

**NUS FACULTY OF LAW  
ADVOCACY CUP 2019  
Sponsored by Drew & Napier LLC**

**MOCK TRIAL PROBLEM  
Preliminary Rounds**

*On dates – 201X-1 refers to one year before the current year. i.e. if this problem is being used in 2016, 201X-1 refers to 2015 and 201X-3 refers to 2013.*

Mdm Lao Gu Por is on trial for causing hurt to her family domestic servant Mercy Bonifacio. Mdm Lao faces two charges. The charges are :-

Charge 1

You, Lao Gu Por NRIC 4987567G, are charged that you, on 21 November 201X-1, at about 4:15 p.m., at 1890 Coronation Drive South, Singapore 076675, did voluntarily cause hurt by dangerous means to your domestic maid, Mercy Bonifacio FIN 4987567H, by scalding her with hot soup, and you have thereby committed an offence under section 324 of the Penal Code, Chapter 224, 2008 Rev. Ed. punishable under section 324 read with section 73.

Charge 2

You, Lao Gu Por NRIC 4987567G, are charged that you, on 21 November 201X-1, at about 4:15 p.m., at 1890 Coronation Drive South, Singapore 076675, did voluntarily cause hurt to your domestic maid, Mercy Bonifacio FIN 4987567H, by scalding her with a hot iron, and you have thereby committed an offence under section 321 of the Penal Code, Chapter 224, 2008 Rev. Ed., punishable under section 323 read with section 73.

**General Notes**

***Examination in Chief***

1. The Confidential Statements of both the Prosecution Witness and the Accused are provided only to furnish the background facts for this case and do not form a formal part of the evidence. Counsel are not permitted to make reference to them as admitted documents during examination-in-chief.
2. The examination-in-chief of each witness must be based on their respective Confidential Statements. As time for examination-in-chief is limited, witnesses are not required to give evidence of the *entire* contents of the confidential statements. However, the key facts sufficient to meet the respective legal burdens of proof must be covered.
3. Witnesses *may not* depart from the Confidential Statements when giving their evidence. Some embellishment is permitted but the *key* facts must be as set out in each of the respective Confidential Statements. No embellishment which contradicts key facts will be permitted. In the event that any counsel believes that extreme embellishment has occurred, such complaints must be communicated to the mock trial judge as soon as possible.

*This Mock Trial Problem was created by Lim Lei Theng for the Advocacy Cup Competition 2005 and updated for use in 2019.*

### ***Cross Examination***

4. For the purposes of Cross Examination, it shall be assumed that the *entire* contents of the Confidential Statements have been adduced during evidence-in-chief.
5. During Cross Examination, reference may be made to the Confidential Statements by referring to them as the Notes of Evidence.
6. In the event that the evidence of a witness during examination-in-chief departs materially from the contents of the Confidential Statements, it shall be assumed that the contents of the Confidential Statements was adduced during evidence-in-chief. This means that a witness cannot be impeached or questioned on the basis of any contradiction between the testimony given during the trial and the contents of the Confidential Statements.
7. Assume that when the Prosecution Witness gives evidence, all the evidence from other prosecution witnesses has already been adduced. Assume that the Accused is the first defence witness to give evidence, but that at the end of the trial, all the evidence for the defence has been adduced.

## **CONFIDENTIAL STATEMENT 1**

### ***Statement of Mercy Bonifacio to Prosecution***

1. My name is Mercy Bonifacio. I am 56 years old. I am a Filipina and I have been working as a maid in Singapore for more than 20 years. My only job in Singapore ever since I started work was with the Lao family at 1890 Coronation Drive South.
2. When I started, the Lao family was 7 people, Mr and Mrs Lao and 5 children. The old Sir and Mam passed away 5 years ago. All the children have grown up, got married and moved away, except for the oldest daughter Mdm Lao Gu Por. I call her Mdm Lao Gu, because she is the oldest daughter.
3. For the last 5 years, I have been working only for Mdm Lao Gu. I did all the work in the house. I cooked for her, I cleaned the house, I did all the gardening, I looked after the 3 dogs.
4. Mdm Lao Gu works during the day as an Accounts Clerk. Every morning, I wake up at 5 am to make her fresh porridge for breakfast, and prepare her lunch, which she brings to work. I also wake up at 5 am on Saturdays and Sundays to prepare Mdm Lao Gu's breakfast.
5. When she comes home after work, she wants to be looked after. I have to carry her bag to her room, make her a hot drink and bring her slippers to her. Then I have to prepare her dinner. Even on my days off, I need to be home by 5 pm to prepare her dinner.

6. I have to prepare all of Mdm Lao Gu's meals and all her drinks. Sometimes if she thinks that the dogs are smelly, I will have to wash them even though I had already washed them that same day. I also cut Mdm Lao Gu's nails and hair for her, and give her massages whenever she requests.
7. Around May 201X-1, the youngest member of the family, Alex Lao, came back from the United States with his wife and 3 young children. He had been working there, and he is now working in Singapore. He is the owner of the house and he is my Sir.
8. Sir told me that his wife is my new Madam, and I should listen to her. I enjoy looking after his children. They are very good and much better behaved than Mdm Lao Gu. They are 10, 7 and 4 years old.
9. My Madam is very good. She allowed to me take every Sunday off. Before she came, when Mdm Lao Gu was in charge, I could only take one Sunday off a month.
10. Madam also told me that I should do no work on Sunday, not even make breakfast.
11. Madam also hired a part time maid to help with the house and laundry, and a gardener.
12. Mdm Lao Gu was not happy about the changes that Madam made. She did not dare to tell Madam or Sir. Madam and Sir are at work the whole day and sometimes come home late, so Mdm Lao Gu was still in charge when Madam and Sir were not around.
13. Mdm Lao Gu started to scold me all the time. She accused me of being clumsy and slow. When she asked me to prepare a drink for her, she would go into her room and lock it, so that when the drink was ready, I had to knock on her door and wait for her to open it. Then she would complain that the drink was cold.
14. Sometimes, Mdm Lao Gu would slap me for being slow. When I was feeding the youngest child his dinner one night, she asked me to cut some fruits for her. I could not do it right away because the child needed my attention. So I told her that I needed to finish feeding him his dinner before I could cut her fruits. She asked me to go to the kitchen, and then slapped me on the face. She screamed at me for being slow and naughty. My Madam and Sir were not home at the time and did not see this happen.
15. I cannot remember the exact date that all these things happened, but they happened about once a week. I did not complain to my Sir and Madam because I love the children and I want to stay with the family. They both work very hard and sometimes are not at home, so they have not seen the way Mdm Lao Gu behaves.
16. Saturday, 20 November 201X-1 was my birthday. Madam told me that I could go out on that day. She also said that I did not have to rush home because she had made arrangements for everyone, including Mdm Lao Gu, to go out for dinner.
17. I went out and enjoyed a good day with my friend.

18. When I came home that night at about 10 p.m., Mdm Lao Gu was in my room waiting for me. When she saw me, she started to scream. She said that she did not have dinner because I was not home to cook. She also said that my Madam always said that I had to be back by 9 p.m. and I was late. She said that I should be punished. She told me I cannot have my day off the next day because I have to iron all her clothes.
19. No one heard her screaming, because the house is very big and Madam, Sir and the children have their bedrooms upstairs.
20. I was very upset by the scolding but I said okay to Mdm Lao Gu. I wanted her to go away.
21. The following day, Madam and Sir went out very early with the children and I did not have a chance to talk to them. I had made arrangements to meet my friend, so I went out in the morning, while Mdm Lao Gu was at church, to tell my friends not to wait for me. I got home about 2:30 p.m. and started ironing all of Mdm Lao Gu's clothes.
22. At about 4 p.m. Mdm Lao Gu came home. She had a container of hot soup with her. I recognized the package. It is turtle soup from her favourite stall. She always likes to drink this turtle soup. She came in to my room tell me to pour the soup into a bowl for her to drink, and saw that I was still ironing. She demanded to know why I was still ironing when it was so late.
23. When I told her that I only started ironing at about 2:30 p.m., she started to scream at me again.
24. She opened the container of hot soup and threw it at my face. It was very hot and oily and burned me on the cheek and neck. Then she picked up the iron and put it on my left thigh. I was wearing shorts, so the iron went directly on my skin. I tried to move away but she grabbed hold of me and did not allow me to move. It hurt very much. After that she told me to clean up the mess before my Sir and Madam came home and went to her room.
25. My face and my leg were in a lot of pain. I was afraid, so I cleaned up the mess and then I tried to wash my face and my arm. I saw blisters coming out and I was very frightened. I telephoned the doctor that I always go to, Dr Constance Tee. She has always told me that I can call her anytime because she lives above her clinic and she can open her doors for me any time. Dr Tee came to see me right away.
26. Dr Tee told me that my scars will go away. She did not ask me to go to the hospital. I made a police report three days later. I am still working with the Lao family, but I am very afraid of Mdm Lao Gu. My Sir has asked Mdm Lao Gu to move into one of his sister's homes. I am very happy now.

## **CONFIDENTIAL STATEMENT 2**

### ***Statement of Lao Gu Por to Defence Counsel***

1. My name is Lao Gu Por and I am 45 years old. I am a spinster and I now live with my sister and her family at Blk 6783, Bedok Reservoir Road #09-578, Singapore 867485.
2. I am an Accounts Clerk with a small manufacturing company in Woodlands. My highest educational qualification is “O” Levels.
3. I moved to my sister’s house after my maid falsely accused me of hurting her. I used to live with my brother and his family in our family home at 1890 Coronation Drive South. This is the home that I grew up in.
4. My maid, Mercy Bonifacio, has been with the family for about 20 years. She came to work for us when my parents were still alive. When my parents passed away 5 years ago, I was left to manage the household affairs. At that time, I was the only one left in the house because my 2 sisters and 1 brother had all married and moved away.
5. In May 201X-1, my brother Alex moved back into the house with his family. The house was left to him in my father’s will. So, he is the owner. His wife took over the household affairs. It was the turning point in Mercy’s attitude towards me. Where formerly she was obedient and attentive, she started to be lazy. She had been trained well by my mother and I to be obedient and quick in her work. This was going well for 20 years. After my sister-in-law took over, Mercy became ill-mannered and rude and always answered back to me.
6. I lost my temper with her a few times, but controlled myself because she was helping us after all.
7. Mercy is a very clumsy person. Ever since she has started working for us, she has broken countless plates, cups and bowls. She once even broke a window. This was before my parents passed away. She was fine when it was just me and her in the house, because I trained her well. Then when my sister-in-law took over, Mercy started to break things again, and it always seemed like she was breaking things that belonged to me. I scolded her many times.
8. Mercy is also accident prone. I have kept copies of the medical receipts from the countless visits to the doctor she had had because of her clumsiness. I requested the doctor that Mercy always goes to, Dr Constance Tee, to write a report based on her medical records. Dr Tee has told me that she is willing to be a witness for me but she cannot because of patient confidentiality. You must get the reports for me as my Defence Counsel.
9. Two of the most serious accidents Mercy has had are when she scalded herself with hot water and hot oil. Some time in 201X-10, she was pouring hot water from the kettle into the flask and accidentally poured it all over her own foot. She had to have her foot bandaged. Another time, in 201X-5, she burnt herself with hot oil after she had finished deep-frying some food for me.

10. Mercy has accused me of burning her with hot soup and with an iron. I did no such thing. This is what happened.
11. Saturday 20 November 201X-1 was Mercy's birthday. The day before her birthday, I bought her a blouse and gave her a \$20 ang pow. I always give her a present and an ang pow on her birthday.
12. On the morning of Saturday 20 November 201X-1, my sister-in-law told me that she and my brother and the children were going out for dinner that night. My sister-in-law asked me to join them. I told them I was not feeling well and that I did not want to go. My sister-in-law told me that she had given Mercy the day off.
13. That day, I was alone at home all day. I did not have breakfast or lunch, because I did not want to go out. I assumed that, like every day for the past 20 years, Mercy would come home to cook dinner for me.
14. I did not have dinner that night. I waited and waited for Mercy to come home to cook for me and she did not come home. I had to make do with some biscuits. I cannot cook.
15. I was so angry that I waited for her in her room. She did not come home until 10 p.m. It was one hour beyond her curfew which my sister-in-law set for her Sundays off. I thought it was too much and told her that she would be punished. Because she was so naughty, she had to iron all my clothes again. I also wanted her to do this because she has not been ironing my clothes properly.
16. The next day was a Sunday and I went to church as usual. As usual, Mercy had gotten up at 5 am to make my breakfast and my lunch, which I brought to church.
17. That afternoon, before I went home, I dropped by my favourite turtle soup stall and bought turtle soup for myself as a snack. I like this turtle soup because it is piping hot, and it comes in a special container that keeps it hot even though it takes me about 10 minutes to get home from the stall.
18. I got home at about 4 p.m. and found Mercy ironing my clothes in her room. I do not have so many clothes that she would be ironing all day. The last time she ironed all my clothes for me as a punishment, she finished in 4 hours. So, I asked her why she was taking so long with the ironing.
19. Mercy had to cheek to tell me that she only started ironing at about 2:30 p.m. and that she had gone out in the morning against my express instructions. I was so angry I swung the package of soup that I had in my hand against the cupboard next to Mercy. I did not know that this would cause the container of soup to open up. The soup splashed all over her face. It was hot and she screamed, so I ran to get water to splash on her. I tripped over the electric cord for the iron, and the iron fell on her thigh. It only grazed her thigh, but she screamed and screamed.

20. I was so frightened, I called Dr Tee on the telephone. Dr Constance Tee is my family doctor and we know each other so well that she has told me that I can call her anytime. I told Dr Tee that Mercy had injured herself. She came immediately to treat Mercy and told Mercy to rest for a few days. Mercy was not so badly injured that she had to go to hospital.
21. Three days later, my brother told me that Mercy had made a police report. He advised me to move out.
22. I did not voluntarily cause hurt to Mercy. It was an accident. I have known her for so long, and have treated her so well. Otherwise she would not stay with us for 20 years. I want to talk to her, but she refuses to talk to me. Now because of her, I cannot live in my own home. I am very upset, and very sorry to her, but I did not cause her harm. I do not want to go to jail.

### **STATEMENT 1**

#### **Statement of Witness for the Prosecution – Dr Constance Tee**

1. My name is Constance Tee and I run the Tee Clinic in Dutch Village, a 5 minute walk from Coronation Road South. I give evidence under subpoena from the Public Prosecutor's Office.
2. Mercy Bonifacio has been my patient for 20 years. My records of her go back to the first medical check-up she received when she first came to Singapore.
3. From my records, over the last 20 years, I have treated Mercy 7 times for household accidents.
  - a. On 6 December 201X-14, I treated Mercy for a deep cut on her left thumb caused that required 3 stitches.
  - b. On 8 August 201X-12, I treated Mercy for a sprained ankle and bruising on her hips and ribs because she had fallen down the stairs. I gave her two days' MC. When I reviewed her on 11 August 201X-12, she said that she had been working because Mdm Lao Gu did not give her a break.
  - c. On 24 February 201X-10, I treated Mercy for scalding by hot water on her left foot. There were second degree burns. When I reviewed her on 27 February 201X-10, the wounds were infected. She claims it was because she had to continue washing the car and dogs. I gave her antibiotics.
  - d. On 4 June 201X-5, I treated Mercy for third degree burns with hot oil on her left arm. I reviewed her on 6 June 201X-5, 9 June 201X-5 and 13 June 201X-5. Each time she said that she was not given time off to heal.
  - e. On 3 October 201X-4, I treated Mercy for scalding by hot water on her right foot. I reviewed her on 6 October 201X-4. She did not return for the review scheduled on 10 October 201X-4.
  - f. On 5 March 201X-3, I treated Mercy for deep lacerations to her knees. She had been dragged by the 3 dogs while she was walking them.

- g. On 8 September 201X-2, I treated Mercy for a broken left arm. She had fallen down the garden steps because they were slippery.
4. On 21 November 201X-1, I received a call on my mobile phone at about 4:30 p.m. It was Mdm Lao Gu. She told me that Mercy had hurt herself and that she needed me to go over to their house immediately. This was the first time that I was asked to do a house call for the Lao family.
  5. I arrived 5 minutes later. I did not see Mdm Lao Gu. Mercy opened the door for me. She was crying. She had oil scald burns on her right cheek and the right side of her neck. She also had a burn on her left thigh. The burn on her thigh is in the shape of an iron. I gave Mercy first aid and recommended that she goes to the hospital. She refused to go. She was in such pain that I needed to give her an injection.
  6. While I was treating her, I asked her what happened. She told me it was an accident and would not say anything more. I treated her in her room, and she sat on her bed as I was cleaning her wounds, applying antiseptic cream and bandaging her.
  7. Her room was clean and spotless. There was an ironing board leaning against a wall and freshly ironed clothes on a rack. The iron was resting on its rack nailed to the wall. It felt warm to the touch, but not hot.
  8. I left after treating her and told her to come and see me in three day's time for follow-up. She came to see me on the appointed day at about 12 noon. I asked her again what happened and she refused to tell me anything. So I counseled her and told her that if she had been hurt by someone, she should make a police report. She nodded but said nothing.
  9. In my professional opinion, I cannot definitively state whether Mercy's injuries were self-inflicted, caused by an accident or caused deliberately.

## **STATEMENT 2**

### **Statement of Witness for the Prosecution – Sharon Lao-Liau**

1. My name is Sharon Liau and I am married to Alex Lao. Mercy is my maid and the accused is my sister-in-law.
2. On 20 November 201X-1, I gave Mercy the day off because it was her birthday. I asked my sister-in-law to join my husband and I for dinner to give Mercy a break from having to cook dinner. My sister-in-law did not want to come. I asked her to get dinner for herself because Mercy was out for the day. My sister-in-law did not say anything.
3. I do not know what time Mercy came home that night.

4. The following day, we all went to church, including my sister-in-law. After church, my husband and I and the children went out for a movie while my sister-in-law went home. When we got home late that night and went directly to our rooms.
5. We did not know until the next day that Mercy was hurt. I only knew when I saw at breakfast that she had raw red marks and blisters on her cheek and her leg was bandaged. I asked her what happened and she said she had an accident.
6. Even though I pressed her to tell me how the accident happened, she refused to tell me. I had to go to work, but I arranged for my children to spend time at my mother's house for the next few days so that Mercy could rest. I told Mercy to do no more work for one week. I also told my sister-in-law that Mercy had to rest until she had recovered.
7. It was not until three days later that I received a telephone call from the police. They told me that Mercy had made a police report.
8. I cannot believe that my sister-in-law would hurt Mercy. But because Mercy was so afraid of my sister-in-law, my husband and I asked my sister-in-law to move out until everything is settled.

### **EXHIBIT 1**

Statement made by Mercy Bonifacio to PC Chin Hoe Lang of Ghim Moh Police Station on 24<sup>th</sup> November 201X-1 at 3:30 p.m.

1. My name is Mercy Bonifacio. I am 56 years old. I am a Filipina. I work at 1890 Coronation Drive South.
2. My employer is Alex Lao. His sister, Lao Gu Por lives in the same house.
3. On 21 November 201X-1, Lao Gu Por scalded me with hot soup. She was angry with me because I was slow. She wanted to hit me with a plastic bag with hot soup inside. She swung the bag at me, it broke and hot soup came out. It burned my cheeks and neck. Then she took an iron and pressed it to my leg. It was very painful.
4. I want to make a complaint but I do not want to move out of the house because I love my Sir and Madam's children and I want to work for them.
5. I thought about this for 3 days and decided to make this police report, because I am very afraid of Lao Gu Por. I want her to leave, but I want to keep working for the Lao family.

### **EXHIBIT 2**

Records of WhatsApp messages found on Mercy Bonifacio's mobile phone on 24<sup>th</sup> November 201X-1 at 3:45 p.m.

20-Nov-201X-1

23:40:40

Mercy : I cannot work with this woman anymore. She wants to control everything that I do.  
How to get rid of her?

20-Nov-201X-1

23:41:45

Maria : Don worry. Find way to complain about her. Have number for embassy and MOM.  
You want?

20-Nov-201X-1

23:44:45

Mercy : But I love Sir and Madam and the children. Don't want them to get into trouble.

21-Nov-201X-1

00:24:33

Maria : We think of something. Meet 9 am, the usual place.

21-Nov-201X-1

00:28:43

Mercy : Good idea. See you 9 am.

21-Nov-201X-1

15:00:56

Maria : Good luck. Short pain to take care of long pain.

*There are no further messages after this one.*

- END -