



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

Student Council Act No. 001 s.2021

Election Code of the PUP Student Council

ARTICLE I GENERAL PROVISION

- Section 1** *Title* – This code shall be known as the “Election Code of the PUP Student Council”.
- Section 2** *Applicability* – This code shall govern and regulate all election of officers of the PUP Student Council. This election code is only applicable for the FLEXTel learning setup of the following PUP academic year.

ARTICLE II DEFINITION OF TERMS

- Section 3** The Election Code shall be guided by the following operative terminologies:
- Administration Coordination* – Refers to the necessary and bounded coordination of the Student Council Assembly and COMELEC with the University Administration to effectively implement the elections and ensure order. This includes, but not limited to: (1) imposition of disciplinary actions by the OSS on election violators as prescribed by the Student Handbook, and (2) procurement of verified PUP webmail accounts of the student body through the ICTO.
 - Administration Intervention* – Refers to direct campaign and indirect command of any faculty member, administrative employees or administration officials to vote in favor of any political party or individual candidate. This also includes, but not limited to: involvement of any faculty member, administrative employees or administration officials, in entering and managing the technical and online platforms utilized for the elections.
 - Appointive Office* – Any position or office that is being appointed by Student Council Assembly, such as Student Council - Constitutional Commissions (e.g. Commission on Elections, Commission on Audit, Commission Student Organizations’ Accreditation, Student Tribunal)
 - 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



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fabricated statements, with the intention to deceive audiences, which include but not limited to:

- i. *Online Attacks* – Any false or malicious act or statement, using any online platform, These attacks are, but not limited to:
 1. *Cyber-bullying* – Any act of using any electronic device to send messages that might cause intimidation to another party or to be perceived as a threat to one's welfare;
 2. *Cyber-libel* – As stipulated in Article 353 of the Revised Penal Code, 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, and 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, story, that causes damage to the reputation of the candidate or political party.
 3. Malicious statements in public social media fora, including but not limited to, comment sections on Facebook statuses and posts and/or replies on Twitter posts and threads.
- e. *Bona Fide Students* – For election purposes, a student shall be enrolled in the current academic year in any college to be considered as a bona fide student.
- f. *Campaign Materials* – Any physical or online material that is used to campaign or promote a candidate/s or political party during the elections.
- g. *Election Campaign Activities* – Refer to any physical or online activity conducted by political parties or any bona fide participant of this election to promote a candidate/s or political party during the election, which includes but not limited to: webinars, online meeting room discussions, flash mobs, and physical campaign rallies/demonstrations.
- h. *Election Paraphernalia* – Refers to all materials, documents, and devices that are used by members and staff of the COMELEC, candidates, members of political parties and campaign teams in their preparation for their participation and conduct of the elections.
- i. *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 positions is referred to as an ‘appointed individual/officer’, but essentially holds an elective office.



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- j. *Electronic Voting* – Refers to the form of voting to be used in this election which shall use electronic or online means.
- k. *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 glitch, and other online-system related issue, and the like, as opposed to one caused by human behavior.
- l. *IATF* – Refers to the Inter-Agency Task Force for the Management of Emerging Infectious Diseases, a task-force organized by the Government of the Republic of the Philippines to respond to all affairs concerning the COVID-19 pandemic.
- m. *Outsiders* – Any person or group of persons that is neither a bonafide student of PUP nor a bonafide employee or official of PUP.
- n. *Physical Harassment* – Any form of physical action or activity that causes intimidation, embarrassment, or threatens a person or a group of persons.
- o. *Post-Campaigning Activities* – any form of physical or online campaign activity that is conducted after the prescribed campaigning period of this Code.
- p. *Premature Campaigning Activities* – any form of physical or online campaign activity that is conducted before the prescribed campaigning period of this Code.
- q. *Rooms* – an online meeting space where students from PUP conduct their classes or any meeting that is or is not specifically about academic matters. Platforms to create this meeting space include but not limited to Zoom, Google Meet, and Discord.

ARTICLE III
ELECTION AND CAMPAIGN PERIODS

- Section 4** Unless otherwise fixed by the Student Council Assembly through a resolution, the election period shall commence on the first day of filing of certificate of candidacy and shall end ten days after the final casting of ballots and resolution of postelection disputes.
- Section 5** The schedule of election shall be on the date provided in the PUP Student Council Constitution, unless fixed by the Student Council Assembly.
- Section 6** *Postponement of election* – When for any serious case such as violence, terrorism, loss or destruction of election paraphernalia, force majeure, University administration intervention, and other analogous causes of such nature that the holding of a free, orderly and honest election should become impossible, Student Council Commission on Elections, which hereinafter shall be referred to as the Commission, more propel or upon a verified petition by any interested parties are afforded equal opportunity to be heard, shall postpone the election therein to a



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date which should be reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than ten days after the cessation of the cause for such postponement or suspension of the election or failure to elect.

Section 7 ***Failure of election*** – The rules for declaring and resolving a petition for a Failure of Elections are as follows:

7.1 Criteria for declaring a Failure of Elections – If, on account of force majeure, violence, fraud, University administration intervention, or other analogous causes, the election in any polling precinct has not been held on the date, 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, or had suspended before the hour fixed by this Code for the closing of the voting, or after the voting and during the preparation and the transmission of the election returns or in the custody or canvass thereof, such election result in a failure to elect, and in any of such cases the failure or suspension of election would affect the result of the election,

7.2 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, conduct a hearing, and make a decision, whether to nullify or approve such a petition.

7.3 Ways forward of the Commission upon declaring a Failure of Elections – If a Failure of Elections is declared, the Commission shall call for the holding or continuation of the election not held, suspended or which resulted in a failure to elect on a date reasonably close to the date of the election not held, suspended or which resulted in a failure to elect but not later than ten days after cessation of the cause of such postponement or suspension of the election or failure to elect.

ARTICLE IV
THE STUDENT COUNCIL COMMISSION ON ELECTIONS

Section 8 ***Composition*** – The commission shall be composed of 14 commissioners duly appointed by the Student Council Assembly.

8.1 COMELEC Executive Committee – The commissioners shall elect their Executive Committee, composed of a Chairman, Vice Chairman, Secretary General and Treasurer.

Section 9 ***Qualifications of COMELEC members*** – The qualifications to be a commissioner of the COMELEC are as follows:

- a. Must be a bona fide student of PUP



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- b. Must be non-partisan and does not represent or abide to any organization and/or formation inside and outside the university
- c. Must be well-versed on the electronic voting platforms to be used in the COMELEC's operational plan

Section 10 *Appointment* – The Commissioners shall be elected by the Student Council Assembly. The Presidents of the SCA shall nominate three students per college. The SCA, on secret voting, will elect a Commissioner from the three nominees.

Section 11 *Term of Office* – The appointed members of the commission shall be in co-terminus with the members of the Student Council Assembly in exercising their powers and functions of the commission for one (1) year and shall be eligible for reappointment by the Student Council Assembly.

Section 12 *Deputy Commissioners* – The Commission shall appoint and deputize bona fide students to ensure fair, orderly and honest election. They may act as online administrator, and online administrator assistant 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 co-terminus with the members of the Commission.

12.1 *Qualifications of Deputy Commissioners:*

- a. Must be a Bona fide student of PUP;
- b. Must be non-partisan and does not represent or abide to any organization and/or formation inside and outside the university;
- c. Must be well-informed about the processes and functions of the selected electronic voting platform;
- d. Must be able to handle and assist all technical difficulties of the voters during electronic voting; and
- e. Must have all necessary devices for the electronic voting such as electronic devices such as smartphones, laptops, personal computers or similar devices, and stable mobile data or internet.

Section 13 *Powers and functions of the Commission* – In addition to the powers and functions conferred upon it by the PUP Student Council Constitution, the Commission shall:

- a. Keep and preserve all election materials, documents, and other election paraphernalia;
- b. Inspect and approve campaign materials within the prescribed date as stipulated in the election calendar;
- c. Conduct information drives and orientations to all voters, candidates, and parties regarding the conduct of the online elections;
- d. Regulation of online election campaign activities;



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- e. Collect the names of the official campaign managers, spokespersons of each slate or candidate, to prevent outsider campaigners;
- f. 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 online elections;
- g. 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 campaign activities; and
- h. 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.

13.1 The functions and responsibilities of the Deputy Commissioners are the following:

- a. Instruct and answer all inquiries and questions relating on electronic voting;
- b. Raise all the pending inquiries and questions relating on electronic voting that were unanswered by the Deputy Commissioner to the members of the Commission;
- c. Act as online administrator, online administrator assistant, and other positions; and
- d. Other functions and responsibilities the Commission may delegate;

Section 14 All decisions, rules and regulation and resolutions shall be valid upon approval by the majority of the Commissioners, signed copies of which shall be posted in the official social media platforms of the Commission and shall be given to all local student councils and interested parties and the Central Student Council.

Section 15 ***Decisions*** – All decisions of the Commission shall be final and executory. However, interested parties can still file their motion for reconsideration and 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 Student Council Assembly. Provided that the Assembly shall decide based on the facts of the case, such power is vested to the Commission alone.

- a. In special case/s to which the Election Code fails to provide any provision that will suffice to resolving such case/s, the Commission reserves the right to decide and resolve case/s based on factual basis and investigation.

Section 16 ***Office*** – The Commission shall hold office at the Constitutional Commission Office, 2nd Floor, Charlie del Rosario Student Centre or other office designated by



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the Student Council Assembly for election purposes. Provided that said office shall be known to all interested parties. The commission shall hold office in their official command center. Should a physical command center not be established, the Commission shall have official social media platforms which include, but not limited to Facebook and Twitter, that shall serve as their virtual office. The management and responsibility of these accounts of these platforms is delegated to authorized members and staff of the Commission only.

ARTICLE V
QUALIFICATION OF CANDIDATES AND CERTIFICATE OF CANDIDACY

Section 17 *Qualification* – 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 legitimate unless of course the candidate is independent.

17.1 *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.

17.2 *Legitimate Student Political Organization*—If a candidate runs under a particular banner or party, the party he/she 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, who will support and field candidates for the elections.

Section 18 *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 Student Council Assembly 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 19 *Candidates holding appointive office* – Students appointed as member or officers of Constitutional Commissions, such as Student Commission on Audit, Commission on Student Organizations and Accreditation, Student Tribunal and other Commissions created by the Student Council Assembly, shall be considered resigned from their office upon the filing of their Certificate of Candidacy.

Section 20 *Filing period* – the period of filing of certificate of candidacy shall be prescribed by the Student Council Assembly. 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 a widely participated, fair and orderly elections. Provided further, that the copies of the announcement of the filing period and any extension shall be posted on the Commission's official



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social media platform and shall be sent to all student councils and interested parties.

Section 21 ***Certificate of Candidacy*** – No student shall be eligible for any elective office unless he/she files a sworn certificate of candidacy within the period fixed by the Student Council Assembly. A person who has filed a certificate of candidacy may, prior to the election, withdraw the same by submitting to the Commission a written declaration.

Section 22 ***Requirements*** – A certificate of candidacy shall be awarded to a candidate who has submitted the following:

- a. Original Certification of Enrollment from ARO or Registration Certificate for the previous semester of the candidates.
- b. Other documents deemed necessary by the Commission for election purposes.

Section 23 ***Ministerial duty of receiving and acknowledging receipt*** – The Commission shall have the ministerial duty to receive and acknowledge receipt of the certificate of candidacy.

Section 24 ***Candidates in case of disqualification or withdrawal of another*** – If within the period of filing of 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 withdraw or was disqualified. The substitute candidate nominated by the political party concerned may file his/her certificate of candidacy with the Commission not later than a day after the last day of filing of candidacy.

Section 25 ***Official list of candidates*** – The official list of candidates shall be posted by the Commission on its official social media platforms. Further, copies of which shall also be forwarded to the Campus Publications, Office of the Student Services, Office of the Vice President for Student Services and to all student councils.

ARTICLE VI
CAMPAIGN AND ELECTION PROPAGANDA

Section 26 ***Campaign Period*** – The campaign period shall be fixed by the Student Council Assembly. Unless otherwise provided, the campaign period shall be at least seven (7) days. The “Meeting de Avance” shall be held next to the last day of the campaign period. Provided that the Commission on Election shall release guidelines for the “Meeting de Avance”.

26.1 The Commission shall encourage and provide support to colleges who will conduct their own Meeting de Avance.

26.2 The campaign period guidelines shall be fixed by the Commission on Election as prescribed by the Student Council Assembly.



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- Section 27** ***Campaign materials*** – All campaign materials to be used by candidates and political parties shall be previously approved by the Commission during its period of campaign materials evaluation.
- 27.1** The Commission shall determine its protocol for collecting and approving the campaign materials in online mode.
- 27.2** The Commission shall determine its protocol for regulating and approving the posting and dissemination of campaign materials to prevent online attacks and other similar violations. It shall maximize the use of the following, but not limited to: watermarks, serial numbers, and QR codes.
- Section 28** ***Prohibited to campaign*** – Commissioners, deputies and staff of the Commission, faculty members, administrative officials and employees of the University, and outsiders are prohibited to campaign for and/or against any candidate/party.
- Section 29** ***Room-to-room campaign*** – Room-to-room campaign shall be allowed during the campaign period provided that the candidates/campaign managers make the necessary arrangements with the class president and/or professor/instructor present through the use of official letters.
- Section 30** ***Election Campaign Activities*** – Election Campaign Activities, as defined in Article II, shall be allowed provided that the candidates/political parties shall notify the Commission.
- 30.1** All independent candidates/political parties shall submit a list of online election campaign activities to the Commission at the date specified in the election calendar. Candidates are not allowed to conduct any activity that is not included in the list they submitted.
- 30.2** The Commission shall establish a protocol of monitoring all election campaign activities.
- 30.3** For physical election campaign activities, the Commission shall only allow half of the total number of members of the official slate and campaign team. The official slate and campaign team shall observe IATF guidelines and minimum health protocols during the activity.

ARTICLE VII
CONDUCT OF ONLINE CASTING AND CANVASSING OF VOTES

- Section 31** ***Platform for Elections*** – 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.
- 31.1** The Commission shall maximize the use of, but not limited to the following: Helios, Google Forms, PUP SIS
- 31.2** The Commission shall do their utmost efforts to ensure that all platforms are available and inclusive to all bona fide voters.



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31.3 The Commission shall make the necessary coordination with the administration in conducting the elections.

31.4 All Personnel of the Commission must be bona fide students of this university.

Section 32 *Period of Verification of Bona Fide Voters* – The Commission shall have a protocol to ensure that only bona fide students of PUP will be allowed to vote. This period will be determined in the Election Calendar by the SCA.

Section 33 *Election day* – Unless deemed necessary by the Commission to increase the days of election, there shall be at least three to five (3-5) consecutive days for casting of votes.

Section 34 *Online Canvassing of Votes* – As soon as the voting is finished, the canvassing of votes shall commence immediately. 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 35 *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.

Section 36 Unless deemed necessary by the Commission to extend, it is highly recommended to the Commission that there must be at least ten (10) minimum hours duration for the casting of votes on the online platform. However, the minimum ten (10) hours duration for the casting of votes may not be executed depending upon the justified reasons and circumstances that may occur which are subjected to the recommendation and/or approval of this commission.

ARTICLE VIII
GROUND FOR SANCTIONS

Section 37 The following acts shall be grounds for disqualification:

- Failure to submit and complete all requirements deemed necessary by the Commission on time;
- Falsification of documents;
- Failure to accomplish the Certificate of Candidacy;
- Pre and Post Campaigning in any forms that will be held by political parties and candidates before and/or after the campaign period;
- Any form of black propaganda as defined in this Code;



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- f. Any form of administration intervention that shall favor or benefit a particular candidate or political party; and
- g. Room-to-room or other forms of campaigning during the campaign period of non-PUP students and other organizations outside the university to a certain political party are subject for disqualification.

Section 38 The following acts shall not only be grounds for disqualification, but shall also be considered as violations of the 2019 PUP Student Handbook, specifically on these provisions:

- a. Destruction of campaign materials by individuals or candidates as per Title 9, Section 3.22.
- b. Any form of Online Attacks as defined in this Code as per Title 9, Section 3.18.
- c. Any form of physical threat or harassment as per Title 9, Sec. 3.33.
- d. Any other act that the Commission shall deem as a violation of the 2019 PUP Student Handbook or shall cause any damage or disruption in the conduct of this election.

38.1 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 39 *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 elections. Failure to resolve the issue before the Casting of Votes will invalidate the disqualification protest.

Section 40 *Post-election protest period* – Any post-election protest on the manner of casting and 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 later than five (5) days after the filing of such.

Section 41 Political parties and individual candidates are required to submit copies of all the letters, protests, petitions, and any other written correspondence that they have submitted to the Commission.

**ARTICLE X
PROCLAMATION OF WINNING CANDIDATES**

Section 42 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.



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Section 43 The Office of the University President, Vice President for Student Affairs and Services, Director of the Office of the Student Services, all student councils of the PUP Mabini Campus, the ANAK Federation, the Office of 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 44 *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 45 *Repealing clause* – The old Election Code Implementing Rules and Regulations of the PUP Student Council is hereby repealed.

Section 46 *Effectivity* – This Code shall take effect immediately upon its approval by the majority members of the Student Council Assembly. Upon the resumption of face-to-face classes in the PUP Mabini Campus and the easing of restrictions due to the COVID-19 pandemic, this code shall be null and void, and the Student Council Act No. 001 s. 2019 or 2019 Election Code shall take effect as the official and legally-binding election code of the PUP Mabini Campus.

This Election Code of the PUP Student Council is hereby revised through the proper deliberation, subjected to the approval of the majority of the members of the Student Council Assembly S.Y. 2020-2021 on the 25th day of July, 2021.

AUBREY F. GARGANERA
Officer-in-Charge
Sentral na Konseho ng Mag-aaral

IVY GAIL SALAMO
Secretary General
Sentral na Konseho ng Mag-aaral



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JESSALYN A. GALAPON
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