



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

Decision

Petition: MOTION FOR RECONSIDERATION ON THE CASE OF THE CANDIDATES OF PUP SPEAK FOR THE OPEN UNIVERSITY STUDENT COUNCIL

Petitioners: PUP Students' Party for Equality and Advancement of Knowledge (PUP SPEAK)

Article IV Section 12 of The Constitution of the Polytechnic University of the Philippines Student Council states that "Students shall have the freedom of suffrage."

Article VIII, Section 1 of The Constitution of the Polytechnic University of the Philippines Student Council states that "All the colleges and institutes shall have their own College Council"

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".

In Article V. Section 17 of the Election Code states that "Qualifications – 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 he/she falls under must be legitimate unless of course the candidate is independent." Furthermore. on Section 17.1 of the same article. it is also stated that: "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."

Article IV, Section 15, of the Student Council Act No.001 series of 2021, which states that: "Decisions - All decisions of the Commission shall be final and executory. However, interested parties can still file for the 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."

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.

In Article III, Section 1 of the Rules and Regulations Implementing the Student Council Act No.001 series of 2021, states that: "Qualification — No student may be qualified to run in nay position on the Student Council unless he/she is a bona fide student without financial liability of this university at the time of his/her filing of candidacy." Furthermore, on Paragraph A of the same article and section, it is also stated that: "Bona fide defined — For Student Council election purposes, any student admitted in the university with at least two (2) semesters completed the requirements for formal acceptance in Polytechnic University of the Philippines, shall be considered as a bona fide student."

In Article IV, Section 13, Paragraph H of the Student Council Act No.001 series of 2021, stating that one of the powers and functions of the Commission is to “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.”

With the facts stated, PUP Students’ Party for Equality and Advancement of Knowledge (PUP SPEAK), the petitioners, moved to recognize the candidates for the open university and allow them to participate in the 2021 online pup student council elections.

The Commission released a decision that it dismisses the motion to recognize. All Certificates of Candidacy and all related documents submitted by Open University Students to the Commission in relation to the 2021 Student Council Elections is hereby declared null and void with finality. Suffrage, as defined under Article IV Section 12 of the constitution, is not a guaranteed right to all students of the university. This guarantee must be established first by policy through the Student Council Assembly to make it universal to all students.

The petitioners filed for a motion for reconsideration on September 19, 2021.

Decision: The Commission dismisses the motion of reconsideration the candidates of the Open University System in the 2021 Student Council Elections.

The Commission upholds its previous decision in barring the Open University Students in the 2021 Student Council elections **WITH FINALITY**. The Commission will not entertain further causes of actions with regards to the Open University issue.

Suffrage, as defined under Article IV Section 12 of the constitution, is not a guaranteed right to all students of this University. This guarantee must be established first through policy set by the Student Council Assembly to make it universal for all students upon ratifying the Election Code.

The commissioner from CCIS delivered the opinion of the commission, joined unanimously.

The commissioner from ITECH took no part in the deliberations of the motion.

Opinion of the Commission:

Suffrage, as defined under Article IV, Section 12 of the constitution, is not a guaranteed right to all students of this University. This guarantee must be established first through policy set by the Student Council Assembly to make it universal for all students upon ratifying the Election Code.

The Commission is an administrative and judicial body subject to the laws passed by the Assembly. The Commission cannot just enact any policy without respect to the Election Code.

With respect to Article IV Section 15, the Commission is **FINAL** with its decision and will no longer accept any petition in question to the Open University and its suffrage.

Part I: Legality

The petitioners cited these grounds for their motion:

While PUP SPEAK recognizes the need for the establishment of this right, through the Election Code, it is of higher importance, that such technicalities and legalities should not prevent the students from running in this election. WE have already established that the

Open University has participated in the student council elections in 2015, and it is only this year that they have managed to organize a slate, to field its candidates for their council.

The absence of an OU Student Council from 2016 up until now may have caused the SCA to overlook its consideration of the Open University in the crafting of the Election Code. If the OU Student Council has existed before, and has participated in the Student Council Elections, then there is no reason for them to be disqualified in this year's elections.

The Commission understands the sentiments brought by the technicalities and legalities in the issue of the Open University. However, the Commission cannot overstep the constitutional provisions of Article VIII Section 1 that all colleges and institutes shall have their own college council. The Open University System, as defined in official documents of the university, is a fresh and innovative system of delivering higher educational services in a manner that differs from the formal, highly structured, and classroom-oriented traditional approach.

With the petitioners invoking Article VIII Section 1, the following are the official colleges and institutes of the university and its programs:

College of Accountancy and Finance (CAF)

- Bachelor of Science in Accountancy (BSA)
- Bachelor of Science in Management Accounting (BSMA)
- Bachelor of Science in Business Administration Major in Financial Management (BSBAFM)

College of Architecture, Design and the Built Environment (CADBE, formerly the College of Architecture and Fine Arts)

- Bachelor of Science in Architecture (BS-ARCHI)
- Bachelor of Science in Interior Design (BSID)

College of Arts and Letters (CAL)

- Bachelor of Arts in English Language Studies (formerly Bachelor of Arts in English) (ABELS)
- Bachelor of Arts in Filipinology (ABF)
- Bachelor of Arts in Literary and Cultural Studies (ABLCS)
- Bachelor of Arts in Philosophy (AB-PHILO)
- Bachelor of Performing Arts major in Theater Arts (formerly BA Theater Arts) (BPEA)

College of Business Administration (CBA)

- Doctor in Business Administration (DBA)
- Master in Business Administration (MBA)
- Bachelor of Science in Business Administration major in Human Resource Management (formerly Bachelor of Science in Human Resource Development Management) (BSBAHRM)
- Bachelor of Science in Business Administration major in Marketing Management (BSBA-MM)
- Bachelor of Science in Entrepreneurship (BSENTREP)
- Bachelor of Science in Office Administration (BSOA)

College of Communication (COC)

- Bachelor in Advertising and Public Relations (BADPR)
- Bachelor of Arts in Broadcasting (BA Broadcasting)
- Bachelor of Arts in Communication Research (BACR)
- Bachelor of Arts in Journalism (BAJ)

College of Computer and Information Sciences (CCIS)

- Bachelor of Science in Computer Science (BSCS)
- Bachelor of Science in Information Technology (BSIT)

College of Education (COED)

- Doctor in Educational Management
- Master in Business Education
- Master in Educational Management
- Master in Library and Information Science
- Master in Physical Education and Sports
- Master of Arts in Education major in Teaching in the Challenged Areas (MAED-TCA)
- Master of Arts in English Language Teaching
- Master of Science in Mathematics Education
- Post Baccalaureate Diploma in Alternative Learning System (PB-DALS)
- Post Baccalaureate in Teacher Education
- Bachelor in Elementary Education (BEED)
- Bachelor in Library and Information Science (BLIS)
- Bachelor of Technology and Livelihood Education (BTLED) majors in Home Economics, Industrial Arts and ICT
- Bachelor of Early Childhood Education (BECED)
- Bachelor of Secondary Education major in English (BSEDEN)
- Bachelor of Secondary Education major in Filipino (BSEDFL)
- Bachelor of Secondary Education major in Mathematics (BSEDMT)
- Bachelor of Secondary Education major in Science (BSEDSC)
- Bachelor of Secondary Education major in Social Studies (BSEDSS)
- Bachelor of Technical Vocational Education major in Food Service Management (BTVEDFSM)

College of Engineering (CE)

- Bachelor of Science in Civil Engineering (BSCE)
- Bachelor of Science in Computer Engineering (BSCpE)
- Bachelor of Science in Electrical Engineering (BSEE)
- Bachelor of Science in Electronics Engineering (BSECE)
- Bachelor of Science in Industrial Engineering (BSIE)
- Bachelor of Science in Mechanical Engineering (BSME)
- Bachelor of Science in Railway Engineering (formerly Bachelor of Science in Railway Engineering and Management) (BSRE)

College of Human Kinetics (CHK)

- Bachelor of Physical Education (BPE)
- Bachelor of Science in Exercises and Sports (BSESS)

College of Law (CL)

- Juris Doctor (JD)

College of Political Science and Public Administration (CPSPA)

- Bachelor of Public Administration (BPA)
- Bachelor of Arts in International Studies (BAIS)
- Bachelor of Arts in Political Economy (BAPE)
- Bachelor of Arts in Political Science (formerly Bachelor in Political Science) (BAPS)

College of Social Sciences and Development (CSSD)

- Bachelor of Arts in History (BAH)
- Bachelor of Arts in Sociology (formerly Bachelor of Science in Sociology) (BAS)
- Bachelor of Science in Cooperatives (formerly Bachelor in Cooperatives) (BSC)
- Bachelor of Science in Economics (BSE)
- Bachelor of Science in Psychology (BSPSY)

College of Science (CS)

- Bachelor of Science Food Technology (BSFT)
- Bachelor of Science in Applied Mathematics (BSAPMATH)
- Bachelor of Science in Biology (BSBIO)
- Bachelor of Science in Chemistry (BSCHEM)
- Bachelor of Science in Mathematics (BSMATH)
- Bachelor of Science in Nutrition and Dietetics (BSND)
- Bachelor of Science in Physics (BSPHY)
- Bachelor of Science in Statistics (formerly Bachelor in Applied Statistics) (BSSTAT)

College of Tourism, Hospitality and Transportation Management (CTHTM)

- Bachelor of Science in Hospitality Management (BSHM)
- Bachelor of Science in Tourism Management (BSTM)
- Bachelor of Science in Transportation Management (formerly Bachelor in Transportation Management) (BSTRM)

Institute of Technology (accessory link)

- Diploma in Civil Engineering Technology (DCvET)
- Diploma in Computer Engineering Technology (DCET)
- Diploma in Electrical Engineering Technology (DEET)
- Diploma in Electronics Engineering Technology (DECET)
- Diploma in Information Communication Technology (DICT)
- Diploma in Mechanical Engineering Technology (DMET)
- Diploma in Office Management Technology (DOMT)
- Diploma in Railway Engineering Technology (DRET)

Source: Official Website of the University (<https://www.pup.edu.ph/academic/colleges>)

With all colleges and institutions listed by the University, there are 15 established colleges and institutes. However, there are only 14 seats allocated in the Student Council Assembly and Commission on Elections. The College of Law, which is a recognized college and institution, elects a separate student council, has their own Commission on Elections, and does not participate in the PUP Main Student Council Elections. However, the College of Law has a seat in the Alyansa ng Nagkakaisang Konseho (ANAK) PUP Student Councils Federation, where it is the alliance of campuses, branches, colleges, and high schools in the Polytechnic University of the Philippines System.

Additionally, under Article XII, Section 1, The COMELEC shall be composed of one (1) representative from each college. Excluding the College of Law, as established by precedent, the seats of the Commission are apportioned equally to the Colleges and Institutes of the university.

In the inquiry of which of the programs are allowed to participate in the Student Council Elections, only the undergraduate studies are recognized to participate in the elections, not by law or any formal declaration, but by precedent, established in the most preceding elections, which was on March 2019.

The petitioner's citing their previous motion that they have already established that the Open University has participated in the student council elections in 2015, and it is only this year that they have managed to organize a slate, to field its candidates for their council. With respect to this inquiry, they have not presented any official records, either by the Commission, by the Student Council Assembly, the Student Tribunal, or other branches of the Student Council, with respect to the elections of the Open University that took place on the year 2015.

Part II: Denial of Rights

The petitioners cited these grounds for their motion:

b. PUP SPEAK believes that the students of the Open University should be able to elect their student council officers in order to represent their interests in the Student Council Assembly. Having a student will give their leaders the mandate to represent the OU students in the official bodies of the University. By disqualifying their candidates, and in effect, their participation in this election, the COMELEC's denying the right of the OU students to be represented.

Now, in this pandemic, student representation is very important in order to consolidate and raise all the valid concerns and issues of the students. The students of OU will not be able to do this, if they will not be able to establish their student council. Only the student council has the mandate of representing the students in the SCA, and in deliberating and addressing issues concerning the rights and welfare of the students.

The Commission cannot overstep the provisions of the Election Code and the Constitution in granting suffrage to the Open University System Students. The implication of the members of the Student Council Assembly signing the election code establishes that they ratify the code with their respective colleges. Since the OU was not a member of the assembly, it is the responsibility of the assembly to recognize the OU as a entity that equates a college or institute.

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

DIVINA I. ASIS
Institute of Technology Commissioner