



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

Commission on Elections

Decision

Petition: MOTION TO OBJECT THE EXTENSION OF THE SUBMISSION AND APPROVAL OF THE CAMPAIGN MATERIALS AND ACTIVITIES WITH A PRAYER FOR IMMEDIATE ISSUANCE OF TEMPORARY RESTRAINING ORDER, NOTICE OF HEARING, AND IMMEDIATE RENDER OF JUDGMENT

Petitioners: NESTOR CJ P. NAILON and PATRICK F. PUCHERO

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".

The following day, the Student Council Assembly approved the Resolution No. 012 series of 2021 entitled "A Resolution Determining the 2021 PUP Student Council Election Calendar".

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.

The Commission issued Resolution no. 010 s. of 2021 otherwise known as "Rules and Guidelines for the Campaign Activities For The Academic Year 2020-2021 Elections" and Resolution No. 011 s. of 2021 otherwise known as "Rules and Guidelines for the Campaign Materials For The Academic Year 202.2021" on September 1, 2021.

On September 3, 2021 at around 2 in the afternoon, a meeting/consultation with independent paralegals and paralegals of political parties was conducted by the Commission.

That on September 4, 2021, the Commission issued Resolution No. 012 Series of 2021 a resolution. Extending the Submission of Campaign Activities and Materials until September 5, 2021 at 11:59pm.

The Commission altered and adjusted the Election Calendar on September 5, 2021.

With the facts stated, Mr. Nailon and Mr. Puchero, the petitioners representing the independent candidates, moved to object the extension of the submission and approval of the campaign materials and activities with a prayer for immediate issuance of temporary restraining order, notice of hearing, and immediate render of judgment.

Decision: The Commission dismisses the motion to object. The Temporary Restraining Order requested is denied and notice of hearing is not granted. The Commission upholds the adjustment and alterations of the Election Calendar therefore extending the submission of campaign materials and activities until September 9, 2021 at 11:59pm.

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

Re: Motion to Object the Extension of Campaign Materials and Activities,
Request of a TRO and Notice of Hearing

Opinion of the Commission:

In the request of issuing a Temporary Restraining Order (TRO) and Notice of Hearing, the Commission denies the request on the grounds that will be explained in this decision.

Part I: The Time given from the ratification of the Election Code and Election Calendar and Deadlines set by the Student Council Assembly.

The petitioners move to object the extension of the submission and approval of the campaign materials and activities for the reason of:

- a. That on 26 July 2021, the Student Council Assembly already approved the Election Calendar for the 2021 PUP Student Council Election. With that, aspiring independent candidates and aspiring candidates from different accredited political parties have one (1) month and eleven (11) days to prepare for the campaign materials and campaign activities.

The Commission recognizes the gap between the release of the Election Code and the deadline set by the Student Council Assembly (SCA). However, the justification cannot be entertained since the scope and limitations of the Campaign Materials and Activities is elaborated further in the Implementing Rules and Regulations (IRR) and presented in much more detail in Resolutions 10 and 11 s. 2021. The candidates have at most thirteen (13) days to comply with the requirements set by the Commission regarding the campaign materials and activities, not one month and eleven days.

Additionally, the Student Council Assembly cited Article IV Section 13-H, to give all authority to the Commission regarding all election matters, as they believe that the Assembly no longer has any authority or mandate concerning the elections and all matters regarding the elections is solely by the wisdom of the Commission (Resolution No. 013 s. 2021 and email by SCA at September 4, 2021 at 8:24pm).

Part II: Compliance of Independent Parties to the Original Deadline set by the Student Council Assembly.

The petitioners move to object the extension of the submission and approval of the campaign materials and activities for the reason of:

- b. That on 1 September 2021, the Commission on Elections issued Resolution No. 010 s. of 2021 otherwise known as "Rules and Guidelines for the Campaign Activities for the Academic Year 2020-2021 Elections" And Resolution No. 011 Series Of 2021 otherwise known as "Rules And Guidelines For The Campaign Materials for the Academic Year 2020-2021". We take note that the Honorable COMELEC issued the aforementioned resolutions one (1) day before the commencement of the collection and approval of campaign materials and list of election campaign activities based on the Resolution No. 012 Series Of 2021 Entitled "A Resolution Determining The 2021 PUP Student Council Election Calendar" issued by the Student Council Assembly. However, despite the fact that the Honorable COMELEC issued the rules guidelines for the campaign activities and campaign materials one (1) day before commencement of the collection and approval of campaign materials and list of election campaign activities, the independent candidates were able to submit their list of campaign materials and campaign activities before 11:59

Re: Motion to Object the Extension of Campaign Materials and Activities,
Request of a TRO and Notice of Hearing

in the evening of 5 September 2021 despite the current health and economic crisis that we are facing and the independent candidates' lack of resources

The Commission recognizes the campaign materials that was passed within the set deadline of the original election calendar and was formally accepted by the COMELEC. However, the adjusted period in the election calendar is deemed final by the decision of the Commission with the given authority of the SCA.

In this matter the Commission shall accept the campaign materials and election activities of the following candidates who did not meet the original deadline in pursuant of the said adjusted deadline. The Commission respectfully acknowledges the following candidates who passed within the original election calendar with due diligence, however, the acceptance of election materials and activities from other candidates shall not be hindered as long as they submitted before the adjusted deadline.

Part III: The Original Calendar

The petitioners move to object the extension of the submission and approval of the campaign materials and activities for the reason of:

c. That on 3 September 2021 at around 2 in the afternoon a meeting/consultation with independent paralegals and paralegals of political parties was conducted by the Honorable COMELEC. In that meeting, the COMELEC expressed its plan to extend the collection and approval of campaign materials and list of election campaign activities until 8 September 2021 and that independent candidates and political panics can base their calendar on the date of planned extension as expressly stated by the COMELEC during the said meeting/consultation. However, on 4 September 2021 at exactly 1:29 in the morning, the Honorable COMELEC sent an email informing the paralegals to continue "...use the ORIGINAL CALENDAR released..." (see the attachment below). With this, the independent candidates immediately stick to the original election calendar issued by Student Council Assembly on 26 July 2021 and exhaust all the possible ways and means that they can avail to comply with all the requirements set by the existing Implementing Rules and Regulations and pertinent resolutions, and submit, with due diligence, all the requirements before the deadline.

The email sent by the Commission, which the petitioners failed to put the entire context in their petition states:

We'd like to let you know that there are some minor modifications to the calendar this time, so please bear with us. **For now, please use the ORIGINAL CALENDAR released.** We guarantee you that a resolution will be released as soon as possible. (Emphasis applied)

All paralegals were placed under notice that the election calendar will be altered and adjusted, as discussed in the meeting dated September 3, 2021. The email further clarified that for the meantime while the official document will be released, all parties must act in accordance with the original calendar.

Part IV: Unfairness of the Extension

The petitioners move to object the extension of the submission and approval of the campaign materials and activities for the reason of:

Re: Motion to Object the Extension of Campaign Materials and Activities,
Request of a TRO and Notice of Hearing

d. That on 5 September 2021, the independent candidates, together with their campaign managers and campaign paralegals, were finalizing their list of campaign activities and materials including the actual campaign materials and room-to-room campaign schedules with due diligence in order to be able to comply and submit the requirements on the date prescribed in the original election calendar. However, on the same day when the independent candidates diligently exhaust all the possible ways and means that they can avail to comply and submit all the requirements before the deadline, the COMELEC issued RESOLUTION NO. 013 SERIES OF 2021 a resolution providing "THE ADJUSTMENT OF ELECTION CALENDAR" In the adjusted election calendar, the submission of the list of campaign materials and campaign activities is extended until 9 September 2021. With this, the independent candidates felt that their efforts to finalize and submit the list of campaign materials and campaign activities on time with due diligence was undermined and put into waste. Aside from that, the extension of the submission and approval of the list of campaign materials and campaign activities is unfair to the independent candidates.

The Commission recognizes the sentiments and concerns of some independent candidates. However, the Commission advises the candidates to utilize the extension period to further improve and furnish their campaign materials and activities before the newly adjusted deadline. The Commission shall adhere to the adjusted calendar not only to move the extension of submission of campaign materials and activities, but also to resolve other electoral matters.

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

(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

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