflow and outflow seems to have been less of a priority. Matters were also complicated by the long period of cohabitation, while the period of formal marriage was relatively short. This meant that there was significant entanglement between matters relevant to the determination of direct contribution to the marriage, and the transactions and interactions between the parties during the period of cohabitation"*.
- **CA/CA 168/2017 and *Ramesh s/o Krishnan v AXA Life Insurance Singapore Pte Ltd [2017] SGHC 197:*** Acted for a former financial services director ("FSD") in the assessment of damages stage of the FSD's claim against a financial institution ("FI") for losses arising from a negligent reference check prepared by the FI. The Court of Appeal assessed the damages at SGD 3.2 million.

- ***Rohini d/o Balasubramaniam v HSR International Realtors Pte Ltd [2018] SGCA 37:*** Acted for a property agency in defending a SGD 830,000 claim, with substantial success. The plaintiff had argued that the property agency should be fully responsible for the fraudulent acts of a rogue agent.
- ***Ramesh s/o Krishnan v AXA Life Insurance Singapore Pte Ltd [2016] SGCA 47:*** Acted for a former financial services director (“FSD”) in a successful appeal to the Court of Appeal. The Court of Appeal agreed with us that the defendant, a financial institution, had been negligent in the preparation of a reference check for the FSD, and this caused a prospective employer to decide not to proceed with hiring the FSD.

Criminal and public interest litigation

- ***Ilechukwu Uchechukwu Chukwudi v Public Prosecutor [2020] SGCA 90:*** Acted for an accused who had been convicted by the Court of Appeal of drug trafficking. The Court of Appeal, by a 4:1 majority set aside its previous conviction and acquitted the accused. This is the first time in Singapore’s legal history that a court has exercised its inherent power to review and set aside its own decision convicting an accused person
- ***Public Prosecutor v Hamidah Binte Awang and another [2019] SGHC 161:*** Acted for an accused person, Ilechukwu Uchechukwu Chukwudi (“**Ilechukwu**”), in having conduct of a further evidential hearing before a High Court Judge, pursuant to the Court of Appeal’s seminal decision in *Ilechukwu Uchechukwu Chukwudi v Public Prosecutor* [2017] SGCA 44. In its 2017 decision, the Court of Appeal had decided that it was necessary for the High Court Judge to receive fresh expert evidence, because we had successfully raised *prima facie* sufficient material to show that the Court of Appeal’s earlier decision finding Ilechukwu guilty of drug trafficking was a miscarriage of justice. In this judgment, which contains the High Court Judge’s findings arising from the fresh evidence, we successfully persuaded the Judge that Ilechukwu had suffered post-traumatic stress disorder (“**PTSD**”) prior to his arrest in 2011, and that he suffered post-traumatic stress symptoms (“**PTSS**”) after his arrest when he was giving statements to the Central Narcotics Bureau.
- ***Nagaenthran a/l K Dharmalingam v Public Prosecutor and another appeal [2019] SGCA 37:*** Acted for a person who had been sentenced to death in a seminal case involving the proper interpretation of the phrase “*abnormality of mind*” under Section 33B(3)(b) of the Misuse of Drugs Act (“**MDA**”), and whether Section 33B(4) of the MDA had the effect of ousting the courts’ powers of judicial review on grounds other than bad faith, malice or unconstitutionality.
- ***Attorney-General v Wham Kwok Han Jolovan and another matter [2018] SGHC 222:*** Defended 2 persons accused of the offence of contempt by scandalising the court. These were the first proceedings for scandalising contempt after the coming into force of the Administration of Justice (Protection) Act 2016.
- ***Ilechukwu Uchechukwu Chukwudi v Public Prosecutor [2017] SGCA 44:*** Acted for an accused who had been convicted by the Court of Appeal of drug trafficking, in successfully persuading the Court of Appeal to re-open its decision convicting the accused. This was the first time in Singapore’s legal history in which the Court of Appeal agreed to re-open a concluded criminal appeal.

- ***Liew Zheng Yang v Public Prosecutor [2017] SGHC 157***: Acted for the appellant in a successful appeal against his conviction by the District Court of a conspiracy to traffic drugs to himself. In this case, the High Court judge agreed with our arguments on a novel point of law, that a person who orders drugs for his own consumption could not be liable for a conspiracy to traffic drugs to himself. The conclusions made by the High Court judge was subsequently endorsed by the Court of Appeal in *Ali bin Mohamad Bahashwan v Public Prosecutor and other appeals [2018] SGCA 13*, a case which we also had conduct of.
- ***Attorney-General v Ting Choon Meng and another appeal [2017] SGCA 6***: Acted for the website, The Online Citizen, in successfully defending proceedings brought by the Government in the District Court, the High Court and the Court of Appeal. Both the High Court and the majority panel of the Court of Appeal agreed with us that Section 15 of the Protection from Harassment Act did not give the Government the power to sue persons for alleged false statements.
- ***Prabakaran a/l Srivijayan v Public Prosecutor and other matters [2016] SGCA 67***: Acted for four persons who had been sentenced to the death penalty, in challenging the constitutionality of Section 33B(2)(b) of the Misuse of Drugs Act. The primary ground of challenge was that Section 33B(2)(b), by vesting in the Public Prosecutor the power to decide whether or not to grant a certificate of substantive assistance to a person who has been convicted of an offence punishable with the death penalty, in substance vested the Public Prosecutor with a judicial power, and was therefore in breach of the constitutional principle of separation of powers.
- ***The Law Society of Singapore v Ravi s/o Madasamy [2016] SGGT 7***: Acted for an advocate and solicitor in successfully persuading the Disciplinary Tribunal that there was no case to answer on a charge of alleged misuse of client moneys.

Suang's publications include:-

- Co-authored the annotations of *Criminal Procedure Code 2010* published by Lexis Advance® under the Annotated Laws of Singapore, December 2021
- *My Thoughts and Perspectives on Criminal Law Practice, Community Law, Practice Matters in the Singapore Law Gazette* feature article, July 2021
- *Singapore's Disputes*. Asian Legal Business feature article, October 2020
- *Amending Pleadings and Adducing Fresh Evidence in Appeals against Striking Out Decisions*, Eugene Thuraisingam LLP publication, July 2020
- *Disclosure of Prosecution Witnesses' Investigative Statements*, Eugene Thuraisingam LLP publication, June 2020
- *Case Note: The Civil Aviation Authority v The Queen On The Application Of Jet2.com Limited*, Singapore Law Gazette feature article, March 2020
- *Evaluating the Constitutionality of Section 61, Protection from Online Falsehoods and Manipulation Act 2019* – (2019) 1 SCLR 528, July 2019
- *The Statutory Framework Governing the Right to Appeal to the Court of Appeal: Some Thoughts*, Singapore Law Gazette feature article, March 2019

- *Public Prosecutor v Lam Leng Hung and Others* [2018] SGCA 7 – *Implications for Accused Persons Previously Convicted of an Offence under Section 409 of the Penal Code*, Singapore Law Gazette feature article, April 2018
- Contributor, *Same But Different: Legal Guidebook For LGBT Couples & Families in Singapore* (2016).

Suang's Professional Engagements include:-

- Speaker at the opening ceremony of Asian Law Students' Association Conference 2022, organised by Asian Law Students' Association 19th Singapore National Board
- Speaker on “*Impact of UK's Supreme Court FCA COVID-19 BI Test Case on BI claims in Asia*” jointly organised by *Singapore Insurance Institute, Chartered Insurance Institute – Central & South Asia, Crawford & Company International Pte Ltd and Eugene Thuraisingam LLP*
- Speaker on “*Proposal by Singapore Academy of Law to Reform Insurance Law in Singapore*” jointly organised by *Singapore Insurance Institute, Chartered Insurance Institute – Central & South Asia, and Eugene Thuraisingam LLP*
- Speaker on “*Marketing Yourself to Potential Clients*” organised by *The Law Society of Singapore – Young Lawyer Forum 2020*
- Speaker on “*Corporate Compliance and Corporate Criminal Liability Across Southeast Asia*” organised by *Asian Legal Business*
- Speaker on “*Planning for the Future for LGBT Couples & Families*” organised by *Same But Different: A Singapore LGBT Legal Guide For Couples & Families*
- Speaker on “*Pro Bono Scene in Singapore*” organised by the Asian Law Students' Association (ALSA) Singapore and the National University of Singapore (NUS) Pro Bono Group (PBG).

Suang's Recognition:-

- One of Singapore's Leading Criminal Defence Lawyers, *Doyle's Guide 2020*

Suang's Appointment:-

- Assessor, Panel of Assessors for COVID-19 Temporary Relief, appointed by Ministry of Law