



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SECOND DIVISION

The People of the Philippines,
Plaintiff,

SB-13-CRM-0791

For: Violation of Article 315,
paragraph (1), sub-paragraph (b) of
the Revised Penal Code (*Estafa*)

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Pahimna, J.

Alfredo Yap Po,
Accused.

Promulgated:
June 3, 2019

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RESOLUTION

HERRERA, JR., J.:

The Court, in a **Decision**¹ promulgated on March 22, 2019, found accused Alfredo Y. Po guilty beyond reasonable doubt of **Estafa**, as charged in the **Information** dated June 28, 2013. In the penultimate paragraph of the dispositive portion of the aforesaid decision, however, the Court **inadvertently** sentenced him to an indeterminate penalty of imprisonment of “two (2) months and one (1) day of **arresto mayor medium**, as minimum, to four (4) months and one (1) day of **arresto mayor maximum**, as maximum.” The **Indeterminate Sentence Law** is inapplicable if the penalty is less than one (1) year.²

WHEREFORE, pursuant to the Court’s inherent power³ to amend its process and orders so as to make them conformable to law and justice,

¹ Record, Vol. 2, pp. 836-856

² Section 2, Act No. 4103, as amended

³ Section 5(g), Rule 135, Revised Rules of Court

the penultimate paragraph of the dispositive portion of the **Decision** dated March 22, 2019 is hereby amended to henceforth read as follows:

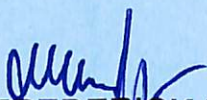
“Pursuant to the directive of the Supreme Court in **Hernan vs. The Honorable Sandiganbayan** mandating the application of the said new legislation to the benefit of an accused and taking into consideration the following: the absence of any aggravating circumstance and the presence of a mitigating circumstance, i.e., accused’s voluntary surrender, he is hereby sentenced to suffer the penalty of imprisonment of four (4) months and one (1) day of *arresto mayor*.”

xxx.”

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice