



Republic of the Philippines  
Polytechnic University of the Philippines  
Student Council Constitutional Commissions  
**Commission on Elections**

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**Decision**

**DATE:** September 14, 2022

**PETITION:** PETITION TO REPEAL THE RESOLUTION NO. 015, SERIES OF 2022, WITHOUT REPLACEMENT ON THE GROUNDS OF VIOLATION OF ARTICLE IV, SECTION 12 OF THE PUP STUDENT COUNCIL CONSTITUTION

**PETITIONERS:** Sandigan ng Mag-aaral para sa Sambayanan (SAMASA) – PUP

The Commission en banc passed and promulgated the Implementing Rules and Regulations of Student Council Act No. 002 Series of 2022 on August 17, 2022. On September 9, 2022, the Commission revised the Implementing Rules and Regulations adding the following provisions:

a.) *Article VII*

*Section 3.2b Candidates running in their College Student Council are entitled to one (1) legal representative, one (1) campaign manager, one (1) spokesperson, and two (2) poll watchers.*

b.) *Article XIV*

*Section 2.5 If there is only one (1) official candidate running for a particular position, whether it be in the Sentral na Konseho ng Mag-aaral (SKM) or in the College Student Council (CSC), he/she/they must obtain 2/3 of the voters' turnout in order to be proclaimed elected.*

*a. Voters' Turnout defined - it shall include all votes casted on the ballot provided by the Commission, whether the vote is in*



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*favor of a candidate or abstain. People who did not vote at all in the elections shall be considered separate from the 'abstain' vote and not be considered as a part of the voters' turnout.*

The Sandigan ng Mag-aaral para sa Sambayanan PUP (SAMASA PUP), the petitioner, filed a petition on September 9, 2022, to repeal Resolution No. 015, series of 2022, without replacement with provision (b.) being the dispositive portion.

**DECISION:** The Commission *denies* the petition to repeal Resolution No. 015, series of 2022, without replacement. The amendment still remains, if there is only one (1) official candidate running for a particular position, whether it be in the Sentral na Konseho ng Mag-aaral (SKM) or in the College Student Council (CSC), he/she/they must obtain 2/3 of the voters' turnout in order to be proclaimed elected.

The Commissioner from College of Accountancy and Finance (CAF) delivered the opinion of the Commission joined by Commissioners from College of Architecture, Design, and the Built Environment (CADBE), College of Business Administration (CBA), College of Computer and Information Sciences (CCIS), College of Human Kinetics (CHK), College of Communication (COC), College of Education (CoEd), College of Political Science and Public Administration (CPSPA), College of Engineering (CE), College of Science (CS), College of Social Studies and Development Student (CSSD), College of Tourism, Hospitality, and Transportation Management (CTHTM), and Institute of Technology (ITECH).

The Commissioner from College of Arts and Letters (CAL) voted in favor of granting the petition.



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**Opinion of the Commission:**

As the Commission goes through the process of verifying aspiring candidates for the Student Council Elections, it is met with a problem of special nature: In certain positions, there is only one (1) candidate that applied for candidacy; which upon verification, would probably be considered officially as the sole candidate for the position. There is no official protocol regarding this circumstance that is provided by the PUP Student Council Constitution, the Election Code, and the previous version of the Implementing Rules and Regulations. Through the system of plurality, the sole candidate for the position would only need ONE (1) vote in the Student Council Elections in order for them to win the respective position they are running for. To put it into perspective let us make an example. If there are 5,000 students in a particular college and 3,000 students voted in the election, even if 2,999 of them voted abstain, that one single vote would overshadow all of them and elect the candidate into power. This inevitable scenario should the concept of plurality continue to prevail on this particularly special case undermines the essence of democracy. The Commission stands not to deprive the Constitutionally-granted right of students to suffrage or their right to exercise ideological and political beliefs as claimed by the petitioners citing the Article IV Sections 11 and 12 of PUP Student Council Constitution, but rather we are here to further protect it. Protecting the students' right to suffrage and to exercise ideological and political beliefs entails establishing assurance that each vote of each student carries all the same weight and manifest equally on the Student Council Elections.

Establishing a measure ensuring that the sole candidate running for a particular position is a genuine representation of student body is timely and necessary. By requiring that two-thirds of voters' turnout must be attained by the sole candidate in order to win, it ensures that whoever they may be, as they step into power, they are a genuine representation of the student body. As the special nature of this circumstance makes it not particularly and explicitly outlined by any provision, in order for the Commission to administer and ensure a fair, orderly and honest conduct of elections, the Commission – on its own initiative, gives the students the



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choice whether or not to elect the sole candidate of the particular position into power. A candidate automatically stepping onto power and assuming the respective position without genuinely going through the judgement of the people or the having the people's votes not making a genuine impact on their electoral run whether it be positively or negatively, due to lack of competition and/or being limited of choices abridge Article II Section 3 and Article IV Section 12 of PUP Student Council Constitution. This is not a matter of candidates lacking competition, but rather this is a matter of giving students the power and the choice. The Commission, in good conscience, cannot be grossly negligent and deliberately ignore the lack of provision that provides security to its constituents as it pertains to this particularly special case.



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**Dissenting Opinion**

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**PETITIONERS:** Sandigan ng Mag-aaral para sa Sambayanan (SAMASA) – PUP

**OPINION BY:** Gad Thomas Deuel S. Mendiola  
*Vice Chairperson, College of Arts and Letters Commissioner*

**Opinion**

Upon the deliberation of the Certificates of Candidacies, the Commission has seen multiple instances of uncontested candidates. With the outcome of said proceedings concerning the final list of candidates for the Student Council Elections 2022, the Commission have decided to set a specific limitation concerning uncontested candidates. Commission's Resolution No. 15, series of 2022 states that:

*“WHEREAS, upon the discussion, the Commission in quorum decided to include a new section under Article XIV regarding the votes needed in order for the candidates to be proclaimed in their position;*

*Article XIV*

*Section 2.5 If there is only one (1) official candidate running for a particular position, whether it be in the Sentral na Konseho ng Mag-aaral (SKM) or in the College Student Council (CSC), he/she/they must obtain 2/3 of the voters' turnout in order to be proclaimed elected.*



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*a. Voters' Turnout defined - it shall include all votes casted on the ballot provided by the Commission, whether the vote is in favor of a candidate or abstain. People who did not vote at all in the elections shall be considered separate from the 'abstain' vote and not be considered as a part of the voters' turnout."*

The rationale for this additional provision was that it would solidify the integrity of the votes, that having more than half of the voters' turnout would reflect the competence of the candidate running for a specific position, uncontested. But with that, as a Commissioner of the PUP SC COMELEC, I have furthered the technicalities that arose with this said provision. While I do agree that the number of votes student leaders would garner during this election would reflect their competence as candidates, seeing they would be given ample time to persuade students and lay down their platform, it is more of a question of practicality. My opinion and stance on this decision revolves around the practical implications of this provision, it may have been a rash decision to add this without a lengthy and thorough research on it. For me, it would have been proper that the Commission address this issue taking a different route, like consulting the studentry, looking for the principal basis, and acquiring different information for further analysis, all of which require a long period of time, a privilege that the current Commission does not have as the Commissioners have been only appointed just recently in August of 2022. With that all said, I would like to express my concern on the said matter. It may lead to consequences that we might not be able to address efficiently. I believe that student leaders must present themselves worthy of being elected as they would represent and embody the whole Student Council, but this provision could lead to impractical outcomes such as the vacancy of any position in the specific student councils which may lead to the interference and delay of our representation in higher policy-making bodies such as the Student Council Assembly (SCA) and the Alyansa ng Nagkakaisang Konseho ng PUP (ANAK-PUP), especially in what could be considered as dark times for student activists and leaders.



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**Concurring Opinion**

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**PETITIONERS:** Sandigan ng Mag-aaral para sa Sambayanan (SAMASA) – PUP

**OPINION BY:** RJ O. Salamera  
*Chairperson, College of Political Science and Public Administration  
Commissioner*

Lorielyn Y. Belmonte  
*College of Communication Commissioner*

Denise Joyce B. Almario  
*College of Social Studies and Development Commissioner*

**Opinion**

The decision of the Commission to deny the petition is firm and final. Yet, the discussion for the said petition doesn't stop there. The idea on having a compromise for the said provision arose within the Commission. Instead of using the two-thirds of the voters' turnout, it was proposed to use 50% + 1 instead. Members of the commission sees the idealistic nature of the two-thirds of voters' turnout. The veracity of the number of voters is huge especially not all student voters cast their votes genuinely, there are some circumstances wherein, they just do it for compliance. The 50% + 1 shows more practicality over the 2/3 voters' turnout. Also, the 50% + 1 already represents the majority of the constituents or students. The majority may serve as enough reason for the Commission to proclaim a candidate, knowing that the students who voted are well represented under the 50% + 1.



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**SO, ORDERED.**

**(SGD) RJ O. SALAMERA**

*Chairperson*

College of Political Science and Public Administration Commissioner

**(SGD) GAD THOMAS DEUEL S. MENDIOLA**

*Vice Chairperson*

College of Arts and Letters Commissioner

**(SGD) MARY JOY B. DAGDAG**

*Secretary-General*

College of Science Commissioner

**(SGD) ANN SHIRLEY M. BENITEZ**

*Treasurer*

College of Education Commissioner

**(SGD) MARL NICO MARI M. DE VERA**

College of Accountancy and Finance Commissioner

**(SGD) APPLE JOY A. BUEN**

College of Architecture, Design, and the Built Environment Commissioner

**(SGD) JOYCE MARIE L. TOLENTINO**

College of Business Administration Commissioner

**(SGD) LORIELYN Y. BELMONTE**

College of Communications Commissioner

**(SGD) CARLOS JUDE G. MAMINTA**

College of Computer and Information Sciences Commissioner

**(SGD) CARLOS JAIRO L. TIAGA**

College of Engineering Commissioner

**(SGD) AUGUST B. ANTONIO**

College of Human Kinetics Commissioner

**(SGD) DENISE JOYCE B. ALMARIO**

College of Social Sciences and Development Commissioner





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**(SGD) ARVIE EIN P. AMOGUIS**  
College of Tourism, Hospitality and Transportation Management Commissioner

**(SGD) JOHN RAY C. AYES**  
Institute of Technology Commissioner