



Republic of the Philippines
Polytechnic University of the Philippines
Student Council Assembly

THE PUP STUDENT COUNCIL ELECTION CODE

ARTICLE I
GENERAL PROVISIONS

- Section 1.** *Title.* – This code shall be known as “The PUP Student Council Election Code.”
- Section 2.** *Applicability.* – This code shall govern and regulate the elections of officers of the PUP Student Council (SC). This election code shall continue to be applicable unless otherwise amended by the incumbent PUP Student Council Assembly (SCA).

ARTICLE II
DEFINITION OF TERMS

- Section 3.** *Definition of Terms.* – This Election Code shall be guided by the following operative terminologies:
- 3.1** *Administration Coordination.* – This refers to the necessary and bounded coordination of the PUP SCA and the PUP Student Council Commission on Elections (SC COMELEC) with the University Administration to effectively implement the elections and ensure order. This includes but is not limited to (1) imposition of disciplinary actions by the PUP Office of Student Services (OSS) on election violators as prescribed by the PUP Student Handbook (SHB) and verification of the financial liabilities of the candidates, political parties, and/or coalitions; (2) procurement of verified PUP webmail accounts of the student body through the PUP Information Communications Technology Office (ICTO); (3) verification of legitimate voters; and (4) disbursement of appropriate funds for PUP SC COMELEC.
- 3.2.** *Administration Intervention.* – This refers to any collusion, conspiracy, coercion, effort, and/or attempts, covertly or overtly, to manipulate, prohibit, or alter the implementation and results of the elections by the PUP administration. This also includes, but is not limited to (1) the involvement of any faculty member, administrative employees, or administration officials in entering and managing the technical and online platforms utilize for the elections; and (2) any member of the PUP administration directly handling documents of any candidate, political party, and/or coalition to the PUP SC COMELEC.
- 3.3.** *Appointive Office.* – Any position or office that is being appointed by the PUP SCA, such as the Student Council Constitutional Commissions (i.e., SC COMELEC, SC Commission on Audit (COA), SC Commission on Student Organizations and Accreditation (COSOA)), and the SC Student Tribunal (ST).
- 3.4.** *Black Propaganda.* – Any form of falsified or malicious propaganda from an unidentified source, especially, propaganda purporting to come from an enemy’s own sources and designed to lower morale, spread lies, and fabricated statements, with the intention to deceive audiences, which include, but is not limited to:
- A.** *Online Attacks.* – Any false or malicious act or statement, using any online platform, these attacks include, but are not limited to:
- i.** *Cyberbullying.* – Any act of using any electronic device to send messages that might cause intimidation to another party or be perceived as a threat to one's welfare.



- ii. **Cyber Libel.** – As stipulated in Article 353 of the Revised Penal Code of the Philippines, it is the public and malicious imputation or accusation of a crime, or of a vice or defect, real or imaginary, or any act, omission, condition, status, or circumstance tending to cause the dishonor, discredit, or contempt of a natural or juridical person, or to blacken the memory of one who is dead; as amended by Chapter II Section C(4) of Republic Act No. 10175, it is committed through a computer system or any other similar means which may be devised in the future. During the university student council elections, it is any published statement, conversation, or story, that causes damage to the reputation of a candidate, slate, coalition, and/or political party.
- iii. **Malicious Statements in Social Media.** – These include but are not limited to, comments, tweets, or replies in posts, tweets, or statuses on different social media platforms (e.g., Facebook, Instagram, Twitter) containing baseless accusations attacking the Commission, any candidate, slate, coalition, and/or political party.
- B. **Red-Tagging.** – The act of labeling, branding, naming, and accusing individuals and/or organizations of being subversives, communists, or terrorists, usually used as a strategy by state agents, particularly law enforcement agencies and the military, against those perceived to be 'threat' or 'enemies' of the state.
- 3.5. **Bona Fide Student Voter.** - For election purposes, this refers to a student who is enrolled in the most recent regular semester of any college, institute, or open university system in PUP which takes an undergraduate or diploma program. Students who are not enrolled for the term, terminated their enrollment, taken a Leave of Absence (LOA), or expelled from the University in the most recent regular semester are excluded.
 - A. In case of the graduation day precedes the date for the Casting of Votes based on the calendar for the period of elections, the newly-graduated students are still considered bona fide student voters and shall still be allowed to cast their votes for the PUP SC Elections provided that they were enrolled in the most recent regular semester.
- 3.6. **Campaigning.** – This refers to any means by which any of the candidates, political parties, and/or coalitions promote the voting of their particular candidate and their electoral platforms preceding the election. It can also mean an expression of support towards a particular candidate, slate, coalition, and/or political party.
- 3.7. **Campaign Materials.** – Any material, regardless of the format, that promotes voting for any particular candidate, slate, coalition, political party, and even electoral platform. Any material containing malicious content or attacks towards any candidate, slate, coalition, and/or political party shall not constitute campaign materials, but rather black propaganda.
- 3.8. **Cases.** – These refer to all the matters and concerns brought before the PUP SC COMELEC, including but not limited to petition for disqualification and petition for the failure of election. Cases shall be impartially deliberated and judged by the PUP SC COMELEC with a strict emphasis on due process.
- 3.9. **Election Campaign Activity.** – Refer to any physical or online activity conducted by a candidate, slate, coalition, political party, and/or any bona fide participant of the elections to promote a particular candidate, slate, coalition, and/or political party within the election period, which includes but is not limited to webinars, online meeting room discussions, flash mobs, and physical campaign rallies or demonstrations.
- 3.10. **Election Paraphernalia.** – Refers to all materials, documents, or devices that are used by members and staff of the PUP COMELEC, candidates,



slates, coalitions, political parties, and/or campaign teams in their preparation for their participation and the conduct of the elections.

- 3.11. ***Elective Office.*** – Any position that is primarily filled through an election. This includes student council officers and inter-university student organization executive committees. A person who is appointed to fill a vacancy in the aforementioned position is referred to as an ‘appointed individual/officer’, but essentially holds an elective office.
- 3.12. ***Electronic Voting.*** – Refers to the form of voting to be used in elections which shall use electronic or online means.
- 3.13. ***Force Majeure.*** – An event that is a result of the elements of nature, such as, but not limited to: typhoons, floods, earthquakes, power interruption, disease outbreaks, system glitches, and other online-system related issues, and the like, as opposed to one caused by human behavior.
- 3.14. ***Intervention.*** – Refers to the collusion, conspiracy, and/or attempts, covertly or overtly, to manipulate or alter the implementation and results of the elections.
- 3.15. ***Majority.*** – At least fifty percent (50%) plus one (1) of the total members present in quorum shall constitute a majority.
- 3.16. ***Non-PUPian.*** – Any person or group of persons that is neither a bona fide student of PUP nor a bona fide employee or official of the University.
- 3.17. ***Physical Harassment.*** – Any form of physical action or activity that causes intimidation, humiliation, or threatens a person or a group of persons.
- 3.18. ***Post-Campaigning Activities.*** – Any form of physical or online elections campaign activity done by the candidate, slate, coalition, and/or political party, and their official members, that is conducted after the prescribed campaigning period of the elections.
- 3.19. ***Premature Campaigning Activities.*** – Any form of physical or online elections campaign activity done by the candidate, slate, coalition, and/or political party, and their official members, that is conducted before the prescribed campaigning period of the elections.
- 3.20. ***PUP or University.*** – In this election code, refers only to PUP Main or Sta. Mesa Campus and the Open University System.
- 3.21. ***PUP Administration.*** – Refers to the official administrative and academic employees of PUP, along with its system-wide composition, which includes, but is not limited to, the Executive Committee, members of the Board of Regents, and Faculty. This excludes the non-administrative staff of PUP like the janitors, security guards, and concessionaires.
- 3.22. ***Quorum.*** – Refers to the minimum number of members of the Commission that must be present at any of its meetings to make the proceedings of that meeting valid. Fifty percent (50%) plus one (1) of the total number of Commissioners shall constitute a quorum in the case of PUP SC COMELEC.
- 3.23. ***Room.*** – Refers to physical and/or virtual meeting space where students from PUP conduct their classes or any meeting that is or is not specifically about academic matters. Virtual platforms to create this meeting space include but are not limited to Zoom, Google Meet, Discord, Facebook Room, and Twitter spaces.

ARTICLE III ELECTION AND CAMPAIGN PERIOD

- Section 4.** ***Commencement of Election Period.*** – Unless otherwise fixed by the Assembly through a resolution, the election period shall commence on the release of PUP SC



COMELEC Implementing Rules and Regulations and shall end ten days after the final casting of ballots and resolution of post-election disputes.

Section 5. *Calendar for the Period of Election.* – the calendar or timeframe of the PUP Student Council Elections shall be prescribed by the PUP SCA through a resolution. The start of the period of elections shall commence at least forty-five (45) days before the start of the new academic year. The PUP SC COMELEC can adjust the calendar given there is a possibility of *force majeure* or failure of elections.

Section 6. *Official Ballot.* – The Commission shall prescribe the format of the electronic display and/or the size and form of the official ballot, which shall contain the titles of the position to be filled and to be voted upon in the elections.

6.1. *Display.* - Where practicable, electronic displays must be constructed to present the names of all candidates for the same position on the same page or screen, otherwise, the electronic displays must be constructed to present the entire ballot to the voter, in a series of sequential pages, and to ensure that the voter sees all of the ballot options on all pages before completing their vote and to allow the voter to review and change all ballot choices prior to completing and casting their ballot.

6.2. *Format.* - Under each position to be filled, the names of candidates shall be arranged alphabetically or randomly, if the platforms allow a random order of choices, by surname and uniformly indicated using the same font size.

A. The Commission shall provide the number of candidates on the ballot upon publishing the official list of candidates. Any disqualification of (a) candidate/s after such publication will not alter the number of candidates.

Section 7. *Procedure in Voting.* – The Commission shall prescribe the mechanism and procedure of voting, which can be easily understood and followed by the voters, taking into consideration, among other things, the secrecy of the choices or votes.

Section 8. *Postponement of the Elections.* – The rules for declaring and resolving a petition for a postponement of the elections are as follows:

8.1. *Criteria for Declaring Postponement of the Elections.* – The postponement of the elections can be declared on account of:

- A.** violence;
- B.** terrorism;
- C.** loss or destruction of election paraphernalia;
- D.** *force majeure*;
- E.** administration intervention;
- F.** non-PUPian intervention; and
- G.** other analogous causes of such nature that the holding of free, orderly, and honest elections should become impossible, PUP SC COMELEC, *motu proprio*, or upon a verified petition by any interested parties are afforded equal opportunity to be heard, shall postpone the elections therein to a date which should be reasonably close to the date of the elections not held, suspended, or which resulted in a failure to elect but not later than ten (10) days after the cessation of the cause for such postponement or suspension of the elections.

Section 9. *Failure of Election.* – The rules for declaring and resolving a petition for a failure of elections are as follows:

9.1. *Criteria for Declaring a Failure of Elections.* – The failure of elections can be declared on account of:

- A.** *force majeure*;
- B.** violence;



- C. fraud;
- D. administration intervention;
- E. other analogous causes;
- F. the election in any polling precinct has not been held on the date;
- G. cyber threats before, during, or after electronic voting such as data loss, espionage, data manipulation, technical failures, or any threats that compromise the integrity of data;
- H. suspension before the hour fixed by this Code for the closing of the voting;
- I. after the voting and during the preparation and the transmission of the election returns or in the custody or canvass thereof, the such election result in a failure to elect;
- J. any of such cases the failure or suspension of the election would affect the result of the elections; and
- K. the simple majority of the Commission, wherein both the commissioner and deputy commissioner positions, were vacant.

9.2. ***Procedure of the Commission on Declaring a Failure of Elections.*** – Any concerned party or individual may file a petition for a failure of elections to the Commission. It is the duty of the Commission to receive, and conduct a hearing with the petitioners and all parties involved in the process of the elections, duly notified by the PUP SC COMELEC, and decide, whether to nullify or approve such a petition.

Section 10. *Ways Forward for the Postponement and Failure of Elections.* – When for any serious case mentioned that the holding of free, orderly, and honest elections should become impossible, PUP SC COMELEC, which hereinafter shall be referred to as the Commission, *motu proprio*, or upon a verified petition by any interested parties are afforded equal opportunity to be heard, shall postpone the elections therein to a date which should be reasonably close to the date of the elections not held or suspended but not later than ten (10) days after the cessation of the cause for such postponement or suspension of the elections.

10.1. ***Motu Proprio Postponement.*** – When the Commission acts *motu proprio*, notices of hearing must be sent to all interested parties by the fastest means available.

10.2. ***When Based Upon a Verified Petition.*** – Unless a shorter period is deemed necessary by circumstances, within twenty-four (24) hours from the filing of the petition, the Secretariat concerned shall forthwith serve notices to all interested parties, indicating therein the date of hearing, through the fastest means available.

10.3. ***Time to File Opposition.*** – Unless a shorter period is deemed necessary by the circumstances, within two (2) days from receipt of the notice of hearing, any interested party may file an opposition to the Commission.

10.4. ***Summary Proceeding.*** – The hearing of the case shall be summary in nature.

10.5. ***Determination of Cessation of Cause.*** – The determination of the cessation of the cause of the postponement or suspension of the election falls within the exclusive prerogative of the Commission.

Section 11. *Media and Publications.* – All student publications in PUP shall enjoy the privilege of having access to and freely covering all activities within the elections and campaign period like but not limited to *Miting De Avance*, public hearings, and canvassing of votes. They shall also have the freedom to conduct their own election-related programs, but it is encouraged that the PUP SC COMELEC becomes a partner for these and vice versa.



ARTICLE IV THE PUP STUDENT COUNCIL COMMISSION ON ELECTIONS

- Section 12. *Composition.*** – The commission shall be composed of one commissioner per college, institute, or open university system in PUP that offers undergraduate or diploma programs, duly appointed by the PUP SCA.
- Section 13. *Executive Committee.*** – The commissioners shall elect among themselves their Executive Committee, composed of a Chairperson, Vice Chairperson, Secretary-General, and Treasurer.
- 13.1. *Chairperson.*** – The chairperson shall preside and oversee the PUP SC COMELEC *en banc* and shall serve as the Commission's primary spokesperson.
- 13.2. *Vice Chairperson.*** – The vice chairperson shall assist the chairperson in facilitating the activities of the commission. In the vacancy of the chairperson's office due to reasons of death, resignation, removal, suspension, illness, absence, or incapacity, the vice chairperson shall take upon their function.
- 13.3. *Secretary-General.*** – The secretary-general shall ensure that meetings are effectively organized and duly noted in minutes, shall ensure the proper recording, organizing, and safekeeping of important files and documents that concern the Commission, and operationalize and oversee the Secretariat Committee.
- 13.4. *Treasurer.*** – The treasurer shall act as custodian of the PUP SC COMELEC, manage all the Commission's financial accounts, keep the records of its funds, disburse the same in accordance with an appropriation of the SC, and submit a financial report at the end of the operations and/or per semester to the PUP SC COA.
- Section 14. *The Commission En Banc.*** – In accordance with Section 2, Article XII-A of the PUP SC Constitution, the Commission may sit *en banc* or in two divisions. The Commission shall sit *en banc* in cases hereinafter specifically provided, or in pre-proclamation cases upon a vote of a majority of the commissioners of the Commission, or in all other cases where a division is not authorized to act, or whereupon a unanimous vote of all the members of a division, an interlocutory matter or issue relative to an action or proceeding before it is decided to be referred to the Commission *en banc*.
- 14.1. *En Banc Cases.*** – The Commission *en banc* shall act on the following matters or cases:
- A.** Cases in which the constitutionality or validity of any policy that affects election rules and administrative standards of SC officers, and qualifications of students in holding public office;
 - B.** Cases raising novel questions of elections law and policy;
 - C.** Cases from the Commission's divisions where appeals are requested;
 - D.** Cases where a doctrine or principle laid down by the Commission *en banc* or by a division may be modified or reversed;
 - E.** Cases involving conflicting decisions of two or more divisions;
 - F.** Cases that the Commission *en banc* deems of sufficient importance to merit its attention; and
 - G.** All matters involving policy decisions in the administrative supervision of the PUP SC COMELEC and their personnel decisions. All decisions of the Commission *en banc* shall be final and executory. However, interested parties can still file their motion



for reconsideration which shall be deliberated again by the Commission *en banc*.

Section 15. *The Commission Sitting in Divisions.* – In accordance with Section 2 of Article XII-A of the PUP SC Constitution, the Commission may sit *en banc* or in two divisions. The Commission shall sit in two (2) divisions to hear and decide protests or petitions in ordinary actions, special actions, special cases, provisional remedies, and contempt.

15.1. *Composition of a Division.* – Each division shall be composed of half of the number of the Commissioners, one of whom shall be the presiding commissioner. The Commission *en banc* shall determine through a raffle who shall compose a division.

15.2. *Presiding Commissioner.* – The presiding commissioner for each division shall be elected by the simple majority vote of the present members of their respective divisions.

15.3. *Division Cases.* – All cases and matters under the jurisdiction of the Commission *en banc* not otherwise provided for by law, by this Code to be cognizable by the Commission *en banc* shall be cognizable by the divisions.

Section 16. *Secretariat of the Commission.* – The Commission shall appoint a secretariat among the Deputy Commissioners for the *en banc*, and a secretariat for each of the divisions to act as secretary. The Secretariat shall have no vote nor say in any of the discussions. The duties of the secretariat are the following but not limited to:

16.1. Aid the Secretary-General and the Treasurer in executing their duties and responsibilities;

16.2. Keep track and archive the Commission's initiatives legal documents, and assets; and

16.3. Uphold and ensure the transparency of the Commission.

Section 17. *Cases.* – The provisions for cases are the following:

17.1. *Assignment of Cases.* – The assignment of cases of the two (2) divisions herein constituted shall be done strictly through a raffle to be conducted regularly by the chairperson of the Commission in the presence of at least a majority of the commissioners. Provided, that the assignment of cases shall be made as evenly as possible.

17.2. *Consolidation of Cases.* – When an action or proceeding involves a question of law and fact that is similar to or common with that of another action or proceeding, the same may be consolidated with the action or proceeding bearing the lower docket number.

17.3. *Decision or Resolution.* – When a case is submitted for decision or resolution, the member-in-charge shall have the same place in the agenda of the Commission for deliberation. A report that shall contain the facts, the issue or issues involved, the arguments of the contending parties, and the laws and jurisprudence that can aid the Commission in deciding or resolving the case. In consultation, the commissioners shall agree on the conclusion of the case.

17.4. *Majority Opinion.* – Immediately upon arriving at a conclusion regarding the issue or issues in the case, the Commission shall assign a member to write the opinion of the division or *en banc*. Should the majority vote of the division or *en banc* on such a conclusion be different from or contrary to the conclusion arrived at by the *Ponente*, the writing of the new opinion shall be assigned to a *Ponente* chosen by the majority.

17.5. *Separate Opinions.* – A commissioner may write a dissenting or concurring opinion other than the majority opinion as the decision is presented for the signature of the commissioners.



- A. A commissioner who disagrees with the majority opinion, its conclusions, and the disposition of the case may submit to the chairperson or presiding commissioner a dissenting opinion, setting forth the reason for such dissent.
 - B. A commissioner who agrees with the result of the case but based on different or additional reasons from the majority opinion may submit a concurring opinion. A concurrence "in the result" should state the reason for the qualified concurrence.
 - C. A commissioner may submit an opinion concurring in part and dissenting in part.
- 17.6. *Per Curiam Decisions.*** – Any decision or resolution shall be rendered *per curiam* upon request by the commissioner assigned to write the opinion.
- 17.7. *Execution of Judgment.*** – Except where the judgment or final order or resolution, or a portion thereof, is ordered to be immediately executory, the motion for its execution may only be filed in the proper court after its entry.
- 17.8. *Motion for Reconsideration.*** – The following are the provisions for a motion for reconsideration.
- A. ***Period for Filing.*** – A candidate, slate, coalition, and/or party may file a motion for reconsideration of a judgment or final resolution to the Commission *en banc* within one (1) day from notice thereof.
 - B. ***Second Motion for Reconsideration.*** – No second motion for reconsideration shall be entertained.
- Section 18. *Qualifications of PUP SC COMELEC Commissioners.*** – The qualifications to be a commissioner of the PUP SC COMELEC are as follows:
- 18.1.** Must be a bona fide student voter of PUP;
 - 18.2.** Must be non-partisan and does not represent or abide by any organization and/or formation inside the University; and
 - 18.3.** Must be well-informed about the processes and functions of the electoral platforms; and
 - 18.4.** Must be able to handle and assist all technical workloads of the Commission during the electoral process.
- Section 19. *Appointment.*** – The Commissioners, in accordance with the PUP SC Constitution, shall be nominated by the PUP Sentral na Konseho ng Mag-aaral (SKM) President and elected by the members of the PUP SCA.
- Section 20. *Term of Office.*** – The term of office of the appointed officers for the PUP SC COMELEC shall be continuous and not necessarily coterminous with the term of the incumbent PUP SCA. The commissioners' term of office shall only cease once they graduated, resigned, were expelled due to violation, or were replaced by another person appointed by the incumbent PUP SCA.
- Section 21. *Deputy Commissioners.*** – Each commissioner shall select and appoint one (1) Deputy Commissioner from their respective college/institute/open university system. They may act as administrators, administrative assistants, or other positions needed for the conduct of the elections. However, they cannot vote on *en banc* sessions and participate in decisions of the Commission. They shall have a term coterminous with the commissioners of the Commission and can be renewed upon the discretion of the succeeding Commissioners.
- 21.1. *Qualifications.*** – The following are the qualifications for the deputy commissioners of the PUP SC COMELEC:
 - A. Must be a bona fide student voter of PUP;
 - B. Must be non-partisan and does not represent or abide by any organization and/or formation inside the University;



- C. Must be well-informed about the processes and functions of the electoral platforms; and
- D. Must be able to handle and assist all technical workloads of the Commission during the electoral process.

21.2. *Functions and Responsibilities.* – The following are the functions and responsibilities of the deputy commissioners:

- A. Instruct and answer all inquiries or questions relating to voting;
- B. Raise all the pending inquiries or questions relating to voting that were unanswered by the deputy commissioner to the commissioners of the Commission;
- C. Act as online administrator, online administrator assistant, and other positions;
- D. Other functions and responsibilities the commissioners may delegate;
- E. The deputy commissioners are allowed to observe all the proceedings of the PUP SC COMELEC *en banc* and its divisions and join the discussion upon the simple majority approval of the present members, but they shall not have any voting power; and
- F. In the case of the commissioner's death, incapacity, resignation, or removal of office, the deputy commissioner shall automatically assume the position, which must be formalized by the PUP SCA through a resolution.

Section 22. *Powers and Functions of the Commission.* – In addition to the powers and functions conferred upon it by the PUP SC Constitution, the Commission shall:

- 22.1.** Keep and preserve all election materials, documents, and other election paraphernalia;
- 22.2.** Monitor all campaign materials and ensure that these are all in accordance with this Election Code. The PUP SC COMELEC shall have the power to mandate any candidate, slate, coalition, and/or political party involved to take down any campaign material that violates the Election Code.
 - A. Conduct information drives and orientations to all voters, candidates, and parties regarding the conduct of the elections;
 - B. Regulate election campaign activities;
 - C. Create a database of the names of the official campaign managers and spokespersons of each slate or candidate, to prevent non-PUPian campaigners;
 - D. Establish a central command center. The nature or platform of the central command center shall either be a physical facility in coordination with the PUP administration, subject to the availability of resources, or through online platforms, in order to effectively implement the elections;
 - E. Enact and release clear resolutions stating the platform that they will use for the conduct of elections, the canvassing of votes, and the platform for regulating the campaign materials and activities;
 - F. Pass and promulgate implementing rules and regulations other than this Code and exercise all other powers necessary to administer and ensure fair, orderly, and honest conduct of elections;
 - G. Upon the motion of one-fourth of the members of the Commission *en banc*, issue a call for a vote of no confidence to replace an executive commissioner. The decision shall then be carried by a two-thirds vote of the Commission *en banc*. In such cases, the executive commissioner is still part of the commission;



- H.** Recommend the impeachment of any commissioner to the PUP SCA, upon the motion of one-fourth of the members of the Commission *en banc* and a two-thirds vote of the same composition. The PUP SCA must assess, investigate, and decide on the impeachment of a recommended commissioner upon the consideration of the grounds of (1) willful violation of the PUP SC Constitution and/or laws of the land, (2) gross neglect of duty, (3) and any form of misconduct undermining the integrity of the Commission and the union of the PUP SC. Impeachment of deputy commissioners can be decided by the Commission without the PUP SCA, on the same procedures and grounds.

- Section 23.** *Validity of Decisions.* – All decisions, rules and regulations, and resolutions shall be valid upon approval by the majority of the commissioners, signed copies of which shall be posted on the official social media platforms of the Commission and shall be given to all local student councils and interested parties and the PUP SKM.
- Section 24.** *Decisions.* – All decisions of the Commission shall be final and executory. However, interested parties can still file their motion for reconsideration which shall be deliberated again by the Commission. Further, after the election period, any pending appeal on any decision of the Commission shall be filed to the PUP SC ST. Provided that the Tribunal shall decide based on the facts of the case, such power is vested to the Commission alone. In (a) special case/s to which the Election Code fails to provide any provision that will suffice to resolve such case/s, the PUP SC COMELEC reserves the right to decide and resolve case/s based on factual basis and investigation.
- Section 25.** *Office.* – The Commission shall hold office at an office designated by the PUP SCA for election purposes. Provided that the said office shall be known to all interested parties. The Commission shall hold office in its official command center. Should a physical command center not be established, the Commission shall have official social media platforms which include, but are not limited to Facebook, Instagram, and Twitter, that shall serve as their virtual office. The management and responsibility of these accounts or platforms are delegated to authorized members and staff of the Commission only.

ARTICLE V

QUALIFICATIONS OF CANDIDATES AND REQUISITES FOR CANDIDACY

- Section 26.** *Qualifications of Candidates.* – No student may be elected to any position on the PUP SC unless they are a bona fide student voter of this University at the time of their filing of candidacy, and the party and/or coalition they fall under must be legitimate unless, of course, the candidate is independent.
- 26.1.** *Legitimate Student Political Party.* – If a candidate runs under a particular banner or party, the party he/she/they is representing must either be an accredited organization duly screened/approved by the COSOA or an organization, recognized by the Commission through a party registration certificate, that will support and field candidates for the elections.
- 26.2.** *Legitimate Student Political Coalition.* – Coalition refers to a conglomerate of independent candidates, slates, and/or other political parties running under a particular name or banner. Coalitions differ from political parties in the aspect that they have not been duly accredited by PUP SC COSOA or PUP SC COMELEC. All formed coalitions shall submit a declaration of their formation and the official list of all the candidates running under them to the PUP SC COMELEC.
- 26.3.** *Discernment.* – The PUP SC COMELEC shall clearly discern and declare all student political parties and coalitions, and their respective candidates participating in the election.
- Section 27.** *Candidates Holding Elective Office.* – Candidates holding elective office shall exercise their powers and duties until a new set of officers are proclaimed and



sworn in, however, the PUP SCA cannot institute actions concerning the manner of the conduct of the elections; such actions are vested only to the Commission during the election period.

Section 28. *Candidates Holding Appointive Office.* – Students appointed as members or officers of constitutional commissions, such as the PUP SC COA, PUP SC COSOA, and PUP SC ST, and other commissions created by the PUP SCA, shall resign from their office upon the filing of their certificate of candidacy.

Section 29. *Filing Period.* – The period of filing of the certificate of candidacy shall be prescribed by the PUP SCA. Further, the Commission *motu proprio* or by petition of any interested party can extend the filing period. Provided that such extension is necessary, with just cause, for the conduct of widely participated, fair, and orderly elections. Provided further, copies of the announcement of the filing period and any extension shall be posted on the Commission's official social media platforms and shall be sent to all student councils and interested parties.

Section 30. *Certificate of Candidacy.* – No student shall be eligible for any elective office unless they file a sworn certificate of candidacy stated in the calendar for the period of the elections as prescribed by the PUP SCA. The PUP SC COMELEC can adjust the calendar given there is a possibility of *force majeure* or failure of elections. A person who has filed a certificate of candidacy may, prior to the casting of votes, withdraw the same by submitting to the Commission a written declaration.

Section 31. *Limitations for Filing Candidacy.* – No student shall be eligible to file for more than one office to be filed in the same elections, and if they file a certificate of candidacy for more than one office, they shall not be eligible for any of them.

Section 32. *Requirements.* – A certificate of candidacy shall be awarded to a candidate who has submitted the following:

32.1. Original certification of enrollment from ARO or a registration certificate for the most recent regular semester of the candidate. In cases where the registration card is unavailable, the candidate may provide either of the following as an alternative:

- A.** A copy of the official certification of enrollment/attendance through the Online Document Request System (ODRS) within the specified election timeline.
- B.** Confirmation slip of the most recent regular semester.
- C.** A certificate of grades that reflects the most recent regular semester. The certificate may contain or not contain the student number, provided that this was issued and/or validated by the candidate's respective chairperson, dean, and/or registrar.

32.2. A certificate or clearance from the PUP Internal Audit Office (IAO) or PUP OSS stating that the candidate has no financial liabilities. The PUP SC COA, in coordination with PUP SC COMELEC, shall be the main coordinator for the collective request of all the candidates' certificates or clearance.

32.3. Other documents deemed necessary by the Commission for election purposes.

- A.** Digital copy of a picture, in formal attire, with a white background. No name tag shall be included in the picture, sized 2" X 2".
- B.** Duly-signed certificate of nomination from the political party and/or coalition they wish to run under its banner, excluding individual independent candidates.

Section 33. *Ministerial Duty of Receiving and Acknowledging Receipt.* – The Commission through the Secretariat shall have the ministerial duty to receive and acknowledge receipt of the certificate of candidacy.



- Section 34.** *Candidates in Case of Disqualification or Withdrawal of Another.* – If within the period of filing of the certificate of candidacy, an official candidate of a registered or accredited political party withdraws or is disqualified for any cause, only a person belonging to, and certified by, the same political party may file a certificate of candidacy to replace the candidate who withdrew or was disqualified. The substitute candidate nominated by the political party concerned may file their certificate of candidacy with the Commission not later than a day after the last day of filing of candidacy.
- Section 35.** *Official List and Publication of Candidates.* – The official list of candidates shall be publicized and disseminated physically and/or online by the Commission on its official social media platforms. This, along with other publication initiatives, shall be sensitized and be responsive to the lived name, preferred pronouns, and public identity of the candidates. Further, copies of which shall also be forwarded to campus publications accredited by the PUP Student Publication Office (SPO), PUP OSS, PUP Office of the Vice President for Student Affairs and Services (OVPSAS), and to all student councils, on the same consideration.

ARTICLE VI CAMPAIGN AND ELECTION PROPAGANDA

- Section 36.** *Campaign Period.* – The campaign period shall be prescribed by the PUP SCA through a resolution. The PUP SC COMELEC can adjust the calendar given there is a possibility of *force majeure* or failure of elections. Unless otherwise provided, the campaign period shall be conducted for exactly ten (10) consecutive days.
- Section 37.** *Miting de Avance.* – The *Miting de Avance* shall be held on the last day of the campaign period. Provided that the PUP SC COMELEC shall release guidelines for the *Miting de Avance*. The Commission shall encourage and provide support to colleges who will conduct their own *Miting de Avance*.
- Section 38.** *Campaign Period Guidelines.* – The PUP SC COMELEC may prescribe a specific guideline for the campaign period in accordance with this Election Code and the following provisions:
- 38.1.** All election campaigning activities shall only be conducted within the prescribed campaign period; and
 - 38.2.** All candidates, slates, coalitions, and political parties may only post and/or disseminate campaign materials within the prescribed campaign period.
- Section 39.** *Campaign Materials.* – All campaign materials to be used by the candidates, political parties, and coalitions may be posted and disseminated without prior approval from the PUP SC COMELEC, provided that these are in accordance with this Election Code.
- 39.1.** *Physical Campaign Materials.* – These include but are not limited to tarpaulins and flyers. The PUP SC COMELEC may prescribe a standard size for all the physical campaign materials.
 - 39.2.** *Virtual Campaign Materials.* – These include but are not limited to posts, images, videos, and captions being posted or disseminated on different online platforms. All candidates, political parties, and coalitions shall provide PUP SC COMELEC a list of all the official online platforms they will be using for the dissemination including but not limited to their Facebook page, Facebook personal accounts, and Twitter accounts.
 - 39.3.** *Monitoring.* – The PUP SC COMELEC shall closely monitor all the campaign materials being posted and disseminated physically and virtually. The Commission shall make sure that the campaign materials are not violating any provisions in this Election Code.
 - 39.4.** *Preservation.* – All campaign materials shall be preserved and must not be compulsorily removed even after the campaign and election period. Further, the Commission may set up a public archive containing all independently



collated campaign materials. This public archive shall be made available even after the election period.

Section 40. *Prohibited to Campaign.* – Members of the PUP SC ST, constitutional commissions, and the PUP administration shall be prohibited from campaigning for and/or against any candidate, slate, coalition, and/or political party.

Section 41. *Room-to-Room Campaign.* – Room-to-room campaigns shall be allowed during the campaign period provided that the candidates/campaign managers make the necessary arrangements with the class and/or organization president and/or representative present using official letters. Official letters shall be acknowledged by the PUP SC COMELEC.

Section 42. *Election Campaign Activities.* – Election campaign activities, as defined in Article II, shall be allowed provided that the candidates, slates, coalitions, and/or political parties are not violating any provisions stated in this Election Code, and they have sent a notice to the PUP SC COMELEC.

42.1. *Protocol.* – The PUP SC COMELEC shall establish a protocol for monitoring and ensuring all election campaign activities. The Commission shall make sure that the election campaign activities are not violating any provisions in this Election Code.

42.2. *Face-to-Face Campaign Activities.* – For physical election campaign activities, the Commission shall allow the official slate and campaign team provided that they observe prescribed university guidelines and minimum health protocols during the activity.

ARTICLE VII

CONDUCT OF CASTING AND CANVASSING OF VOTES

Section 43. *Platform for Elections.* – The elections shall be held online, physically, and/or hybrid. The Commission shall have an operational plan that shall serve as their technical guide for the conduct of the elections. This plan shall be made available to all voters, candidates, and interested parties.

43.1. *Sample Platforms.* - The Commission shall maximize the use of, but not limited to the following: Helios, PUP Student Information System (SIS), and Micro Soft (MS) Teams or Forms.

43.2. *Inclusivity.* - The Commission shall do its utmost efforts to ensure that all platforms are available and inclusive to all bona fide student voters.

43.3 *Coordination.* - The Commission shall make the necessary coordination with the PUP Administration in conducting the elections.

Section 44. *Verification of Bona Fide Student Voters.* – The Commission, in coordination with the PUP Administration, shall have a protocol to ensure that only bona fide student voters of PUP will be allowed to vote.

Section 45. *Election Day.* – Unless deemed necessary by the Commission to increase the days of the election, there shall be at least five (5) consecutive days for the casting of votes.

Section 46. *Canvassing of Votes.* – As soon as the voting is finished, the canvassing of votes shall commence immediately. The canvassing may be done online, or physically which shall promote the most efficient, fair, and just procedure. The Commission shall decide whether the canvassing of votes shall be broadcasted live only on its official social media platforms or shall be conducted in a private/online meeting, with the designated poll watchers of each political party or candidate only.

Section 47. *Determination of Election Outcome.* – To win, a candidate needs only at least one more vote than any other single opponent; the candidate need not, as required by the majority formula, have more votes than the combined opposition or even the abstention.



- 47.1. Election Resulting in Tie.** – Unless otherwise resolved in other settlement by the Commission, whenever it shall appear from the canvass that two or more candidates have received an equal and highest number of votes, on in cases where two or more candidates are to be elected for the same position and two or more candidates received the same number of votes for the last place in the number to be elected, the Commission, shall by resolution, upon notice to all the tied candidates, hold a special public meeting at which the board of canvassers shall proceed to the recounting of votes who have tied.
- A. Further Ways Forward After Tie.** – In cases that the recounting will still result in a tie, two options shall be available that will be voted on by the Commission:
- i. Run-Off Election.** – The Commission will hold a separate election that will be conducted within ten (10) days. Only the candidates who tied in the general election shall participate in the run-off.
 - ii. Lottery.** – A form of lottery will be held by the Commission to decide the winning candidate. The form of the lottery will be decided depending on the number of candidates tied.

Section 48. Material Defects in the Election Returns. – If it should clearly appear that some requisites in form or data had been omitted in the election returns, the board of canvassers shall call for all the candidates, slates, coalitions, and political parties concerned, by the most expeditious means, for the same board to effect the correction.

Section 49. Election Hours. – There must be at least ten (10) minimum hours per day duration for the casting of votes in the physical voting precincts. In terms of individual online voting, it shall be open for twenty-four (24) hours per day.

ARTICLE VIII
GROUND FOR SANCTIONS

Section 50. Disqualification. – Any candidate who does not possess all the qualifications as provided by this Election Code and the promulgated Implementing Rules and Regulations by the PUP SC COMELEC or who commits any act declared to be grounds for disqualification.

- 50.1. Who May File Petition for Disqualification?** – Any student or duly registered political party, organization, or coalition may file with the Commission a petition to disqualify a candidate on grounds provided by this Code.
- 50.2. Period to File Petition.** – The petition shall be filed any day after the last day for filing of certificates of candidacy but not later than the date of proclamation.
- 50.3. Summary Proceeding.** – The petition shall be heard summarily after due notice.
- 50.4. Grounds for Disqualification.** – The following acts shall be grounds for disqualification:
- A.** Failure to submit and complete all requirements deemed necessary by the Commission on time;
 - B.** Failure to accomplish the certificate of candidacy;
 - C.** Pre- and post-campaigning activities;
 - D.** Any form of black propaganda as defined in this Code;
 - E.** Any form of administration intervention that shall favor or disfavor a particular candidate or political party; and



- F. Room-to-room campaigning during the campaign period of non-PUPians for a certain candidate, slate, coalition, and political party.

Section 51. Further Grounds for Disqualification. – The following acts shall not only be grounds for disqualification but shall also be considered violations of the 2019 PUP SHB, specifically if the candidate violates these provisions:

- 51.1. Destruction of campaign materials by individuals or candidates as per Title 9, Section 3.22.
- 51.2. Any form of Online Attacks as defined in this Code as per Title 9, Section 3.18.
- 51.3. Any form of physical threat or harassment as per Title 9, Sec. 3.33.
 - A. **Coercion of election officials and employees.** – Any person who, directly or indirectly, threatens, intimidates, terrorizes, or coerces any election official or employee, through explicit action with intent, in the performance of his election functions or duties.
- 51.4. Any form of tampering with falsifying or causing the falsification of any official document as per Title 9 Sec. 3.28
 - A. This refers to tampering with falsifying or causing the falsification of any requirements stated in Article V Section 22 of this Code.
- 51.5. Sexual Harassment complaints including catcalls, sexually explicit comments sexist remarks, and homophobic insults as per Title 9 Sec. 3.37.
- 51.6. Any other act that the Commission shall deem as a violation of the 2019 PUP Student SHB or shall cause any damage or disruption in the conduct of this election.
- 51.7. **Coordination.** – The Commission shall coordinate with the Office of Student Services in enforcing the necessary sanctions for violations of this section.

ARTICLE IX
ELECTION PROTEST

Section 52. Disqualification Protest. – Any disqualification protest against any candidate shall be filed not later than one (1) day before the casting of votes and shall be decided by the Commission immediately before the casting of votes. Failure to resolve the issue before the casting of votes will invalidate the disqualification protest.

Section 53. Post-Election Protest Period. – Any post-election protest on the manner of casting and/or canvassing of votes by the reasons stated in Section 6 of this Code or other cases that will affect the results of the election, shall be filed not later than five (5) days after the canvassing of the last votes and shall be resolved by the Commission not late than five (5) days after the filing of such.

ARTICLE X
PROCLAMATION OF WINNING CANDIDATES

Section 54. Proclamation. – If there is no post-election protest filed with the Commission, the winning candidates shall be proclaimed after the post-election protest period. Further, the proclamation will be after the resolution of a protest if there is one.

Section 55. Start of Term of Office. – The start of the term of office of the winning candidates should be twenty-four (24) hours after their public oath-taking, duly organized by the PUP SC COMELEC.

Section 56. Smooth Transition of Power and Turnover. – The newly elected SC officers shall have coordination with outgoing SC officers, and ensure that all SC physical and/or virtual properties and assets are properly turned-over. If conflicts arise, the PUP SC



COMELEC and PUP SC ST shall serve as the mediator, and ensure that the election code and PUP SC Constitution shall not be violated.

- Section 57. *Furnishing Copies.*** – The offices of the University President, VPSAS, PUP OSS Director, student councils in the PUP Main Campus, the Alyansa ng Nagkakaisang Konseho ng PUP (ANAK PUP) Federation, the Student Regent, the student publications, political parties, and independent candidates shall be furnished of the official list of the proclaimed winning candidates. The Commission shall also post it on its official social media platforms.

ARTICLE XI FINAL PROVISIONS

- Section 58. *Rules and Regulations.*** – The PUP SC COMELEC shall be the mandated lead agency administering, enforcing, and promulgating the necessary rules and regulations to effectively implement the provisions of this Election Code.
- Section 59. *Arbitration.*** – The PUP SC ST shall be mandated to settle all constitutional and legal conflicts regarding this Election Code and the Rules and Regulations that will be promulgated by the PUP SC COMELEC.
- Section 60. *Jurisdiction.*** – This Election Code and the Implementing Rules and Regulation that will be promulgated by PUP SC COMELEC shall only have jurisdiction over the registered candidates, political parties, political coalitions, PUP administration, and bona fide student voters.
- Section 61. *Separability Clause.*** – If any reason any section or provision of this Code, or any position thereof, or the application of such section, provision, or portion to any person, group, or circumstance is declared invalid or unconstitutional, the remainder of this Code or the application of such section, provision or portion thereof to other persons, groups, or circumstances shall not be affected by such declaration.
- Section 62. *Repealing Clause.*** – All pre-existing codes, resolutions, rules, regulations, and/or other legal documents inconsistent with this Election Code are hereby repealed and/or amended accordingly.
- Section 63. *Effectivity.*** – This Code shall take effect immediately upon its approval by the majority members of the Assembly.

This Election Code of the PUP Student Council was formally amended through the “PUP SCA Act No. 001 Series of A.Y. 2022-2023,” otherwise known as “An Act Amending Selected Provisions in the Established PUP Student Council Election Code as Stipulated in the PUP SCA Act No. 001 Series of 2022,” with the approval of the majority of the members of the Assembly on its Third Special Session on the 7th day of May 2023.