



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

Commission on Elections

Decision

Petition: MOTION TO REVERSE THE DECISION OF THE COMMISSION ON ELECTIONS TO DISQUALIFY KATHLEEN B. GILE FOR HER CANDIDACY AS COUNCILOR FOR THE SENTRAL NA KONSEHO NG MAG-AARAL (SKM), WITH A PRAYER FOR A HEARING AND EXERCISE HER RIGHT FOR A DUE PROCESS OF LAW

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

Decision: The motion is granted. The Commission retracts the disqualification of Ms. Kathleen B. Gile for her candidacy as councilor for the Sentral na Konseho ng Mag-aaral (SKM) Elections.

However, the Commission imposes a reprimand to the candidate with the notice of further violations of any provision of the rules will result to disqualification. Additionally, her nonparticipation to the scheduled *Miting de Avance* carries the weight of a suspended campaign, as stated in the Implementing Rules and Regulation.

The commissioner, in *per curiam*, issued this opinion, joined unanimously.

Opinion of the Commission

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.

In the case of Ms. Gile, the preponderance of evidence is overwhelming. Multiple students through their comments and publicly shared posts expressed their concerns on her comment towards a student who expressed support to the opposing party.

In a hearing granted by the Commission, both the petitioners and one of the concerned parties reached to a consensus that the statement was taken out of context.

Both parties agreed that the candidate did not receive due process. However, the Election Code itself provides the Commission the right to decide and resolve case/s based on factual basis and investigation. The Commission based its previous notice on the thread of comments during the *Miting de Avance* and the shared posts of the livestream where some students of the University expressed concerns to the statement of the candidate.

- a. The issue at hand as perceived as by the Commission from the insurmountable grievances is still declared as an action that can be penalized, even the declaration

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to withdraw such statements took place as it is mentioned by affected party that it was taken out of the context. The burden of such remarks cannot be undone as to the Commission observed in the online grievances of other bona fide PUP students.

- b. The imposition of disqualification is in accordance with the Article IV Section 15 of the 2021 Election Code.

Decisions – All decisions of the Commission shall be final and executory... 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.

However, upon the request and granting of hearing by the Commission with the participating individuals who represent the affected party on such remarks, the Commission retracts its decision. With this, the reprimand has been issued with the equivalent of second offense as stated in the campaign violations of the Article IX of the Implementing Rules and Regulations, wherein as agreed by the candidate and the paralegals, the sanction (one day of suspension to campaign) was imposed and put into action as to the candidate was not given the privilege to participate in the *Miting de Avance* last September 23.

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

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

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(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