

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
FIRST DIVISION**

**FURUSAWA RUBBER PHILIPPINES,
INC.,**

Petitioner,

-versus-

**G.R. No. 121241
December 10, 1997**

**HON. SECRETARY OF LABOR AND
EMPLOYMENT and FURUSAWA
EMPLOYEES UNION-INDEPENDENT
(FEU-IND),**

Respondents.

X-----X

DECISION

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 31 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 deemed unconstitutional and considered as unfair labor practice on the part of management. Briefly, this right to self-organization is a fundamental right — to give the workers the freedom to form or join any labor organization voluntarily without fear of suppression or reprisal from management. PD No. 828 encourages trade unionism to supplement and strengthen the exercise of the workers' right to self-organization.^[8]

We quote with emphasis our ruling in *Filipino Metal Corp. vs. Ople*,^[9] that —

This Court has authoritatively laid down the controlling doctrine as to when an employer may have an interest sufficient in law enabling him to contest a certification election. There is relevance to this excerpt from *Consolidated Farms, Inc. vs. Noriel* (No. L-47752, 31 July 1978, 84 SCRA 469 473.): “The record of this proceeding leaves no doubt that all the while the party that offered the most obdurate resistance to the holding of a certification election is management. That circumstance of itself militated against the success of this petition. On a matter that should be the exclusive concern of labor, the choice of a collective bargaining representative, the employer is definitely an intruder. His participation, to say the least, deserves no encouragement. This court should be the last agency to lend support to such an attempt at interference with a purely internal affair of labor.” (Emphasis supplied.)

Petitioner FURUSAWA further argues that the Med-Arbiter ignored the fact that FEU-IND does not represent at least 20% of the

employees in the bargaining unit which it seeks to represent. Public respondent however has found the petition to be sufficient in form and substance, there being compliance with the required 20% support signatures. Article 257 of the Labor Code provides that in an unorganized establishment where there is no certified bargaining agent, a certification election shall automatically be conducted by the Med-Arbiter upon filing of a petition by a legitimate labor organization for a certification election.^[10]

The alleged termination of the union members who are signatories to the petition for certification election was not substantiated by hard evidence. It in fact further indicated the need to hold such certification election which is the best and most appropriate means of ascertaining the will of the employees as to their choice of an exclusive bargaining representative. That there are no competing unions involved should not alter this means, the freedom of choice by the employees being the primordial consideration and the fact that the employees can still choose between FEU-IND and NO UNION.^[11] Moreover, even on the assumption that the evidence is clearly insufficient and the number of signatories less than 30%, in this case, 20% this cannot militate against the favorable response to such petition for certification election.

We find no merit in the petition. The issue on the legitimacy of the petitioning union should be settled in its favor. The submission of a xerox copy of the union's certificate of registration to prove its legitimacy is sufficient, hence, the Med-Arbiter correctly granted the petition for certification election. As it has been held in a long line of cases, a certification proceeding is not a litigation in the sense that the term is ordinarily understood, but an investigation of a fact-finding and non-adversarial character. It is not covered by the technical rules of evidence. Thus, as provided in Art. 221 of the Labor Code, proceedings before the National Labor Relations Commission are not covered by the technical rules of evidence and procedure. The court has already construed Art. 221 of the Labor Code in favor of allowing the NLRC or the labor arbiter to decide the case on the basis of position papers and other documents submitted without resorting to technical rules of evidence as observed in regular courts of justice.^[12] Indeed, the technical rules of evidence do not apply if the decision to grant the petition proceeds from an examination of its sufficiency as

well as a careful look into the arguments contained in position papers and other documents. In this regard, the factual findings of the Med-Arbiter appear to be supported by substantial evidence, hence, we must accord them great weight and respect.

Under the premises, or at the very least, when conflicting interests of labor and capital are to be weighed on the scales of social justice, the heavier influence of the latter should be balanced by sympathy and compassion which the law must accord the underprivileged worker. This is only in keeping with the constitutional mandate that the State shall afford full protection to labor.^[13]

WHEREFORE, the instant petition is **DISMISSED**. The assailed resolution and order dated 28 June 1995 and 26 July 1995, respectively, of respondent Secretary of Labor and Employment are **AFFIRMED**.

SO ORDERED.

Davide, Jr., Vitug and Kapunan, JJ., concur.

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- [1] Order penned by Med-Arbiter Anastacio L. Bactin.
 - [2] Phil. Land-Air-Sea Labor Union (PLASLU) vs. Court of Industrial Relations, 17 September 1953, Nos. L-5664 and L-5698, 93 Phil. 747, 751.
 - [3] Art. 242, par. (a), Labor Code.
 - [4] Art. 242, par. (b) Labor Code.
 - [5] Phil. Scouts Veterans Security and Investigation Agency vs. Torres, G.R. No. 92357, 21 July 1993, 224 SCRA 682.
 - [6] R. Transport Corp. vs. Laguesma, G.R. No. 106830, 16 November 1993, 227 SCRA 826.
 - [7] Trade Union Congress of the Phil. and Allied Services vs. Trajano, G.R. No. 61153, 17 January 1983, 120 SCRA 64, 66.
 - [8] Pasimio, Renato R., Commentaries on the Labor Code of the Philippines, p. 2, 1995.
 - [9] No. L-43861, 4 September 1981, 107 SCRA 211.
 - [10] California Manufacturing Corp. vs. Laguesma, G.R. No. 97020, 8 June 1992, 209 SCRA 606, 610-611.
 - [11] George and Peter Lines Inc. vs. Associated Labor Union, No. L-51602, 17 January 1985, 134 SCRA 82.
 - [12] Associated Labor Unions vs. Ferrer-Calleja, G.R. No. 85085, 6 November 1989, 179 SCRA 127.

[13] Philippine Telegraph and Telephone Corporation vs. NLRC, G.R. No. 80600, 21 March 1990, 183 SCRA 451.

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