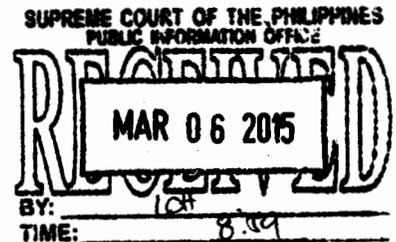




Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE



Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **FEBRUARY 17, 2015**, which reads as follows:

“A.M. No. RTJ-14-2379 [Formerly A.M. No. 13-3-51-RTC] (Office of the Court Administrator vs. Executive Judge Hermogenes C. Fernandez, RTC, San Carlos City, Pangasinan, Emmanuel D. Austria, Sheriff IV, and Angelito Dixon Dispo, Clerk III, Office of the Clerk of Court, RTC, San Carlos City, Pangasinan). – Upon a finding that respondent Judge Hermogenes C. Fernandez (Judge Fernandez) of the Regional Trial Court (RTC) of San Carlos City, Pangasinan was not motivated by bad faith or ill motives in transferring the foreclosure sale, this Court ruled to dismiss the charges of gross ignorance of the law and/or improper conduct against Judge Fernandez.¹

In the same manner, the charges of gross ignorance of the law and/or improper conduct against Emmanuel D. Austria (Sheriff Austria), Sheriff IV and Angelito Dixon Dispo, Clerk III of the Office of the Clerk of Court, RTC, San Carlos City, Pangasinan should likewise be dismissed for lack of merit. Records show that at the time of the filing of the application for foreclosure, the petition and its attachments show that the property subject of the foreclosure is located in *Barangay Poponto*, Municipality of Bayambang which is part of the territorial jurisdiction of the RTC of San Carlos City, Pangasinan.² During the posting of the Notice of Extra-Judicial Sale, however, they discovered that *Barangay Poponto* is no longer part of the Municipality of Bayambang but of the Municipality of Bautista which is under the territorial jurisdiction of the RTC of Villasis, Pangasinan.³ Considering the circumstances of the instant case, there is no showing that the respondents’ errors were tainted with bias or partiality, fraud, dishonesty, bad faith, deliberate intent to do an injustice, or gross ignorance. Moreover, the records show that on May 17, 2013, Sheriff Austria has already refunded

¹ Court Resolution dated August 5, 2014.

² *Rollo*, pp. 10-12.

³ *Id.* at 25.

February 17, 2015

the amount for the cost of publication paid by complainant Dr. Rafael M. Valdez.⁴

WHEREFORE, premises considered, the charges of gross ignorance of the law and/or improper conduct against respondents Emmanuel D. Austria, Sheriff IV and Angelito Dixon Dispo, Clerk III, Office of the Clerk of Court, RTC of San Carlos City, Pangasinan, are likewise **DISMISSED** for lack of merit. This administrative case is deemed **CLOSED** and **TERMINATED.**" Brion, J., on leave. Jardeleza, J., on official leave. (adv27)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court 

-OV-

Court Administrator

Hon. Jose Midas P. Marquez (x)

Deputy Court Administrators

Hon. Raul B. Villanueva (x)

Hon. Jenny Lind R. Aldecoa-Delorino (x)

Hon. Thelma C. Bahia (x)

Supreme Court

Atty. Caridad A. Pabello (x)

Chief, Office of Administrative Services

Atty. Lillian Barribal-Co (x)

Chief, Financial Management Office

Atty. Marina B. Ching (x)

Chief, Court Management Office

Atty. Wilhelmina D. Geronga (x)

Chief, Legal Office

OCA, Supreme Court

Judicial and Bar Council

HON. ANGELINA SANDOVAL GUTIERREZ (x)

HON. AURORA SANTIAGO LAGMAN (x)

HON. JOSE V. MEJIA (x)

HON. MA. MILAGROS N. FERNAN-CAYOSA(x)

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Supreme Court

Public Information Office (x)

Library Services (x)

Supreme Court

[FOR UPLOADING PURSUANT TO A.M. No. 12-7-1-SC]**A. M. No. RTJ-14-2379**

kat 2/17/15 [adv27] 2/27/15

Hon. Andres B. Reyes, Jr. (x)

Presiding Justice

Associate Justice Rebecca De Guia-Salvador (x)

Court of Appeals, Manila

Executive Judge Hermogenes C. Fernandez (reg)

Clerk of Court VI Alejandra Paningbatan (reg)

Sheriff IV Emmanuel D. Austria (reg)

Clerk III Angelito Dixon C. Dispo (reg)

Office of the Clerk of Court

Regional Trial Court, San Carlos City

Pangasinan

The Executive Judge (reg)

Office of the Executive Judge

Regional Trial Court, Villasis, Pangasinan

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