



Republic of the Philippines
Polytechnic University of the Philippines
Student Council Constitutional Commissions

Commission on Elections

Decision

Petition: MOTION TO RECOGNIZE THE CANDIDATES FOR THE OPEN UNIVERSITY AND ALLOW THEM TO PARTICIPATE IN THE 2021 ONLINE PUP STUDENT COUNCIL ELECTIONS

Petitioners: PUP Students' Party for Equality and Advancement of Knowledge (PUP SPEAK)

Article IV Section 12 of The Constitution of the Polytechnic University of the Philippines Student Council states that "Students shall have the freedom of suffrage."

Article VIII, Section 1 of The Constitution of the Polytechnic University of the Philippines Student Council states that "All the colleges and institutes shall have their own College Council"

On July 25, 2021, the Student Council Assembly (SCA) ratified the Student Council Act no. 001 s.2021 otherwise known as the "Election Code of the PUP Student Council".

In Article V. Section 17 of the Election Code states that "Qualifications – No student may be elected to any position on the Student Council unless he/she is a bona fide student of this University at the time of his/her filing of candidacy, and the party he/she falls under must be he/she falls under must be legitimate unless of course the candidate is independent." Furthermore. on Section 17.1 of the same article. it is also stated that: "Bona fide defined — For election purposes, a student shall be enrolled in the current academic year in any college to be considered as a bona fide student."

On August 24, 2021, the PUP Commission on Elections, shall be known as the Commission hereinafter, ratified the rules and regulations implementing the Student Council Act No. 001 series of 2021.

In Article III, Section 1 of the Rules and Regulations Implementing the Student Council Act No.001 series of 2021, states that: "Qualification — No student may be qualified to run in nay position on the Student Council unless he/she is a bona fide student without financial liability of this university at the time of his/her filing of candidacy." Furthermore, on Paragraph A of the same article and section, it is also stated that: "Bona fide defined — For Student Council election purposes, any student admitted in the university with at least two (2) semesters completed the requirements for formal acceptance in Polytechnic University of the Philippines, shall be considered as a bona fide student."

In Article IV, Section 13, Paragraph H of the Student Council Act No.001 series of 2021, stating that one of the powers and functions of the Commission is to "Pass and promulgate implementing rules other than this Code and exercise all other powers necessary to administer and ensure a fair, orderly and honest conduct of elections."

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With the facts stated, PUP Students' Party for Equality and Advancement of Knowledge (PUP SPEAK), the petitioners, moved to recognize the candidates for the open university and allow them to participate in the 2021 online pup student council elections.

Decision: The Commission dismisses the motion to recognize the candidates of the Open University System in the 2021 Student Council Elections.

All Certificates of Candidacy and all related documents submitted by Open University Students to the Commission in relation to the 2021 Student Council Elections is hereby declared *null and void* with finality.

Suffrage, as defined under Article IV Section 12 of the constitution, is not a guaranteed right to all students of this University. This guarantee must be established first through policy set by the Student Council Assembly to make it universal for all students upon ratifying the Election Code.

The Commissioners from CCIS and CPSPA delivered the opinion of the Commission, joined by *unanimous*. All commissioners participated in the deliberation of the motion.

Opinion of the Commission:

The PUP Open University System (PUP OUS), also known as the "Pamantasang Bayan", is a fresh and innovative system of delivering higher educational services.

The participation of the students in the Open University System in the upcoming 2021 Student Council Election is no question regarding their freedom, as stated in Article IV Section 12 of the PUP Student Council Constitution. However, since the election activities are already ongoing, the Commission dismisses the motion to recognize the candidates of the Open University System.

In lieu of this, the Commission believes that this matter should be raised to the Student Council Assembly.

Part I: The Open University System in the laws and codes established.

The petitioner considered the following ground to file this motion:

- a. In our Letter on Inquiry sent last August 31, 2021, we raised an issue concerning the Google Forms for the filing of the Certificate of Candidacy (COC). It came to our attention there was no Open University in the college options. of the Political Party section of the said Google Forms. This section should have contained all the colleges and institutes that are participating in this election. A screenshot of the Google Forms can be seen in Figure 1 and Figure 2 in the appendix section of this motion
- b. With no other recourse. our candidates for the Open University proceeded with the filing of their COCs and decided to select the college that offers the same program that they are currently in taking in OU, as their designated college in the Google Forms. They did so since the Open University was not included in any of the options in that section of the forms.

The petitioner failed to mention that the Commission responded to the inquiry sent. The following text was part of the response but since the recognition is in a form of a motion, it will now carry out the legal weight.

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The Student Council Assembly determines the 2021 Student Election Code, wherein Section 8 of the said Code states that “the Commission shall be composed of 14 commissioners duly appointed by the Student Council Assembly.”

With this being said, the SCA only recognizes the following colleges in the upcoming elections: CADBE, CAF, CAL, CBA, CCIS, CHK, CE, COC, COED, CPSPA, CTHTM, CS, CSSD and IT. This can also be supported by the assembly’s Resolution No. 013 Series of 2021.

Additionally, the SCA did not appoint anyone from the Open University system. In this scenario, with the documents released by the Student Council Assembly, the Commission is under the legal presumption that the Open University System is a separate entity from the rest of the colleges of the university, like the College of Law, who elects a separate governing student body.

Additionally, under Article XII, Section 1, The COMELEC shall be composed of one (1) representative from each college. Excluding the College of Law, as established by precedent, the seats of the Commission are apportioned equally to the Colleges and Institutes of the university.

In the inquiry of which of the programs are allowed to participate in the Student Council Elections, only the undergraduate studies are recognized to participate in the elections, not by law or any formal declaration, but by precedent.

As stated in the Article IV, all students are guaranteed to have the **freedom of suffrage** (Article IV Section 12 of the Constitution). However, this is not a guaranteed right provided by the Commission or by the Student Council, With respect to this inquiry, the petitioner also considered the following ground to file this motion:

d. PUP SPEAK believes that the COMELEC should uphold the right to suffrage of all bona fide students of PUP. This includes not only the right to vote during the student council elections. But also the right to participate in this elections. There is no specific provision in the current Election Code, and even in its Implementing Rules and Regulations, that prevents students from the Open University...

The petitioners claim that every student has the right to vote and participate during the elections, and that there is no provision in the Election Code, and even in the IRR, that prevents students from the Open University System to participate. In the issue of right to vote, the Commission believes that all students have the right to vote. However, the Commission also believes that this freedom of suffrage of the Open University students **must be recognized first by the Student Council Assembly upon ratifying the 2021 Election Code**. Under Article IV Section 12 of the Constitution, students shall have the freedom of suffrage. Suffrage, as defined under the constitution, is not a guaranteed right to all students of the university. This guarantee must be established first by policy through the Student Council Assembly to make it universal to all students upon ratifying the Election Code.

The determination of suffrage, its limits and bounds and the standards of it, is not enshrined in the powers of the Commission. In the petitioner’s claim, they believe that every student has the right to vote and participate. The possibility to vote, called **active suffrage**, and the possibility of being elected or to participate, called **passive suffrage**, are two dimensions of suffrage that the Student Council Assembly must standardize through its policy making. Under the 2021 Election Code, it is the passive dimension of suffrage that was defined (Article V of the Election Code, implemented in Articles III and IV of the IRR). In the pursuit of the freedom of suffrage, a student must qualify first in the active dimension of suffrage before its passive form to enjoy **full suffrage**.

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The petitioners also raised this issue when the election period is already ongoing. The Commission, basing its actions on its charter, cannot include the Open University anymore since the platform of elections are already on the final stages of development, the documents prepared by the Commission are already submitted to corresponding offices of the University, and the Commission is already to publish the official list of candidates.

Part II: Presumed Recognition

The petitioner considered the following ground to file this motion:

c. Last September 5, 2021, the COMELEC sent an email to all candidates. asking if they have financial liabilities, and also sending to them another set of Google Forms. containing a consent form. which they shall fill out with them signature, giving the COMELEC permission to release this information to the public. This is in line with COMELEC Resolution no. 8 series of 2021, which is the COMELEC's course of action in determining whether all candidates have financial liabilities or not. However, our candidates from OU are in a quandary. In Paragraph A and B of this motion, we discussed how their COC is affected because the OU is missing in the Google forms.

But now. they have also received this email from the COMELEC regarding their financial liabilities. with the Open University again missing in the options of the Google Forms attached to it. This causes confusion om the part of our OU candidates, as they are unsure if whether they're COC and participation in this election is recognized or not. They can only presume, that the COMELEC has already recognized them, given that they are sent the aforementioned email last September 5. Therefore. our candidates proceeded to fill up the forms and responded in that email from the COMELEC. despite their current predicament. A screenshot of the Google Forms again not containing the Open University can be seen in Figures 3. and 4 of the appendix section of this motion. Also, a screenshot of two of our OU candidates' responses, namely Mr. Jaybee Guinto and Ms. Lara Jean Legario, can be seen in Figures 5. 6, and 7 of the appendix section of this motion.

The Commission, recognizing that the candidates from the Open University system received the email about the Internal Audit consent form. However, the Commission also released this advisory:

ATTENTION!

The Commission has sent an invitation to answer a Google form to all the candidates which includes a consent form allowing the Internal Audit Office to provide the Commission with the financial liability status of students who have filed their Certificate of Candidacy. Please check your email inbox, including the spam, social media, and promotions folders.

Some of you may receive e-mails from one of the Commissioners' personal e-mail account due to e-mail limits on our official e-mail account. We are expecting all the candidates to comply and submit the form by **5:00 P.M. on September 7, 2021 (Tuesday)**. The Commission will not grant any further extension on this matter.

For the candidates who have filed their COC but have not received any e-mail invitation, please message us immediately through our official e-mail account: comelec.pup@gmail.com

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With respect to the advisory, the instruction of the Commission is clear: all students who submitted the Certificate of Candidacy, regardless if the student who submitted it is qualified or not. The period of verification of candidates is between the final date of all submission of requirements regarding the COC and before the posting of official candidates of the elections. **The Commission did not check the qualifications of the candidates before all candidates submitted all documents necessary, which was on September 7, 2021.**

Part III: Accounts, Testimonies, and Records presented.

The petitioner considered the following ground to file this motion:

d. ... In fact, there is already a precedent case, where students from OU have participated in the student council elections, way back in the year 2015. A screenshot of their participation can be seen in Figures 8, 9, 10, and 11 in the appendix section of this motion

Figures 10 and 11, as presented here as Appendix A and B are social media posts from a private group. These testimonies presented by the petitioner **cannot be admitted as evidence** since these are **not official records of the Student Council or the Commission** that an election of the Open University System was conducted in 2015.

Appendix C and D are accepted as evidence, however, the tabulation of the canvass of the 2015 Student Council Elections stated are **UNOFFICIAL** and are **not certified by the Commission**.

SO, ORDERED

(SGD) JANNETTE PRINCESS V. HINATE

Chairperson

College of Education Commissioner

(SGD) JANEL MARIEKE B. BAÑARIA

Vice Chairperson

College of Social Science and Development
Commissioner

(SGD) ALEC MARIZ G. AVERILLA

Secretary General

College of Human Kinetics Commissioner

(SGD) KATHERINE CLAIRE A. HOANG

Treasurer

College of Architecture, Design and Built
Environment Commissioner

(SGD) ANGELA LUISA H.

MONTENEGRO

College of Accountancy and Finance
Commissioner

(SGD) DIVINA MARIE B. IBÁÑEZ

College of Arts and Letters Commissioner

(SGD) ELIZABETH MARIE G. ANDAYA

College of Business Administration
Commissioner

(SGD) PETER THADDEUS V. IBÁÑEZ

College of Communication Commissioner

(SGD) MARC JOSEPH V. BARCIAL

College of Computer and Information
Systems Commissioner

(SGD) CHARLIZE KRIZIA R. LOPEZ

College of Engineering Commissioner

(SGD) FRANZ MARIELLA D.

SUMOCOL

College of Science Commissioner

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(SGD) CYRUS JAMES P. MAGSINO

College of Political Science and Public
Administration Commissioner

(SGD) KRISTAN MARK F. BERNARDO

College of Tourism, Hospitality and
Transportation Management Commissioner

(SGD) DIVINA I. ASIS

Institute of Technology Commissioner

Appendix A



Appendix B



Appendix C

A screenshot of a mobile application interface showing the 'UNOFFICIAL RESULT OF OPEN UNIVERSITY'. The app is titled '#SCElections2015' and is developed by 'The Catalyst' and 'COMMISSION ON ELECTIONS'. It displays a table of candidates and their total votes and ranks.

CANDIDATES	TOTAL	RANK
PRESIDENT		
DIANGUNAY, KARL FRANZ (SAMASA)	169	1
VICE PRESIDENT		
CORAZON, NADELIN JOYCE (SAMASA)	169	1
COUNCILORS		
DAVID, SEAN ANGELO (SAMASA)	170	1.5
CARPILA, JADE LENE (SAMASA)	169	2.5
SOTTO, ZCEASARINA JANE (SAMASA)	169	2.5
MALATE, EHRA KRISTINA (SAMASA)	170	1.5
LOSANES, KATHLEEN (SAMASA)	169	2.5
GASCO, JAIKALYN (SAMASA)	169	2.5

Appendix D

A screenshot of a mobile application interface showing the 'PARTIAL AND UNOFFICIAL RESULTS OF CENTRAL STUDENT COUNCIL VOTES'. The app is titled '#SCElections2015' and is developed by 'The Catalyst' and 'COMMISSION ON ELECTIONS'. It displays a table of candidates and their total votes and ranks.

CANDIDATES	CCG	CMA	ITCEN	CTWTH	CBA	CIN	CCB	CS	GU	CE	CAP	CODED	CCSD	CPSPA	CAL	TOTAL	RANK
PRESIDENT																	
ALFRESA MARANO	206	50	206	206	206	61	72	206	275	267	-	-	-	-	-	2338	1
ELIUNY SAN FERNANDO	181	18	187	232	403	34	42	189	8	340	-	-	-	-	-	1744	2
VICE PRESIDENT																	
EMIL LINGGONG	218	48	266	31	1819	86	64	218	175	262	-	-	-	-	-	2338	1
EDMUNDSON DELA CRUZ JR.	171	17	188	292	408	11	12	188	10	288	-	-	-	-	-	1767	2
COUNCILORS																	
ARCILLA, KARLA CASANDRA	368	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
BLUMENTHAL, REYON	170	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
NAAGUN, LEONARD	368	49	244	189	1899	86	64	218	175	262	-	-	-	-	-	2338	1
BRIONES, JOHN CARLO	284	49	244	189	1899	86	64	218	175	262	-	-	-	-	-	2338	1
CAULING, EMILY HANCOCK	175	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
COMPTON, PRINCESS	180	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
CRISTINO, TONYARD	180	17	176	232	406	11	48	180	9	347	-	-	-	-	-	1687	19
DANDAY, ALEXIS	242	18	241	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1
DONOVAN, BRYAN MAR	288	30	284	184	1884	89	71	281	175	262	-	-	-	-	-	2338	1
DELA PAZ, CHESSA MAHE	175	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
EDSANO, JOHN ARLO	184	17	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
DANIEL, BRYAN JOY	288	30	284	184	1884	89	71	281	175	262	-	-	-	-	-	2338	1
GILABAN, MALEO	288	30	284	184	1884	89	71	281	175	262	-	-	-	-	-	2338	1
LAPRAL, ALBERTA JORDINE	218	30	248	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1
MARQUEZ, LYNELLE	184	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
MEDRADA, MAEL ELIER	175	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
MORILLA, HARVEY JOHN	180	17	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
PERALTA, RICHARD	244	30	241	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1
RODRIGUEZ, BRYAN JAMES	175	18	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
BERNARD, BRYAN JAMES	180	17	183	233	408	12	49	183	11	350	-	-	-	-	-	1752	18
RODRIGUEZ, FRANCIS JOSEPH	218	30	248	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1
RODRIGUEZ, JOHN PAUL	218	49	241	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1
SAFEN, JOSE	212	49	241	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1
SOVA, RICHTER JOE	284	49	241	180	1810	89	67	242	175	262	-	-	-	-	-	2338	1