

CEFERINO TAVORA, RECURRENTE, CONTRA PEDRO OFIANA, RECURRIDO.

G.R. No. L-2431. May 23, 1949

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PABLO, M.:

"QUO WARRANTO"; FUNCIONARIOS PUBLICOS; PRESCRIPCIONES.—Aun en la hipotesis de que el recurrente no hubiera dejado de ser juez de paz y que el recurrido haya usurpado ilegalmente el cargo, su accion de quo warranto ya es ineficaz puesto que ha hecho transcurrir mas de 2 años, a contar desde el dia en que el recurrido tomo posesion del cargo hasta la presentacion de la solicitud en esta causa. El articulo 16 de la regla 68 dispone que "No existe en esta regla nada que deba interpretarse en el sentido de * * * autorizar accion alguna contra un funcionario para despojarle de su cargo, a menos que la misma se incoare dentro de un año despues de haber dado lugar a tal despojo o despues de haber nacido el derecho del demandante a ocupar el cargo.

Moran, Pres., Paras, Feria, Bengzon, Tuason, y Reyes, MM., estan conformes.

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