

## THIRD DIVISION

[ G.R. No. 153652, January 16, 2004 ]

**ALFREDO YASAY DEL ROSARIO, PETITIONER, VS. SPS. JOSE E. MANUEL AND CONCORDIA MANUEL, REPRESENTED BY ATTORNEY-IN-FACT, PATRICIA ARIOLA, RESPONDENTS.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

This is a petition for review on certiorari assailing the Court of Appeals Decision dated May 22, 2002 in CA-G.R. SP No. 67902, entitled "*Alfredo Yasay del Rosario, petitioner vs. Sps. Jose and Concordia Manuel, represented by Attorney-in-fact, Patricia Ariola, MTC, Fourth Judicial Region, San Mateo, Rizal, and RTC, Fourth Judicial Region, Branch 77, San Mateo, Rizal.*"

On August 12, 1999, spouses Jose and Concordia Manuel, respondents, filed with the Municipal Trial Court (MTC), San Mateo, Rizal a complaint<sup>[1]</sup> for unlawful detainer against Alfredo Yasay del Rosario, petitioner, docketed as Civil Case No. 1360. They alleged that they are the true and lawful owners of a 251 square meter lot located at Sta. Ana, San Mateo, Rizal. Because of their compassion, they allowed petitioner, whose house was destroyed by a strong typhoon, to occupy their lot. They agreed that he could build thereon a temporary shelter of light materials. But without their consent, what he constructed was a house of concrete materials.

In 1992, respondents asked petitioner to vacate the lot. This was followed by repeated verbal demands but to no avail, prompting them to bring the matter to the barangay. But the parties failed to reach an amicable settlement. On June 25, 1999, the barangay chairman issued a Certification to File Action.

In his answer to the complaint, petitioner claimed that sometime in 1968, respondents allowed him to build his house on the lot, provided he would guard the premises to prevent landgrabbers and squatters from occupying the area. In 1995, when respondents visited this country, they agreed verbally to sell the portion on which his house was constructed. A year later, he made an offer to buy the 60 square meter portion occupied by him and to spend for its survey. But what respondents wanted to sell was the whole area containing 251 square meters. He then informed them that he would first consult his children and they said they will wait. Instead, they filed the instant complaint.

On September 22, 2000, the trial court rendered a Decision in favor of respondents, thus:

"WHEREFORE, premises considered, judgment is hereby rendered in favor of the plaintiffs-spouses Jose and Concordia Manuel represented by their attorney-in-fact Patricia Ariola and against defendant Alfredo Yasay