



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

Commission on Elections

Decision

In August 29, the Commissioner from the College of Computer and Information Systems proposed to extend the submission of the Certificate of Candidacy and the Party Registration Form until 5PM of August 31, 2021;

The Commission agreed that the period of filing of COC needs to be closed at 5PM on August 31, 2021 to give the Commission ample amount of time to review the documents and to prepare the list of candidates which will be forwarded to the Internal Audit Office to review and check if they have pending liabilities during their previous terms, as a requirement stated in Article IV Section 2b of the Rules and Regulations Implementing the Student Council Act no. 001 series of 2021.

On the same day, Resolution No. 008 s. 2021 is adopted.

The PUP Students' Party for Equality and Advancement of Knowledge (PUP SPEAK), the petitioner, filed a Motion for Reconsideration on August 30, 10:24 PM for an Extension of the Filing of Certificate of Candidacy and Party Registration.

Decision: The Commission grants the motion for reconsideration with reservations. The Commission hereby extends the submission of the Certificate of Candidacy and Party Registration Form until 12:00 noon of September 1, 2021 for the grounds cited in Part III of this decision.

However, the Commission rejects the motion for reconsideration on adjusting the election calendar based on Points A, B, D, E, as explained in Parts I, II, IV, V, VI, and VII of this decision.

The Commissioner from the CCIS delivered the opinion of the Commission, joined by the Commissioners from CADBE, CAF, CAL, CBA, COC, COED, CE, CHK, CPSPA, CS, ITECH.

The Commissioners from CSSD and CTHTM did not participate in the deliberation of the decision.

Part I: The petitioner's claim to have more consultation and orientations to all parties and the electorate.

The petitioner considered the following ground to file this motion:

a. The COMELEC has to conduct more consultation and orientation to all interested parties and the electorate on the conduct and procedure of the first ever online and remote [S]tudent [C]ouncil [E]lections. This is in line with the mandate of the COMELEC, stated in **Article VII, Section 31** of the Student Council Act No. 001 s. 2021, otherwise known as the Election of the PUP Student Council, that, **“The elections shall be held online, and 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.”**

The provision of the Election Code the petitioners cited as a ground to extend the filing of the Certificate of Candidacy (COC) is unjustified. This provision primarily points on the operational plan regarding the platform of the elections. The petitioners did not exactly justify how this provision could affect the filing of the COC.

The Commission, on the other hand, had a deliberation with the paralegals of all interested parties on August 23, 2021, with regard on the technical aspect of the election. All parties were informed through their email addresses and most of them confirmed their attendance immediately. The petitioner, as an interested party, did not confirm its attendance with the Commission. The paralegals in attendance had already asked questions regarding the Implementing Rules and Regulations, including the COC and the attributed requirements. The Commission compromised with the paralegals with the requirements and the content of the COC. Even after the discussion, the Commission is still open to questions through their social media platforms and email.

Part II: The petitioner’s claim because of the imposition of the Modified Enhanced Community Quarantine.

The petitioner considered the following ground to file this motion:

b. The current imposition of the Modified Enhanced Community Quarantine (MECQ) to various areas of the countries due to the surge of COVID-19 cases compels the students of our university to give more focus of their time and efforts to their academic activities and family-related concerns.

In Metro Manila alone, the stricter Enhanced Community Quarantine (ECQ) was imposed twice, first on March 29 to April 12 and second on August 6 to 20, while the current MECQ was imposed previously, from April 13 to May 14. The Commission started its *en banc* on August 5, 2021.

The Commission understands the sentiments of the students, however the petitioners failed to explain how the reimposition of the MECQ affects the online document application processes of the university and the students are not able to submit the COC on or before the deadline of August 31, 2021 during the quarantine imposition despite all transactions of the commission and university

is purely online. The Election Code was released on July 28, 2021 and its Implementing Rules and Regulations was released on August 25, 2021. The Commission believes that the time given is enough for all aspiring candidates to process their requirements.

Part III: The petitioner's claim because of the National Heroes Day

The petitioner considered the following ground to file this motion:

c. The present dateⁱ, August 30, 2021, is National Heroes Day, a national holiday wherein transactions in government offices, including our university, as well as work in private institutions are temporarily suspended, which means the COMELEC nor interested parties can continue their transactions relevant to the conduct of the elections, to the university.

It is established under the law that during a national holiday, all transactions in government offices are temporarily suspended in observance of the holiday. The Commission considered the National Heroes Day within the time frame of the fulfillment of the requirements in submitting the COC. However, there are some students who needed to conduct business with their college in order for them to comply with the requirements of the COMELEC.

The Commission recognizes that not all colleges offered transactions during a national holiday.

Part IV: The petitioner's claim because how the Internal Audit Office and Office (IAO) of the Student Services (OSS) business is transacted.

The petitioner considered the following ground to file this motion:

d. With the recent announcement of the honorable commission, it stated that they will coordinate with the Internal Audit Office (IAO) and the Office of the Student Services (OSS) for the verification of any pending liabilities. This will require the aforementioned offices for an ample period for the process itself that will therefore lead to the adjustment to our election calendar.

The Commission, through its social media post, it informs all candidates that:

With the coordination of the Internal Audit Office (IAO) thru the Office of the Student Services (OSS), the Commission will create a list of students who filed their Certificate of Candidacy. The list will contain the names of the candidates, the past and the current organization they belong to. Thus, this shall be forwarded to the Internal Audit Office while being endorsed by the Legal Office to ensure that the Data Privacy Act of 2012 is observed during the process. The Internal Audit Office will then check if any of the candidates have pending liabilities from their previous terms.

Prior to the announcement, the Commission has been communicating with the IAO regarding this concern. The IAO Director suggested that the Commission should forward the list of students who submitted their COCs and they will check if these students have pending liabilities. The IAO agreed that they will verify the list as soon as it is forwarded.

Part V: The petitioner's claim because they need more time for all interested parties and candidates to prepare themselves for the elections, given the present difficult conditions brought by the pandemic.

The petitioner considered the following ground to file this motion:

- e. PUP SPEAK believes that we need more time for all interested parties and candidates to prepare themselves for the elections, given the present difficult conditions brought by the pandemic.

In terms of the filing of the requirements online, the petitioner failed to explain why they need more time to prepare, and why they are having difficulties in preparing for the elections brought by the pandemic. The Commission strongly believes that the fulfillment of the requirements through authorized online platforms are feasible and available at any time—in fact, multiple candidates and parties have already complied **on time** with the requirements of the Commission in filing of the COC and the Party Registration.

The Commission is willing to make any adjustments, however, not to the extent of the September timeline, as prescribed, being further extended.

Part VI: The petitioner's failure in determining the extension of the filing of the COC.

The petitioner did not provide an alternative to the extension of the filing of the COC and the Party Registration. Such alternative is the burden of the petitioner, since they claim they need more time and did not provide a date when they will be ready, as stated in Part V of this decision.

Part VII: Petition in extending the COC vs petition in changing the election calendar.

In all five grounds raised by the petitioner, they intend to alter the election calendar despite the header of the motion concerns only the filing of the COC and Party Registration. Based on how the grounds are constructed and what are stated, the motion already lacks merit.

ⁱ The petition was forwarded by the petitioner to the Commission's email on August 30, 2021.

SO ORDERED

(SGD) JANNETTE PRINCESS V. HINATE
Chairperson
College of Education Commissioner

JANEL MARIEKE B. BANARIA
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

KRISTAN MARK F. BERNARDO
College of Tourism, Hospitality and
Transportation Management Commissioner

(SGD) DIVINA I. ASIS
Institute of Technology Commissioner