



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

**Commission on Elections**

**Decision**

**Petition:** MOTION TO DISQUALIFY MS. MARIELLE JASMINE VASQUEZ, MS. JEREMIE VERGARA, MR. AARON GARING, AND MR. MELSON JOHN DALABAJAN FROM THEIR CANDIDACY FOR THE SENTRAL NA KONSEHO NG MAG-AARAL IN THE UPCOMING ELECTIONS ON THE GROUNDS OF FAILING TO QUALIFY AS A CANDIDATE DUE TO HAVING FINANCIAL LIABILITIES FROM THE IGNITE PUP: CONCERT FOR A CAUSE

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

**Respondents:** Ms. Marielle Jasmine Vasquez, Ms. Jeremie Vergara, Mr. Aaron Garing, And Mr. Melson John Dalabajan

A motion is filed before the COMELEC *en banc* to deliberate on the matter to disqualify Ms. Marielle Jasmine Vasquez, Ms. Jeremie Vergara, Mr. Aaron Garing, and Mr. Melson John Dalabajan on the above-mentioned grounds as stated on the powers and functions of the COMELEC under Article IV, Section 13, Paragraph H of the Student Council Act. No.001 series of 2021, stating that the COMELEC has the power 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 elections.

Article III, Section 1, of the Rules and Regulations Implementing the Student Council Act. No.001 series of 2021, otherwise known as the Election Code of the Student Council, which states that "Qualification – No student may be qualified to run in any 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".

Paragraph 7 of the COMELEC Resolution No, 008 series of 2021 stating that, "WHEREAS - the Commission agreed that the period of filing of COC needs to be closed at 5PM on August 31, 2021 to give the Commission an ample amount of time to review the documents and 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; "

Article VIII, Section 37, Paragraph C, of the Student Council Act. No.001 series of 2021, stating that one of the grounds for disqualification is the, "Failure to accomplish the Certificate of Candidacy". Whereas, this motion is in line with Article IV, Section 15, of the Student Council Act. No.001 series of 2021, stating the decision making powers of the COMELEC, "Decisions – All decisions of the Commission shall be final and executory, 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. "

**Decision:** The motion is rejected. The petitioners failed to present substantial evidence to prove their case.

The Commission upholds the Certificate of Candidacy of Ms. Marielle Jasmine Vasquez, Ms. Jeremie Vergara, Mr. Aaron Garing, and Mr. Melson John Dalabajan for the upcoming 2021 Student Council Elections.

The commissioner, in *per curiam*, issued this opinion, joined unanimously. All commissioners participated in the deliberation of the motion.

### Opinion of the Commission

The burden of proof is on the petitioners. The petitioners must provide clear and substantial evidence to prove the guilt of the respondents. The petitioners did not provide clear and substantial evidence that can disqualify the candidates in questions. The lowest standard of proof is known as the ‘preponderance of evidence.’ The preponderance of evidence in simple words, if a claim can be demonstrated to be more likely to be true than not true, the burden of proof is met. Assuming for the sake of argument, there is a preponderance of evidence for the petitioners, however, it is not overwhelming. The Commission rejects the motion to disqualify the candidates in question.

### Part I: Financial Liability Requirements

Article III Section 1 of the IRR states that no student may be qualified to run in any 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, the petitioners invoked Article VIII Section 37 that failure to accomplish the Certificate of Candidacy is a ground for disqualification.

The petitioners did not provide any evidence that the candidates in question did not accomplish the Certificate of Candidacy.

Additionally, the Internal Audit Office did not state that the candidates in question has financial liability. **The instructions of the Commission to check the financial liability status of the candidates includes the temporarily untagged students.** Only those who are completely cleared with their financial liability are only those who are allowed to run as candidates. The data sent by the Internal Audit Office is the only basis of the Commission for their status of financial liability. The Commission cannot nullify the results of the check since this was given by officially recognized university staff and attested by the officials.

### Part II: Documents from the Office of the Student Regent

Ms. Marielle Jasmine Vasquez, Ms. Jeremie Vergara, Mr. Aaron Garing, and Mr. Melson John Dalabajan are the subject of the disqualification case by PUP SPEAK. In the list of organizers, only Ms. Vasquez, Ms. Vergara, and Mr. Dalabajan are on the list. On the contrary, Mr. Garing is not on the document.

Additionally, the document does not pertain a financial liability or even accountability. The document presented only shows which college presidents partnered with the organizers of the event. It does not show the specific role of the partnered college presidents.

**Part III: Conversation of Candidate in question**

A candidate in the conversation, which the Commission will not name since the conversation was sent to us without notice to the subject, was asked by an unknown person on who are still tagged in their Student Information System (SIS) accounts. The candidate in question, answered yes that the candidate was tagged last month (relative to what time is unknown), because of the IGNITE Concert and the candidate communicated with the Internal Audit Office for the temporary untagging.

In the Part I of this opinion, it is clear that the Commission instructed the Internal Audit Office to check all candidates, including the temporarily untagged students.

The petitioners **did not include the timestamp, the context, and the complete details of the conversation.** The one month context of the reply is relative to the time it was sent, which was not visible in the conversation. This is evidence willfully repressed by the petitioners and considered adverse to the petitioners, not the candidates in question.

Therefore, the Commission shall dismiss this evidence due to lack of merit and insubstantial to the motion.

**Part IV: Fraud**

The petitioners cited the following ground for the disqualification of the candidates:

PUP SPEAK believes that these acts of consciously committing electoral fraud violate Article VI Section 5 of the Rules and Regulations Implementing the Student Council Act. No.001 series of 2021, otherwise known as the Election Code of the Student Council, which states that “All election activities, such as filing requirements, dony by deceptions, tricks, and lies are considered fraud. Activities of online defamation and threats, causing harm to the Commission and its Commissioners, or to at least one (1) voter will be considered as election violence; (a). Both are counted as grounds for suspension of election campaign and ultimately, disqualification, to a candidate and/or to his party, as stated in Article IX of this document. (b) A student committing fraudulence is punishable under: Title IX Section 3.28 of the PUP Student Handbook.

The petitioners did not provide evidence and justification of the other evidence on the matter.

**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

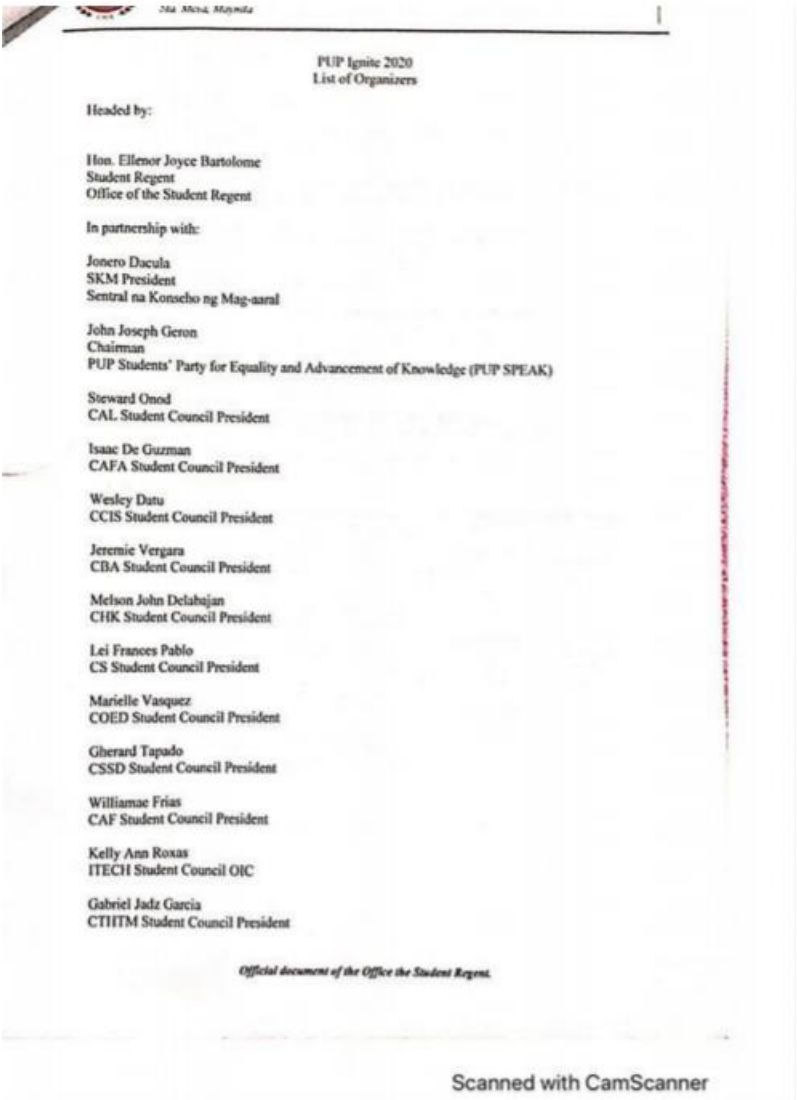
**(SGD) FRANZ MARIELLA D.  
SUMOCOL**  
College of Science Commissioner

**(SGD) CYRUS JAMES P. MAGSINO**  
College of Political Science and Public  
Administration Commissioner

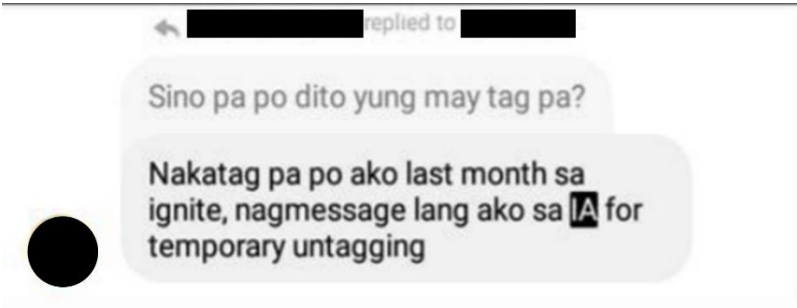
**(SGD) KRISTAN MARK F. BERNARDO**  
College of Tourism, Hospitality and  
Transportation Management Commissioner

**(SGD) DIVINA I. ASIS**  
Institute of Technology Commissioner

Appendix A: List of Council Presidents who partnered with the organizers of IGNITE



Appendix B: Conversation



Profile picture and name censored by the Commission, in compliance with the Data Privacy Act of 2012.