

Judge throws out 'secret wife' case

Parliament should decide what constitutes sham marriage, she says

■ BY K. C. VIJAYAN

WHEN Mr Yeo Sze Heng succumbed to a heart attack at age 43, his family believed he had died a bachelor.

So it came as a shock when a woman they had never met turned up at his funeral claiming to be his wife.

They were even more horrified when the China-born widow tried to claim part of his assets.

Mr Yeo's mother challenged her right to do so, arguing that the marriage was invalid because it was a sham meant to help the wife become a permanent resident.

But in a judgment released on Monday, High Court judge Judith Prakash threw out the case, saying it was for Parliament to decide what constitutes a sham marriage.

"Singapore law does not recognise any such creature as a 'sham marriage'," she said. As such, sham marriages cannot be grounds to annul a marriage under the Women's Charter.

She also said any improper motives behind a marriage were irrelevant as to whether it was valid.

Mr Yeo married Madam Huang Huiqun, 31, in 2005 without telling his mother, Madam Toh Seok Kheng, or the rest of his family.

He began living a double life, staying during the day with his wife before returning to sleep at his mother's home at Pine Close in Kallang.

It was only after his death at the family home in June last year that Madam Huang showed up and identified herself.

She said in court documents that her husband had not introduced her to his family members because he feared they would not have approved of their marriage.

Madam Huang, from Fujian province in southern China, had been on a long-term visit pass for five years after marrying Mr Yeo, and had applied for permanent residence a month before he died.

Mr Yeo did not leave a will and Madam Toh sought to exclude his wife from his assets, which include part of the family's flat and his Central Provident Fund money.

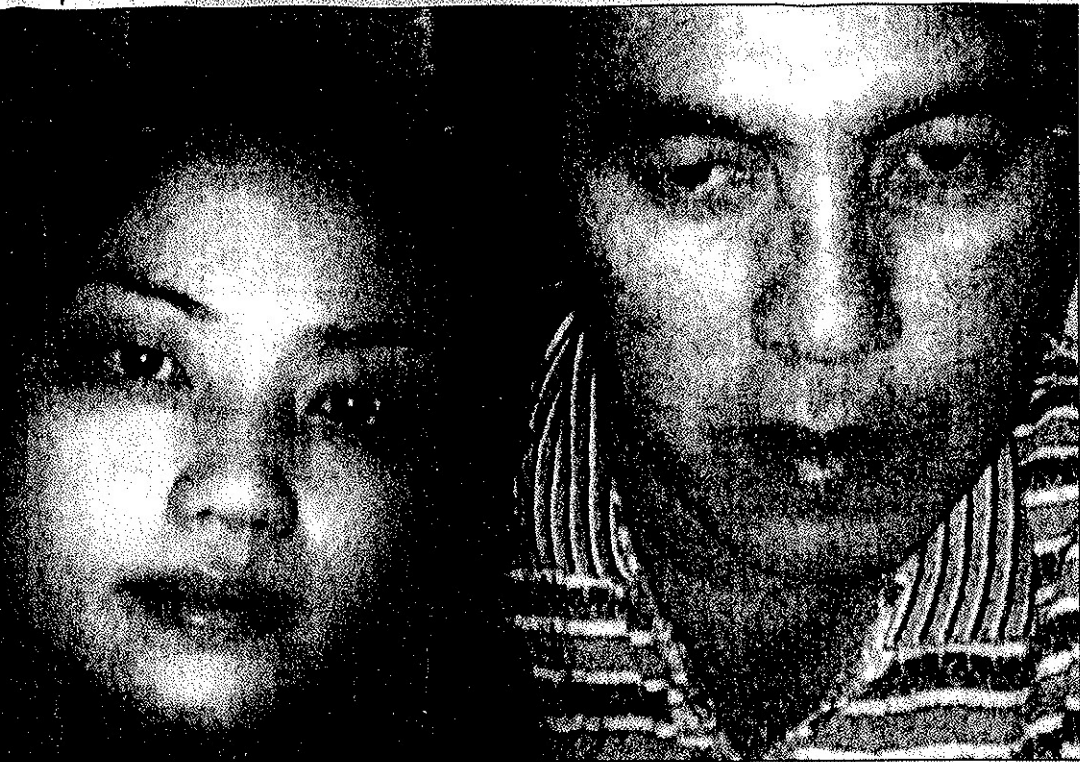
Madam Toh's lawyer J. Jayaram referred to several local cases in which people were convicted of entering into sham marriages where one party gained monetary benefits, and the other, residency benefits.

But Justice Prakash said they were irrelevant, adding that such motives do not indicate a marriage is invalid.

She added that how abuse of marriage is

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Madam Huang
and her late
husband Mr
Yeo married in
2005. PHOTO
COURTESY OF
HUANG HUIQUN



prevented and whether such abuse affects the validity of a marriage are not to be decided by judges, but are matters of public policy.

"If there should be a public policy to exclude persons from the rights they are entitled to... on the premise that their marriage is perceived as not authentic... that public policy is properly reserved to Parliament for articulation, delineation and enactment," she said.

The judge refused Madam Toh's application to be the sole administrator of her son's estate, and said Madam Huang had priority of entitlement to the estate since she was the surviving spouse.

Madam Toh's lawyer S. Thangaveloo said yesterday that they were studying the judgment.

Madam Huang said through her lawyer Yu-Ting Hi Keng that she was very upset by her husband's death. "We had a happy marriage and I truly loved him," she said.

vijayan@sph.com.sg

Concept not recognised in S'pore law

THE specific concept of a "sham marriage" or marriage of convenience is not recognised in Singapore law, said Justice Judith Prakash in the civil case involving Madam Toh.

But foreigners who bribe Singaporeans to get married in an attempt to become permanent residents can be prosecuted, along with their spouse, in criminal law under the Prevention of Corruption Act.

In 2007, a Singaporean man pleaded guilty to corruption in the subordinate courts after receiving \$12,000 from a China national to get married so that she could use

the marriage certificate to apply for permanent residence.

The district judge in the case made plain that the evidence showed that the \$12,000 was an inducement for him to enter into the marriage of convenience.

Commenting on the concept in relation to both civil and criminal law, lawyer Mark Goh said yesterday: "There is no such legal concept as sham marriage in the Women's Charter."

But he said of the 2007 case: "Common sense means the marriage was null and void. In this case it would appear that common sense and the law do not reconcile."