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Chong loses 'black hole' appeal, court increases total payable to RM500,000

KUCHING: The Court of Appeal here has dismissed DAP Sarawak chairman Chong Chieng Jen's appeal against the High Court's ruling in the 2013 'black hole' defamation suit and doubled the damages awarded.

The three-member bench comprising Justices Datuk Mohamed Zaini Mazlan, Datuk Ismail Rahim, and Muniandy Kannyappan delivered the decision via Zoom while allowing the cross-appeal by the plaintiffs: the Sarawak government, and Sarawak Financial Authority (SFA).

As a result, the damages awarded by the High Court were increased from RM150,000 to RM300,000.

The court also awarded RM150,000 in costs for the appeal, while the High Court costs of RM50,000 remained unchanged, bringing the total amount payable by Chong to RM500,000.

Chong was represented by counsels Michael Kong Feng Nian, Chong Siew Chiang, Brenda Chong Yan Ni, Sharon Lo Min Hui, and Chong Hong Hien.

The government and SFA was represented by senior state counsel Adzrul Azlan, who was assisted by Felicity Sharmela Thomas.

Following yesterday's decision, Chong said that he was 'contemplating to appeal further to the Apex Court' subject to the advice of his legal counsel.

In 2013, Chong, who was then-Kota Sentosa assemblyman, alleged in DAP Sarawak pamphlets that RM11 billion from the state's coffers had disappeared into a 'black hole', implying financial mismanagement by the Sarawak government and the SFA.

The plaintiffs subsequently filed a defamation suit against him. The trial was heard from Jan 7 to July 5, 2021.

On Aug 30, 2022, then Judicial Commissioner Datuk Alexander Siew How Wai ruled in favour of the plaintiffs, but did not provide written grounds for the judgment.

Chong filed his appeal on Nov 27, 2022.

However, the appeal could not proceed as the grounds of judgment had yet to be issued.

On Aug 12 last year, the Court of Appeal directed Siew to deliver the grounds of judgment within one month.

Chong received the written grounds of judgment from the High Court Registry on Sept 19 last year, paving the way for his appeal to be heard.