



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

**Commission on Elections**

**Decision**

**Petition:**      **MOTION FOR NON-REMOVAL OF CAMPAIGN MATERIALS AFTER THE CAMPAIGN PERIOD**

**Petitioners:**   **Laban PUP**

A motion is filed before the COMELEC *en banc* to deliberate on the matter to allow the non-removal of campaign materials after the election period.

On August 24, 2021, the Implementing Rules and Regulations of the 2021 PUP Election Code has taken effect.

In the said rules, it states that all campaign materials will be valid and only be used on the given campaign period as stated on Section 1 of this same Article (Article VI Section 5).

Furthermore, Article VI Section 9 states that All campaigns will be prohibited after the campaign period. Further, all campaign paraphernalia will also be removed after, with the presence of at least one (1) Commissioner and/or one (1) Deputy Commissioner after the campaign period.

The petitioners filed this motion on September 19, 2021.

**Decision:**      The motion is rejected.

Upon drafting the amendment of the implementing rules and regulations, the commission is aware of the intention of the provision from the preceding mode of election and campaign prior to the nature of the campaign materials. The commission deliberated to retain the provision.

Article VI Section 5 states that All campaign materials will be valid and only be used on the given campaign period as stated on Section 1 of this same Article.

The commissioners from CCIS and CPSPA delivered the opinion of the commission, joined unanimously.

**Opinion of the Commission**

Upon drafting the amendment of the implementing rules and regulations, the commission is aware of the intention of the provision from the preceding mode of election and campaign prior to the nature of the campaign materials. The commission deliberated to retain this provision due to the following reason

**Part I: Purpose of Campaign Materials**

The nature and purpose of campaign materials is to CAMPAIGN. It is an explicit and coherent objective of the materials that it should be only utilized in the given election campaign period. The commission, in this mode of election and campaign, does not have any control to how these

materials will circulate and to what extent only to the accustomed campaign period (Article VI Sec. 5 of the Implementing rules and regulation).

The commission is trying to avoid ramifications and unforeseen reverberation of circulating campaign materials, as the power and capabilities of the commission is limited only to the campaign period. This is how the Commission to protect the candidates from unfiltered publicity where support is unregulated.

## **Part II: Validity of the Materials**

The commission provided QR codes and certificate of approval for every campaign materials that will be released by the candidates. These materials are carefully reviewed by the commission as they will be responsible for the possible repercussion of the circulating materials in this online type of campaign to ensure the welfare of the candidates, as stated in Article VI Section 4-c. The commission should not be associated in any other way to the candidates after the election and the proclamation of candidates (in this case the QR codes are attached to the materials permanently upon posting)

## **Part III: Repealing Clause**

The petitioners cited the following ground for the motion:

Resolution No. 004 Series of 2021 or the Implementing Rules and Regulations issued by the commission, includes ARTICLE XV, SECTION 2 which repeals the previous rules and regulations of the PUP Commission on Elections. Therefore, repealing with that the grounds for consideration of then implemented rules and regulations, along with the reason for the removal of the campaign materials to preserve the cleanliness and orderliness of the surroundings in the face-to-face set up. The then implemented rules and regulations did not include the removal of online campaign materials as these do not harm the environment and are not against the reasoning for the said rule. Furthermore, the campaign materials for this election campaign goes beyond the grounds for removal such that:

It is true that the 2019 Implementing Rules and Regulations are repealed not once but twice. It was repealed first by the virtue of the passage of the 2021 Election Code and second on the passage of the 2021 Implementing Rules and Regulations. However, the concerned provision of the 2019 IRR is carried over the 2021 IRR, making the repeal more of an amendment since it slightly differs from the 2019 Rules where the deputy commissioner is not included.

## **Part IV: Proof of an Election**

The petitioners cited the following ground for the motion:

The campaign materials go beyond its purpose of being used for campaigning alone. As proof of an election, and the legacy of holding all the election activities online, the campaign materials serve the purpose of also becoming a memento of this historical event for the university. Along with that are these:

- a. The campaign materials could be used by the students to cross-check if all the platforms of the running candidates would be fulfilled after being elected in their

positions, making the running candidates accountable for all the actions they will do and words they will say during the campaign period.

b. The campaign materials serve as a reference for the students during the casting of votes to ensure the correctness of their decision on voting for the candidates. This repeals the reasoning that having the campaign materials still uploaded during the casting of votes and thereafter will cause disturbance and confusion to the students in making a decision for voting.

c. The campaign materials serve as credible sources of the candidates' and parties' interests and vision on how the student council will be run in the event that their candidate or slate is elected.

d. The campaign materials serve as a gateway for the students to understand and learn the stances of the political parties, candidates, and concerned organizations, therefore engaging the political participation of the students beyond the election period.

The justification of the campaign materials as a basis of voting violates the principle of campaign and elections itself: **the selection of competent leaders**. This will measure if a candidate is effective and efficient in their campaigning, not just through the materials, but through their room-to-room campaigns and even in the Miting de Avance. If a voter wishes to have a copy of the campaign materials, they are free to do so, but retaining it beyond the campaign period is simply inappropriate.

Additionally, the ratification of the 2021 election code, the appointment of the Commission's members, the resolutions and decisions that the Commission releases, and the election of the members of the student council, with the results furnished by the Commission will be enough proof that an election took place that is tailored-fit in the Flexible Learning Technology set-up.

## V. Adjustments of the Election Calendar

The petitioners cited the following ground for the motion:

The election calendar has already been adjusted twice which already caused enough confusion to the students. Deleting the campaign materials after the campaign period will neither lessen nor will it add confusion and mislead the students. It is under the commission's responsibility to let the university's population know that the campaign period has ended and that any campaigning activities beyond that date and time are not allowed.

The adjustment of the election calendar does not justify why should the campaign materials be removed in the first place. The virtue of removing them signals that campaigning of all candidates stop.

It is the power of the Commission to halt any form of campaigning and the mere existence of a material after the date on the feed of a voter, despite being not shared by the candidates themselves, is already a form of campaign.

## VI. Working Students

The petitioners cited the following ground for the motion:

The university has a huge population of working students in different colleges which means they cannot fully participate during the campaign period. As we demand genuine student representation, the students should have ample time to know and deliberate the student-leaders that would represent them. Moreover, nonremoval of campaign materials after the campaign period will help them weigh the candidates even during the casting of votes based on their proposed platforms.

The reach of social media, especially during this pandemic, does not justify why working students cannot receive information about the campaign and the election. Online campaign materials are publicized 24 hours a day and it is relative to the behavior of a voter in social media (e.g. following student publications, university political organizations, etc.). It is not up to the Commission that a student will deliberately avoid any participation in the Student Council Elections.

**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. IBANEZ**

College of Arts and Letters Commissioner

**(SGD) ELIZABETH MARIE G. ANDAYA**

College of Business Administration  
Commissioner

**(SGD) PETER THADDEUS V. IBANEZ**

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