

FIRST DIVISION

[G.R. No. 121241, December 10, 1997]

**FURUSAWA RUBBER PHILIPPINES, INC., PETITIONER, VS. HON.
SECRETARY OF LABOR AND EMPLOYMENT AND FURUSAWA
EMPLOYEES UNION-INDEPENDENT (FEU-IND), RESPONDENTS.
D E C I S I O N**

BELLOSILLO, J.:

This petition for certiorari assails the resolution of respondent Secretary of Labor and Employment dated 28 June 1995 which affirmed the order of the Med-Arbiter dated 3 April 1995 allowing a certification election to be conducted among the regular rank and file employees of petitioner Furusawa Rubber Philippines, Inc., (FURUSAWA). The subsequent order of the Secretary of Labor dated 26 July 1995 denying petitioner's motion for reconsideration is likewise challenged herein.

On 8 March 1995 private respondent Furusawa Employees Union - Independent (FEU-IND) filed a petition for certification election among the rank and file employees of Furusawa Rubber Philippines, Inc., a domestic corporation engaged in the manufacture of rubber and other related products for export. On 3 April 1995 petitioner herein moved to dismiss the petition for certification election on the ground that respondent FEU-IND was not a legitimate labor organization not having complied with all the requisites of law.

The main issue presented by petitioner was whether a photocopy of its certificate of registration submitted by the petitioning union which has not been duly authenticated and not supported by any other documentary evidence constitutes conclusive proof that FEU-IND has acquired legitimate status and therefore entitled to pursue its petition for certification election.

On 3 April 1995 the Med-Arbiter ruled in the affirmative thus -

It appearing from the records of the case that the petitioner union is a legitimate labor organization as evidenced by the attached xerox copy of the certificate of registration, the instant petition therefore is hereby given due course.

WHEREFORE, premises considered, it is hereby ordered that a certification election be conducted among the regular rank and file employees of Furusawa Rubber Philippines Corporation. The eligible voters shall be based on the Company payroll three (3) months prior to the filing of the petition. The representation Officer of this Office is hereby directed to conduct the usual pre-election conference.

The choices in the certification election are as follows: (1) Furusawa Employees Union - Independent (FEU-IND); and, (2) No union.^[1]

FURUSAWA appealed to the Secretary of Labor but the latter affirmed the order of the Med-Arbiter. On 13 July 1995 FURUSAWA moved for a reconsideration but the motion was again denied.

The main contention of petitioner is that FEU-IND is not a legitimate labor organization so that, under the law, it could not file a petition for certification election. The basis of this argument is the failure of the petitioning union to submit an original copy of its certificate of registration.

We cannot sustain petitioner. We agree with respondent Secretary of Labor and Employment that FEU-IND is a legitimate labor organization. As such, it enjoys all the rights and privileges recognized by law.^[2] The fact that FEU-IND has been issued Certificate of Registration No. RO-400-9502-UR-003 by Regional Office No. 14 of the Department of Labor and Employment (DOLE) is sufficient proof of its legitimacy. The presentation of the xerox copy of the certificate of registration to support its claim of being a duly registered labor organization instead of the submission of the original certificate is not a fatal defect and does not in any way affect its legitimate status as a labor organization conferred by its registration with DOLE. The issuance of the certificate of registration evidently shows that FEU-IND has complied with the requirements of Art. 234 of the Labor Code. The requirements for registration being mandatory, they are complied with before any labor organization, association or group of unions or workers acquires legal personality and be entitled to the rights and privileges granted by law to legitimate labor organizations.

One of the rights of a legitimate labor organization is to represent its members in collective bargaining agreements; ^[3] also, to be certified as the exclusive representative of all employees in an appropriate unit for purposes of collective bargaining. ^[4] Hence the petition of FEU-IND, as a legitimate labor organization, for certification election may rightfully be granted.^[5]

FEU-IND filed a petition for certification election precisely to determine the will of the employees for purposes of collective bargaining. Basically, a petition for certification election is principally the concern of the workers. ^[6] The only exception is where the employer has to file a petition for certification election so that it can bargain collectively as mandated by Art. 258 of the Labor Code. Thereafter, the role of the employer in the certification process ceases. It becomes merely a by-stander. In one case this court ruled that since the petition for certification election was filed by a legitimate labor organization under Art. 258 of the Labor Code, the employer should not have involved itself in the process. ^[7]

To circumvent the law on the fundamental right of the workers to self-organization would render such constitutional provision meaningless. Section 3, Art. XIII, of the 1987 Constitution underscores the right of the workers to organize with others or to join any labor organization which he believes can assist and protect him in the successful pursuit of his daily grind. The choice is his. Any attempt on the part of management or employers to curtail or stifle this right of the workers will be