



2020

**KONSTITUSYON NG SAMAHAN NG MGA MAG-AARAL
NG PAMANTASAN NG ATENEO DE DAVAO**

The Constitution of the Undergraduate students of the Ateneo de Davao University

Amended on March 2023

Preamble

We the bona fide students of Ateneo de Davao University, aware of our inherent rights to establish an autonomous student government that shall promote, protect, and preserve the solidarity, welfare, and aspirations of the students and the other sectors of the society, do ordain and promulgate this Constitution.

Article 1

Name and Seal

Section 1. The student government established under this Constitution shall be officially known as the Samahan ng mga Mag-aaral ng Pamantasang Ateneo de Davao. For the purpose of brevity it shall be referred to as SAMAHAN.

Section 2. The SAMAHAN seal reflects the ideals of the student government.

1. The laurel wreath signifies the SAMAHAN as a place for victory and honor for both the institution and the Ateneo studentry.
2. The inverted crossed keys represent St. Peter, patron of Davao Parish Church (now Cathedral) and the light blue background represents Our Lady, patroness of the Philippines and of the Ateneo de Davao University (under the title of the Assumption of Our Lady); both denoting its regard towards governance that respects religion and its diversity.
3. The green mountain peaks represent Mt. Apo and its neighboring peaks, which embodies its social engagement and contribution in the Philippine society, especially in Mindanao.
4. The red and gold stripes and the wolves-and-pot (lobos y olla) characterize the Atenean Sui Generis Leadership grounded on the life of St. Ignatius of Loyola, the founder of the Society of Jesus.
5. The Shield symbolizes its obligation to defend and promote the rights and welfare of the University students and the Filipino people.
6. These altogether are the principles that guide the SAMAHAN towards a holistic governance for the University, its students, and the society.

Article II

Declaration of Objectives and Principles

Section 1. The SAMAHAN is the sole autonomous and the highest undergraduate student government of the Ateneo de Davao University. Its decisions and acts should always be reflective of the students themselves, and as such, powers emanate immediately from and belong ultimately to the student body. These powers are exercised through the governing bodies instituted in this Constitution.

Section 2. The SAMAHAN is a **democratic, republican and representative government founded on the principles of participatory democracy, transparency, accountability, student representation, synergy, and collaboration** with other units of the University and other institutions.

Section 3: The SAMAHAN believes that:

1. Education is a fundamental human right that should always be made available to every individual.
2. Education should develop a student's physical, mental, social, cultural, and spiritual capacity to their fullest potential.
3. Education should harness the critical thinking and decision-making capabilities of the students.
4. Education should help in improving quality of life, strengthening communities, and championing the rights of the society's marginalized sectors.
5. Education should instill the values that eradicate corrupt practices, institutionalize transparency and accountability and encourage participatory governance.

Section 4: The SAMAHAN shall at all times strive to:

1. Defend and promote the rights and general welfare of all the undergraduate students of the Ateneo de Davao University and of every individual regardless of their gender, religion, academic status, race, and citizenship.
2. Provide a multi-sectoral dialogue that is open to all members of the University community and that advocates for free discussion in matters of public interests – political, cultural, religious, social, and environmental.
3. Develop University spirit, and as well as an atmosphere of mutual trust and respect among the students, the faculty, and the administration.

4. Establish a platform that shall bridge the gap between the student body and the University administration.
5. Uphold the ideals of the University geared towards ensuring a well-rounded intellectual, social, moral, cultural, and physical development for every student.
6. Provide an avenue for mental, social, and political flourishing that is directed towards the prosperity of the Philippines especially Mindanao.
7. Develop social and political awareness, and instill national consciousness among the students.
8. Unite with various sectors of society in the pursuit of common interest, particularly in establishing a just and humane society.
9. Develop a responsive student government that will put the educational opportunity to optimal use and look after the unity and welfare of the whole student body and the greater community.
10. Develop a sense of *sui generis* service and responsibility among the students for the welfare of society.
11. Seek and engender educational reforms along with nationalists, humanistic, and scientific methods, for the full development of the human potential to respond to social realities and to promote academic freedom.
12. Be an effective and well-grounded voice that can truly realize the plans and aspirations of the students.

Article III

Membership

Section 1: The SAMAHAN shall be composed of all bonafide students of the Ateneo de Davao University. Bonafide students shall refer to all undergraduates, including cross enrollees and special students.

Section 2: Membership shall be paid upon enrollment every semester. The reasonable amount of which should be fixed by the incumbent SAMAHAN Central Board.

2.1 The elected SAMAHAN Central Board officers shall conduct a voting process on the amount that will be paid every semester. The voting shall commence a reasonable time prior to the enrollment of the first semester of the following academic year.

2.2 The Office of the SAMAHAN Treasurer shall publish a memorandum stating the results of the voting process.

Section 3: Membership shall be based on the student's enrollment or retention in the University, in accordance with University policies and regulations. Membership shall be severed on the basis of permanent removal from the roll of undergraduate students.

Section 4: The data on the amount collected shall be publicized.

Article IV

The Executive Department

Section 1: The executive power shall be vested in the SAMAHAN Central Board.

Section 2: The SAMAHAN Central Board shall be composed of the President, Vice President, Secretary-General, Treasurer, and Cluster Representatives.

1. There shall be one representative for each of the current clusters and schools, and any other cluster may be created by the University.

Section 3. The qualifications of the SCB members shall be the following:

1. Must have a QPI not lower than 2.5 before running. Exceptions shall be decided upon by the COMELEC. Once the position is secured they shall maintain a QPI not less than 2.0.
2. Must possess a leadership quality and a sense of responsibility.
3. Must possess a sense of commitment to the job and the availability that is necessary to carry out such a job.
4. Must have no major disciplinary record as defined by the college handbook unless exceptions are provided by the COMELEC.

Section 4. Powers and responsibilities of the SCB members:

1. To be the governing and representative authority of the SAMAHAN provided however that major issues affecting the **student body**.
2. To work for a fair and effective representation in all University bodies whose activities and decisions concern the welfare of the students.

3. To work for changes and modifications in existing University policies and structures for the good of the students and to seek redress when student's rights, as provided for in this Constitution, are violated.
4. To be an advisory body to the administration in the appointment and/or removal of the director of the student personnel services.
5. To formulate policies and take action in any issues that may directly and indirectly affect the welfare of the students on or off campus.
6. To create additional committees if deemed necessary to discharge specific functions of the SAMAHAN Central Board.
7. To formulate the by-laws of the SAMAHAN that will be appended to this Constitution.
8. To formulate through the by-laws, procedures for the internal governance of the SAMAHAN Central Board.
9. To formulate and execute general and specific policies of the SAMAHAN.
10. To call assemblies of the student group or any part thereof.
11. To craft and approve the budget and disburse the funds of the SAMAHAN provided however, that the said budget be presented to the Commission on Audit.
12. To craft the budget proposal of the SAMAHAN, to be approved by the Commission on Audit.
13. Right after assuming office, it has to examine the annual treasurer's report of the preceding year and submit it to the Commission on Audit for external audit, the results of which shall be made public.
14. If deemed necessary, it has the prerogative to summon any students or any witness to appear before an ad hoc committee formed by the SAMAHAN Central Board on matters affecting the SAMAHAN.
15. To propose amendments to this Constitution as provided for in Article XIX.
16. To choose student representatives to the policy making bodies of the SAMAHAN student body such as the academic council, non-academic council, disciplinary board and any other newly created body which concerns the students.
17. To coordinate and assist in activities, co-curricular, on or off campus, which concerns the whole student activities which the SAMAHAN deems in consonance with its objectives.
18. To make necessary surveys related to areas of student concern.

19. To serve as an advisory body to the administration on matters relating to the total formation of the students.
20. To adopt its own rules of governance.

Section 5. The President who **shall be** elected at large shall be the head executive officer of the SAMAHAN. It shall be **the said officer's** duty to:

1. Enforce the provision of the Constitution and legislation passed by the Central Board.
2. Act as the official spokesperson of the SAMAHAN.
3. Represent the Central Board or appoint any officer the SAMAHAN to act as proxy in any function, meeting or assembly.
4. Preside the overall meeting of the Central Board.
5. Submit a monthly report of the condition of SAMAHAN to the Central Board.
6. Prepare the agenda of the meeting of the Central Board.
7. Perform such other functions as the Central Board may delegate to **them**.
8. Sign all documents and such other records on behalf of the SAMAHAN.
- 9. Appoint SAMAHAN Department Members and Commissioners.**
- 10. Endorse the SAMAHAN Moderator in consultation with the SAMAHAN Central Board, Student Assembly, SAMAHAN Student Court, Council of Class Presidents, and other independent and governing bodies of the SAMAHAN, except for the COMELEC. In consideration of the provisions of Article XIII.**
11. Create additional offices as may be deemed necessary to discharge specific functions of **the respective** office and to appoint members thereof but with the consent of the other SCB members and the approval of Commission on Appointments.
- 12. Review, and may veto, the legislation passed by the Student Assembly.**

Section 6. The Vice President who **shall be** elected at large shall:

1. Act as the Convener and Chairperson of the Student Assembly;
2. Supervise the internal affairs of the SAMAHAN Central Board and determine necessary procedures to fulfill this function;
3. Create and/or dissolve committees that he or she deems to be helpful to discharge **their** functions;

4. Assume the responsibilities of the President if the President is absent;
5. Assume the position of President if the President is incapacitated or removed from office through impeachment or voluntarily renunciation.
6. Serve other functions, **which are germane to the office**, as the President may direct.

Section 7. The Secretary General who **shall be** elected at large shall:

1. Be the principal administrative officer of the SAMAHAN
2. Be the official custodian of all papers and records of SAMAHAN.
3. Attend the serving of the notices of meetings of the SCB.
4. Prepare the written agenda of the meetings of the SCB.
5. Take charge of the correspondence of SAMAHAN.
6. Take charge of disseminating information about the activities or affairs of the SAMAHAN
7. Appoint such members of secretarial aides if necessary to discharge the function of **their** office.
8. Advise the President of the Central Board in matters of general administration.
9. Perform such other functions, **which are germane to the office**, as the President or the Central Board may so direct.

Section 8. The Treasurer who **shall be** elected at large shall:

1. Be the official budget officer – the function of whom will include the preparation of the semestral budget.
2. Be in custody of the SAMAHAN funds which she shall deposit on bank with the SAMAHAN President as co-signatory.
3. Keep detailed records of all expenditures of the SAMAHAN.
4. Prepare the annual financial report of the SAMAHAN for examination of the SAMAHAN Central Board and also for external audit.
5. Perform such other functions, **which are germane to the office**, as the President or the Central Board may so direct.

Section 9. The Cluster Representatives who **shall be** elected at large shall:

1. Represent their respective **clusters** in the SCB.
2. Serves as the head of the local government of the SAMAHAN which has the primary responsibility to form its own Student Executive Council in accordance to the SAMAHAN Local Government Code.
3. Shall be the primary enforcer of the Local Government Code of the SAMAHAN which recognizes the roles, power, and jurisdiction of their established Cluster Student Executive Council.
4. Be responsible for maintaining liaison between respective divisions to the SCB.
5. Performs such other functions, **which are germane to the office**, the President or the SAMAHAN Central Board may so direct.

Section 10. All executive positions shall be elected by direct vote of the entire student body for a term of one (1) academic year which shall begin at noon on the **shall begin a day after the second semester ends** and shall end at noon of the same date one academic year thereafter.

Section 11. Members of the SAMAHAN Central Board shall not be eligible for reelection on the same position. No student who has succeeded as any of the executive positions and has served for more than five (5) months shall be qualified for election to the same office at any time.

Section 12. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he or she was elected.

Section 13. **Unless otherwise provided by an Assembly Resolution, the regular election of the SAMAHAN Central Board shall be held two months before the second-semester ends of the current academic year as stipulated in Article XIV Section 1 of this Constitution.**

Article V

Legislative Department

Section 1. The legislative power shall be vested in the Student Assembly.

Section 2. The Student Assembly shall be composed of the Vice President, Council of Class Presidents (CCP) **Chairperson, Cluster External Vice-Presidents, Sectoral Representatives,** Commission on Audit (COA) Representative, Commission on Elections (COMELEC) Representative, and Student's Rights and Welfare (StRAW) Head Commissioner. .

1. Each of the following sectors shall have one representative:
 - 1.1. **Ateneo Lumad Association**
 - 1.2. **Student-Athletes**
 - 1.3. **International Students**
 - 1.4. **Ateneo Muslim Society**
 - 1.5. **Ateneo de Davao Scholars' Society**
 - 1.6. **Ateneo Libulan Circle (LGBTQIA+)**
 - 1.7. **Persons with Disability**
2. Other sectors that the Student Assembly deems **significant, by virtue of two-thirds vote of the body.**

Section 3. Members of the Student Assembly, except for the Vice President and CCP Chairperson, shall be eligible for reelection or reappointment **to the** same position once. No student who has succeeded as Vice President or CCP Chairperson and has served for more than five (5) months shall be qualified for election to the same office at any time.

Section 4. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which the Vice President and CCP Chairperson were elected.

Section 5. The Student Assembly shall have the following powers and responsibilities:

1. Shall review, approve and/or reject proposals to create new Committees, Projects, and Departments made by any member of the SAMAHAN Central Board;
2. Shall review, approve and/or reject submissions of Resolutions, Policies, and Programs made by any member of the SAMAHAN Central Board and the Student Assembly;

3. Shall serve as the Commission on Appointments which shall review, approve, and/or reject appointments made by the **President**, which shall only include **the Department Heads and Heads of the Commissions**.
 - 3.1. The Student Assembly shall require the SAMAHAN Central Board to submit the Curriculum Vitae of the appointee, accompanied by a Letter of Endorsement;
 - 3.2. The Student Assembly shall act on all appointments submitted to it within ten (10) days from the submission, at the call of the Chairperson.
 - 3.3. The Student Assembly shall rule by a majority vote of all its members. The Chairperson shall not vote, except in case of a tie.
 - 3.4. The appointee may assume position right after receiving the notice from the SAMAHAN Central Board and while the deliberation in the Student Assembly is still ongoing. If the Student Assembly votes to reject the appointment, the appointee shall vacate the position within three (3) days from the notice, and the SAMAHAN Central Board shall appoint a replacement.
 - 3.5. Thereafter, the appointed Department Heads and Commissioners shall establish their merit based recruitment procedures. Any appointed member of the department or commission shall undergo this stated merit based procedure.
4. **Shall appoint the Justices of the SAMAHAN Student Court, and investigate and/or impeach them on the grounds stipulated in Article XVII.**
5. **The Student Assembly may override the president's veto by a vote of two-thirds of all its members.**

Section 6. Each of the members of the Student Assembly will have one (1) voting power. The Chairperson shall head the voting but cannot cast **their** own vote unless on the occasion of a tie.

Section 7. The Student Assembly, headed by the Vice President, shall craft its own Internal Rules of Procedure, covering, but not limited to, session dynamics and schedule, legislative process, voting mechanics, quorum, attendance, and decorum.

Section 8: The Student Assembly shall decide whether to adopt or revise the Internal Rules of Procedure from the prior Student Assembly.

Article VI

Judicial Department

Section 1. The judicial power shall be vested to the SAMAHAN Student Court.

1. It **shall be** responsible for reviewing the constitutionality of decisions made by the SAMAHAN, as well as settling controversies involving student rights and those involving the SAMAHAN as an organization. As an independent arm of the student government, the **SAMAHAN Student Court** shall enjoy fiscal autonomy.

Section 2. The **SAMAHAN Student Court** shall be comprised of one (1) Chief **Justice** and eight (8) Associate **Justices**.

1. The Chief **Justice** shall be chosen by the Associate **Justices** among themselves. **Each cluster is limited to one justice.**
 - 1.1. The Chief **Justice** shall be the presider of every court proceeding.
 - 1.2. In case a Justice shifts to another program under another cluster, they shall retain their office until the end of their term.**
2. The Associate **Justices** shall be nominated by their respective clusters, then appointed after passing the Constitutional Examination.
3. There shall be a Clerk of Court appointed by the Chief **Justice**.
 - 3.1. The responsibilities of the Clerk of Court shall include, but not limited to recording court proceedings, keeping of legal files, and releasing of periodic attendance reports of the court. They shall also act as the spokesperson of the court.
4. There shall be a Treasurer appointed by the Chief **Justice**.

4.1. The responsibilities of the Treasurer shall include, but not limited to keeping of financial records and transactions and liquidate court finances.

5. There shall be two (2) communications officers appointed by the Clerk of Court and Chief Justice.

5.1. The responsibilities of the communications officers shall include but are not limited to handling correspondence of the court, and coordinating with the other offices of the SAMAHAN.

Section 3. All members of the court must be bona fide students of the Ateneo de Davao University for at least two (2) semesters prior to their appointment. They shall be of good standing and must not have any major offense as per Office of Student Affairs records.

1. They must not have filed candidacy for any elective position immediately prior to their tenure in the court.
2. They shall not be appointed or elected to any other office within the SAMAHAN, nor shall they be affiliated with any political party or coalition within the University.
3. All **Justices** must pass the Constitutional Examination, as well as interviews prior to their appointment to the court.

3.1 The Constitutional Examination shall be a test of a nominee's knowledge, but not limited to, the SAMAHAN Constitution and Magna Carta.

3.2 The Constitutional Examination shall be conducted by the outgoing **Justices**.

3.3 The court is empowered to create the Constitutional Examination as they see fit.

Section 4. Each **Justice** shall serve from the end of the second semester of the current school year until the end of the second semester of the following school year.

1. Should the **Justice's** cluster wish for them to serve another year, they must be endorsed by the outgoing Cluster Representative to the SAMAHAN Central Board.
2. No **Justice** shall serve an excess of two (2) consecutive terms.

Section 5: The SAMAHAN Student Court shall have the following powers and responsibilities:

1. **The Court** shall have the right of creating its own Rules of Internal Procedures as well as Rules of Court.
2. **The Court** shall create the Constitutional Examination based on the existing SAMAHAN Constitution, and documents pertaining to the way of governance of the SAMAHAN.
3. **The Court** shall be obligated to follow the Constitution strictly in determining decisions.
4. **The Court** shall sit en banc **or in divisions** to hear and resolve constitutional complaints and legality of the acts, policies, and resolutions enacted by the SAMAHAN.
5. **The Court** shall be the sole authority in determining the accountability of SAMAHAN as an organization, as well as its members and officers.
6. The **SAMAHAN Student Court** is empowered to conduct independent investigations on complaints filed which cannot be interfered with by neither the complainant or defendant.
7. The **SAMAHAN Student Court** shall handle complaints of impeachment and recall. It shall conduct investigations at its discretion or based on written charges from any member of the student body within seven (7) regular school days. The Court shall then decide whether to initiate impeachment or recall proceedings or not. Failure to meet the set deadline shall automatically dismiss the complaint.
8. The **SAMAHAN Student Court** shall notify the concerned official of the impeachment or recall at least seven (7) days before the set hearing date. Any SAMAHAN official must take a leave of absence once notice of impeachment or recall has been served.
9. The Court shall enforce necessary sanctions, and all its decisions on matters of impeachment and recall are final.
10. All cases regarding the constitutionality of an enactment, resolution, or decision shall be heard en banc or in divisions and decided with a vote 50%+1 from the Associate **Justices** who took part in the deliberation.
 - 10.1. **Quorum in divisions shall be four (4) members and decisions rendered in divisions may be reconsidered by the court en banc.**
11. The Chief **Justice** shall have no voting powers except when there is a tie in the Associate **Justices'** votes.

- 11.1. In the event that the Chief **Justice** is absent, an Associate **Justice** shall act and assume the Chief **Justice**'s responsibilities and shall also have no voting powers.
- 11.2. The Associate **Justices** are empowered to choose among themselves who shall be the acting Chief **Justice**.

Section 6. The Commission on Audit is the sole authority to liquidate the **SAMAHAN Student Court**'s financial records and transactions. Such reports shall be open to the perusal to the public.

Article VII

The Commission on Audit

Section 1. The Commission on Audit will be the official auditing **body** of the SAMAHAN. It shall have its fiscal autonomy from the SAMAHAN and other SAMAHAN Offices.

Section 2. The Commission shall be comprised of one (1) Head Commissioner, and sixteen (16) Auditors.

1. There shall be a commission secretary appointed by the Head Commissioner.
 - 1.1 The responsibilities of the commission secretary shall include, but not limited to, handling correspondence, preparing minutes of meetings, and acting as the officer-in-charge in the absence of the Head Commissioner.
2. There shall be a finance officer appointed by the Head Commissioner.
 - 2.1 The responsibilities of the finance officer shall include handling the commission's budget and logistics and preparing the commission's budget proposals and liquidation reports.
3. There shall be a creative officer appointed by the Head Commissioner.
 - 3.1 The responsibilities of the creative officer shall include, but not limited to, preparing the commission's publicity materials.
4. There shall be a technical officer appointed by the Head Commissioner.
 - 4.1 The responsibilities of the technical officer shall include, but not limited to, managing the commission's public communications platforms.

Section 3. The members of the Commission shall have the following qualifications:

1. Must be a bona-fide student of Ateneo de Davao University having a minimum QPI stated in the AdDU student handbook.

2. Must not have violated any minor and major offenses within the University.
3. Must not be part of any political organizations within the University from the **previous and current academic year.**
4. Must not hold any major elected positions in any organization within the University.

Section 4. The Head Commissioner on Audit shall:

1. Be appointed by the SAMAHAN President
2. Precede all the meetings and assemblies of the Commission on Audit.
3. Be the one to provide the final approval **of the audit for the budget proposals and liquidation reports.**
4. **Submit a semestral report to the SAMAHAN President, SAMAHAN Treasurer and the Chief of Staff.**
5. Be the official representative of the Commission on Audit to the Student Assembly.
6. Sign any Commission related documents and correspondence.

Section 5. The members of the Commission on Audit shall:

1. Work together with the **SAMAHAN Student Court** and the Office of SAMAHAN Treasurer to render its accountability of the SAMAHAN and its members.
2. Monitor and validate all financial expenditures of the SAMAHAN, especially the clusters, to maintain transparency within the offices.
3. File any reports or complaints of any misusing of the SAMAHAN funds to the **SAMAHAN Student Court** for proper actions.
4. Have its own procedures and conducts in doing the audits **in line with the SAMAHAN fiscal policy.**
5. Receive all **liquidation** reports from the different clusters **every month and SAMAHAN departments, commissions, and offices every semester** for transparency.
6. **Be responsible for checking and approving the proposed budget of the clusters and SAMAHAN departments, commissions, and offices.**
7. Be the official tabulating committee in all SAMAHAN-led Competitions and activity.
8. Auditors must ensure to provide full assistance to the Commission on Audit.
9. Be solely responsible when there are anomalies in the reports they have submitted.

Section 6. Term of Office for Auditors **shall be:**

1. The term of members of the Commission on Audit shall serve from the end of the second semester of the current school year until the end of the second semester of the following school year.
2. **Members shall serve for only one academic year, but may also extend their membership for only one academic year.**

Article VIII

Commission of Student's Rights and Welfare

Section 1. The Commission on Student's Rights and Welfare shall serve as an autonomous and independent commission tasked to take initiatives and create programs in pursuit of championing the rights and welfare of the students stipulated in Article IX.

Section 2. **The Commission on Students' Rights and Welfare is tasked to facilitate and formulate student services particularly addressing, the promotion of the welfare of the students against violations committed by bonafide students of the Ateneo de Davao University and incumbent SAMAHAN officers.**

Section 3. The Commission on Student's Rights and Welfare shall be composed of a Head Commissioner, an Assistant Commissioner, a Secretary-General, a Treasurer, and Cluster STRAW Officers.

Section 4. The members of the Commission shall have the following qualifications:

1. Must be a bona-fide student of Ateneo de Davao University, having the **minimum QPI requirement** stated in the **of the AddU student handbook.**
2. Must not have violated any minor and major offenses within the University.
3. Must not be part of any political organizations within the University.
4. Must not hold any of the major positions in any organization within the University.

Section 5. The Head Commissioner shall:

1. Be Appointed by the SAMAHAN President.
2. Lead and supervise all activities and initiatives of the Commission;
3. Ensure proper coordination between Cluster STRAW Officers;

4. Represent the Commission on all formal programs, events, and activities;
5. Represent the Commission in the Student Assembly;
6. Attend official SAMAHAN meetings if directed by the President or by the SAMAHAN Central Board;
7. Report to the President about the developments and conditions of the Commission and the student body;
8. Request and receive the budget for the Commission;
9. Sign all Commission-related documents and correspondences.

Section 6. The Assistant Commissioner shall:

1. Assist the Head Commissioner in leading and supervising the Commission;
2. Serve as the liaison between the Head Commissioner and the Cluster STRAW Officers;
3. Attend official SAMAHAN meetings if directed by the President or by the SAMAHAN Central Board;
4. Represent the Commission on all formal programs, events, and activities in the absence of the Head Commissioner;
5. Request and receive the budget for the Commission in the absence of the Head Commissioner;
6. Sign all Commission-related documents and correspondences in the absence of the Head Commissioner.
7. Serve other functions as the Head Commissioner so directs.

Section 7. The Secretary-General shall be the official custodian of all records of the Commission and shall take charge in disseminating information about its activities and affairs.

Section 8. The Treasurer shall be the official budget officer of the Commission and shall keep detailed records of all its expenditures. The Treasurer shall also prepare the budget to be requested from the SAMAHAN Central Board.

Section 9. The Cluster STRAW Officers shall:

1. Forward the concerns and grievances of the students belonging in the same cluster to the Head Commissioner;
2. Lead the cluster-level implementation of all programs of the Commission;

3. Formulate activities and programs for their own cluster, upon the approval of the Head Commissioner and the Assistant Commissioner;
4. Participate in the meetings of the Commission;
5. Perform other functions as the Head Commissioner so directs.

Section 10. Term of Office of StRAW Members shall:

1. The term of members of the Commission on Student's Rights and Welfare shall start from the end of the second semester of the current school year until the end of the second semester of the following school year.
2. The members must only serve for one academic year. **However, the Head Commissioner and Assistant Head Commissioner can be reappointed by the succeeding SAMAHAN President.**

Article IX

Bill of Rights and Responsibilities of Students

Section 1. Every student has the right to invoke the provisions of the Magna Carta of the Rights and Responsibilities of the Undergraduate Students

Section 2. Every student has the right to invoke the rights, immunities, and privileges that the student possesses and reserves inherently **through the laws of the country and the Philippine Constitution.**

Section 3. On Rights to Academic Freedom

1. Every student has the right **to freely choose their fields of study, subject** to the respective existing curricula and to continue **their** course up to graduation except in case of academic deficiency or violation of disciplinary regulations imposed by the University, **such as retention policies.**
2. Every student has the right to conduct scholarly research freely and to publish, discuss, and exchange findings and recommendations for the purpose of academic advancement.
3. Students shall have the right to invite and hear persons of their own choosing in convocations and assemblies organized in connection with students and community affairs.

Section 4. On Rights to Freedom of Expression.

1. Every student has the right to fully express individually and collectively their views on issues of institutional policy and on matters of general interests to the student body. No policy shall be passed violating the freedom of expression of students, and freedom of the press and publication through any platform and their online counterparts. Public disgust or offense to a particular group shall never be valid justification in limiting such rights.

Section 5. On Rights to Representation.

1. Every student has the right to representation in and through the Samahan ng mga Mag-aaral ng Pamantasan ng Ateneo de Davao University.
2. Every student has the right to be represented in the creation and deliberation of University policies regarding areas that may directly or indirectly affect them.
3. Every student has the right to vote members of the student body into SAMAHAN through a fair and just election.
4. Every student has the right to run for office in the SAMAHAN provided that they have met the requirements for candidacy as stipulated by the Commission on Elections.

Section 6. On the Rights to Information.

1. Every student shall have the right to information, particularly, access to **SAMAHAN and University records, except when the information falls under any of the exceptions enshrined in the Philippine Constitution, existing law or jurisprudence, or as may be determined by the SCB, Student Assembly, Student Court, and the University.**
2. Every student shall have the right to be clearly informed of the functions, purposes, and composition of existing University bodies and other University bodies to be created in the future that may directly or indirectly affect them as a student.
3. Students shall have the right to be informed of the University regulations and policies which directly or indirectly affect them. There shall be appropriate channels that must inform the students of any change which will be effective only after public notification. No punishment shall be ex post facto.
4. Every student has the right to be advised of any violation that may lead to any disciplinary sanction against them and to have sufficient time to seek and maintain counsel as well as prepare their case.

5. Students shall have access to all official information of the University Procedures in handling different concerns. Students shall also have access to immediate assistance through a designated University office or a student body in addressing any of the following concerns:
 - 5.1. Referrals to medical (physical or psychological) assistance.
 - 5.2. Referrals to procedural or legal assistance.
 - 5.3. Assistance in disciplinary procedures in filing a complaint or a report.
 - 5.4. Guidance and counseling.
 - 5.5. Scholarships and financial assistance.
 - 5.6. Information systems and data protection assistance.
6. Every student has the right to have free access to records, documents, and papers pertaining to all student government activities, programs, and financial transactions, especially to those that may affect them directly or indirectly as a student.
7. Students shall have the right to know the resolution, decision, and activities of the governing bodies of the SAMAHAN and their respective organizations.

Section 7. On Rights to Protection

1. Every student has the right to be protected from the following actions committed by another member of the institution:
 - 1.1. Physical Violence. Every student has the right to be protected from acts that include bodily or physical harm.
 - 1.2. Cyber Harassment. Every student has the right to be protected from acts that include cyberbullying and cyberdefamation that are proven to directly hinder the student's ability to function in their academic/ personal lives.
 - 1.3. Psychological and Emotional Abuse. Every student shall be free from any form of emotional abuse including, but not limited to, the following actions:
 - 1.3.1. Public humiliation.
 - 1.3.2. Verbal assault.
 - 1.3.3. Verbal threats.
 - 1.3.4. Gaslighting.
 - 1.4. Such instances must be proven to have directly hindered the student's ability to function in their academic/personal lives.

- 1.5. Students shall be further protected from any form of mental health-based discrimination which may manifest in, but are limited to:
 - 1.5.1. Prohibiting a student from applying into a student-led organization, both accredited or non-accredited to their past or present issues regarding their mental and emotional well-being, provided that they do not endanger the safety and welfare of the members within that organization.
 - 1.5.2. Disqualifying and/or prohibiting a student from applying for vacant positions in the governing body within an organization a student is a member of due to past or present issues regarding their mental and emotional well-being, provided that they do not endanger the safety and welfare of the members within that organization.
 - 1.5.3. Prohibiting a student from fairly securing a position in a group assignment for any major requirement in class due to past or present issues regarding their mental and emotional well-being, provided that they do not endanger the safety and welfare of the members within that organization.
2. Every student has the right to be protected from any form of sexual misconduct including, but not limited to, the following:
 - 2.1. Unspecified forms of sexual misconduct which may include, but are not limited to:
 - 2.1.1. Derogatory or degrading remarks or innuendoes directed towards the members of one sex or sexual orientation used to describe a person or verbal abuse with sexual overtones;
 - 2.1.2. Malicious leering or ogling;
 - 2.1.3. Gestures with lewd insinuation;
 - 2.1.4. Unwelcome inquiries or comments about a person's sex life.
3. The following acts or attempts thereof can be subject to a sexual harassment charge:
 - 3.1. Unwanted and/or malicious touching or kissing of a body part (directly or through clothing);
 - 3.2. Recording, photographing, transmitting, viewing, or distributing intimate or sexual photographs, audio files, and videos without the knowledge and consent of all parties involved;

- 3.3. Unwelcome sexual advances, whether or not they involve physical touching;
 - 3.4. Requests for sexual favors and other lurid remarks;
 - 3.5. Other verbal, nonverbal, graphic, or physical conduct of a sexual nature.
4. The following acts or attempted acts can be the subject of a sexual assault charge when they are accomplished by force, violence, duress or menace:
 - 4.1. Vaginal or Anal Intercourse
 - 4.2. Digital Penetration
 - 4.3. Oral Copulation
 - 4.4. Penetration with a foreign object
5. Stalking. Students shall have the right to be protected from repeated following, watching, or harassment. Such actions towards a specific person inflicting fear for their safety or the safety of others, and/or substantial, emotional distress shall be considered **stalking**.
6. Relationship violence. Students shall have the right to be protected from any form of physical, emotional, or sexual misconduct or violence within the context of an intimate relationship regardless of length or perceived quality. Such acts are considered relationship violence especially when the above specified acts would cause a reasonable person to fear for their safety. The University will not consider consensual sexual activity among students as irresponsibility.
7. Violation of a University Directive or Court Order.

Section 8. On rights against discrimination

1. No student shall be subject to discrimination on the basis of, but not limited to, gender, ethnicity, race, religious identity, civil status, pregnancy, and disabilities among others.
2. No policy, program, or action by SAMAHAN and other clubs and organizations shall discriminate or cause stigma to students according to the aforementioned dimensions of differences.

Section 9. Each student shall have the right against excessive fees, exploitation, extortion, involuntary servitude, and cruel or unusual punishment.

Section 10. On rights to healthcare services and Guidance Counseling

1. Students shall have the right to access the services offered by the University Clinic, the College Guidance and Testing Center, and other facilities that offer services that assist in the physical and psychological care of the students.

2. Students shall have the right to access information regarding the qualifications and specializations of the counselors, psychometricians, psychologists, and psychiatrists designated to administer the psychological services available, so that students may be able to request the most appropriate service based on their needs.
3. Guidance Counseling. Every student has the right to access the services of the psychological testing, religious and moral direction, and the formal and informal guidance of the College Guidance and Testing Center.
 - 3.1. Students have the right to give and refuse consent to counseling before the guidance counseling is administered. The refusal of guidance and counseling must be accompanied with a justifiable reason for the refusal. In the case of mandatory guidance testing, students will have to accomplish the evaluation but are not required to go to any counseling recommended if they do not wish to unless their personal safety or of others is at risk.
 - 3.2. Every student has the right to retain the confidentiality of all personal information recorded in any form or medium regarding their use of the services. However, the school administration reserves the right to disclose the information to the student's legal representative in the event of a life-threatening situation that may harm either the student or other members of the institution.
4. Medical Services. Every student has the right to access the medical and dental services of the Ateneo de Davao University Clinic.

Section 11. On the Rights of the Complainants

1. Every student has the right to file a report regarding encounters if these are inflicted by another member of the **SAMAHAN** or question the constitutionality of their actions or decisions. They shall have the right to file complaints against their perpetrators and to seek legal and procedural assistance for their prosecution.
 - 1.1. Every student has an inviolable right to file a complaint that shall be channeled through the STRAW Officers of the Clusters they belong to and that the STRAW Officers will be the one to forward it to the **SAMAHAN Student Court**.
 - 1.2. No person or entity will have the power to decide over the validity of a complaint because **the Constitution** recognizes that students are justifiable in their

complaints. The Constitution also recognizes that every complaint is justifiable and worth responding to.

- 1.3. The nature of complaints **that the SAMAHAN can receive shall only be** in relation to the violation of the AdDU student handbook, negligence of duty of officers, if it is inimical to the interest of the organization, and such that are related to or in line with the administration and the constitutionality of actions or decisions of any officers under SAMAHAN.
- 1.4. Students have the right to take testimony in investigations and bring evidence for any petition or inquiry at the request of the **Student Court**;

Section 12. Procedures and Accountability

1. Every student has the right to demand accountability **from** those that are involved with concerns of reports and knowledge of the procedures that may directly or indirectly involve and affect them.
2. Every student has the right to be represented in the creation and deliberation of University policies regarding areas that may directly or indirectly affect them.
3. Every student has the right to check the performance of elected and appointed officers of SAMAHAN with regards to the fulfillment of their sworn duties and responsibilities to the whole student body.
4. Every student has the right to recall any elected SAMAHAN officer for any gross violation of the Constitution and By-laws.
5. Every student has the right to initiate veto to any undesirable **policies, laws, or resolutions** of the governing bodies established by this Constitution. **The Student Assembly shall provide for the implementation of this right.**

Section 13. Responsibility of the Students. It is the responsibility of every student to:

1. Exercise his rights as a resident of the country as provided for in the Philippine Constitution without impairing his status as a student of the University.
 - 1.1. Respect institutional and educational policies, rules and regulations provided these do not transgress the laws of the land, University statutes, and student rights as mentioned in this Constitution.

- 1.2. Every student must cooperate in creating an environment conducive for openness and celebration of differences of, but not limited to, religious and spiritual practices, race or ethnicity, gender, civil status, and health status among others and will be ensured of immediate action by the appropriate body that acts otherwise or violates the rights of another.
- 1.3. Cooperate in building a community that fosters recognition, respect, and acceptance of the inherent dignity of every person.
- 1.4. **Safeguard and promote academic freedom among their fellow students.**
- 1.5. Recognize and exercise **their** moral responsibilities to themselves, to their fellow students, and to the Filipino people.
- 1.6. Maintain academic standards set by **their** particular division as well as the standards set by the institution.
- 1.7. Exercise **their** rights responsibly.
- 1.8. Be aware of the performance of elected and appointed members of the SAMAHAN as well as their respective divisions with regard to the fulfillment of their sworn duties and responsibilities. They have the right to directly initiate the recall and impeachment of appointed and elected officials of the SAMAHAN.
- 1.9. Contribute in **any** legitimate ways to the betterment of the Student Body as well as support and cooperate with the programs initiated by the University, SAMAHAN, and their respective division, directed towards the fulfillment of the ideals of the University.

Article X

The Council of Class Presidents

Section 1. The Council of Class Presidents (CCP) is a student-governing body that serves a forum to discuss and corroborate individual initiatives of common interest amongst the active classes of across all courses within an academic year to develop and actualize programs for the benefit of the student body.

Section 2. The CCP shall work with the SAMAHAN Central Board to act as their mobilizing arm for the efficient delivery of information from the SAMAHAN to the student body of the University.

Section 3. Organization and Composition of the CCP.

1. The Council of Class Presidents shall be composed of all Class Presidents **and shall have the following officers Chairperson, Internal Vice-President, External Vice-President, Secretary-General and Finance Officer with their respective executive members.**
2. The Council of Class Presidents shall be given one week to conduct election of officers.
3. The members of the Council of Class Presidents shall have a term of one school year.
4. In cases that involve shifting to another program, or a dissolved class list, the presidency shall be withdrawn.
5. The Council of Class Presidents Officers shall have a term of one school year, and an extension of the term until a new set of CCP Officers shall be elected.
6. The members are entitled to one vote each with the exception of the Chairperson who shall vote only in case of a tie.
7. Any member of the Council should appoint a proxy. In appointing his proxy, the member of the Assembly should immediately inform the Secretary of the Assembly of such appointment.

Section 4. The Council of Class Presidents shall have the following powers and responsibilities:

1. It has the right to decide on matters pertaining to its own internal affairs.
2. **It has the right to establish departments within the offices of the respective Executive Officers to better fulfill their functions.**
3. The Council of Class Presidents Officers shall be elected by the members of the CCP..
4. It may propose amendments to the Constitution and By-laws in accordance with Article XIX.
5. It has the right to an appropriation of the total SAMAHAN semestral budget which will be used in its activities.
6. It has the responsibility to abide by the Constitution.

Section 5. Any member of the Council may **participate** in any meeting of the SAMAHAN Central Board if deemed necessary, given that any representative from the Council of Class Presidents shall not have any voting power, **except in cases wherein they are directly concerned.**

Article XI

Multi Sectoral Council

Section 1. The Multi-Sectoral Council shall be composed of representatives from different organizations of diverse sectors in the Ateneo de Davao University, including but not limited to, religious, indigenous, scholars, and other significant sectors.

Section 2. Represent their respective sector in the Student Assembly, and submit reports about the status of their respective sector to the Vice-President.

Section 3. Help in formulating or crafting regulations and rules that can best serve the student-body and also their sector.

Section 4. Must duly comply with their position in the Student Assembly and be present during meetings and emergency call gathering.

Article XII

Student Executive Council

Section 1. The Student Executive Council shall be headed by the cluster representative which shall be the primary upholder of the SAMAHAN Local Government Code.

Section 2. The Student Executive Council shall have three main offices namely Office of the President which is the Cluster Representative, Office of the External Vice-President and Office of the Internal Vice-President.

Section 3. The appointments of other succeeding officers will be upon the cluster representative and other core officers in accordance with the limitation and extent provided by the SAMAHAN Local Government Code.

Section 4. Provide and initiate any form of student centric activities that will promote more empowerment and participation within their own cluster.

Section 5. Facilitate in conducting the class elections within its respective clusters **in coordination with the COMELEC.**

Section 6. Maximize their own committees to further mobilize and execute their duties and planned programs.

Section 7. Its own jurisdiction is within the scope of its own cluster in accordance with the Local Government Code of SAMAHAN and any extent of power beyond its cluster should have approval from the SCB.

Article XIII

SAMAHAN Moderator

Section 1. The SAMAHAN shall have a moderator from among **faculty members and non-teaching personnel** who shall automatically be an honorary member of the SAMAHAN Central Board.

Section 2. They shall have the following functions:

1. To act as a liaison between the SAMAHAN and the **University community.**
2. **To serve as an adviser of the SAMAHAN Central Board, Student Assembly, SAMAHAN Student Court, Council of Class Presidents, and other independent and governing bodies of the SAMAHAN, except for the COMELEC.**
3. To attend all meetings of the SAMAHAN Central Board.

4. To maintain close relations with the duly elected officials of the SAMAHAN.
5. To work in accordance with the objectives and principles of this Constitution.

Section 3. They shall have no voting power in the meetings and deliberations of the SCB.

Section 4. The Moderator shall receive a reasonable honorarium of which shall be provided by the SAMAHAN.

ARTICLE XIV

Elections

Section 1. Members of the SAMAHAN Central Board shall be elected through a regular election by all students of the Ateneo de Davao University two months before the second-semester ends of the current academic year. Their term shall start the summer after election. Their term shall start the summer after election. The following are included from the provision above:

1. President
2. Vice-President
3. Secretary-General
4. Treasurer
5. Cluster Representatives

Section 2. Elections of prescribed class officers for the academic year shall be conducted by the Committee on Elections one week after the opening of the school year. The Class officers to be elected are the following:

1. President
2. Vice-President
3. Secretary
4. Treasurer

Section 3. The elections of the Executive Board of the Council of Class Presidents shall be elected upon the completion of all class presidents. Their term shall begin once a formal memorandum is released by the COMELEC. The following are included from the provision above:

1. Chairperson

2. Internal Vice President
3. External Vice President
4. Secretary General
5. Finance Officer

Section 4. In the event of a failure of election, special elections shall be held 15 days after the occurrence of the failure of elections in accordance with the guidelines provided by the COMELEC.

Section 5. All matters relating to elections shall be conducted autonomously by the COMELEC.

1. The COMELEC has the sole power to resolve electoral complaints and challenges.
2. University offices can only interfere with student elections in the event which violates the AdDU student handbook.

Section 6. In order for the elections to be valid, a minimum of fifty percent plus one (50% + 1) of the total population of votes must be casted. Thereafter, the candidate who achieves the plurality vote, shall win the position.

1. For lone candidates, in order for the elections to be valid, a minimum of fifty percent plus one (50% + 1) of the total population of votes must be casted. Thereafter, the candidate shall have more votes than abstain to win the position.

Section 7. The Omnibus election guidelines provided by the COMELEC must be upheld.

Article XV

Commission on Elections

Section 1. Definition and Scope of COMELEC

1. The Commission on Elections (COMELEC) is the constitutional electoral and independent body of the Ateneo de Davao University tasked with securing the sanctity and legitimacy of all electoral activities of the student body especially the elections of SAMAHAN Central Board, Council of Class Presidents, Campus and Clubs Organizations, and Classroom Officers elections. COMELEC enforces laws and guidelines concerning the execution of regular and special elections.

Section 2. Structure of COMELEC

1. The COMELEC shall be finally formed by the incumbent officers of SCB 30 days before the end of the academic year.
2. The COMELEC shall be composed of fifteen (15) Commissioners and one (1) Chairperson. **The COMELEC has the right to add volunteers to their Commission.**
3. The qualifications of the COMELEC members shall be the same as those SCB Officers as stipulated in Article IV Sec. 3 of this Constitution although exceptions may be set by SCB.
4. The COMELEC must have a moderator that will supervise in terms of technical guidance, **which is limited to facilitation, review, and guidance of the operations of the COMELEC.**

Section 3. The members of the Commission shall have the following qualifications:

1. The COMELEC Commissioners must not be affiliated with any political organizations in the University.
2. The **incumbent set of COMELEC Commissioners** shall be in office until such time a new set of SAMAHAN Central Board officers shall be convened.
3. **Must not hold any of the major positions in any organization within the University.**

Section 4. Powers and Responsibilities of the COMELEC:

1. The COMELEC shall set the specific rules of the elections. Elections on SCB, and CCP must have separate guidelines in line with this Constitution that must be accessible to candidates and to students may it be through a physical orientation and/or online platform.
2. **In the case of classroom elections, they must be presided over by their respective Student Executive Council, but shall operate under the supervision of the COMELEC.**
3. The COMELEC shall be in office until such time a new set of SAMAHAN Central Board shall be convened.
4. The COMELEC shall present the results of the election to the outgoing SCB, and the CCP as well as to the Administration for their information before the formal proclamation of winners.
5. **After the proclamation of the winners, the results must be presented to the student body through a memorandum prepared by the COMELEC Chairperson.**

ARTICLE XVI

Vacancies

Section 1. In the case of vacancy of the President's position, the Vice President shall fill the vacant post.

Section 2. A permanent vacancy in the Vice President's position shall be filled through a special election. The same shall apply if in case vacancies shall simultaneously occur in the President and Vice President. Until such vacancies are filled, the Secretary-General shall act as temporary President of the SAMAHAN.

Section 3. A special election shall also be done to fill the vacant positions of both the Secretary-General and Treasurer. The President shall appoint an officer who shall temporarily assume the position until such time that the vacancies are filled.

Section 4. An Interim Cluster Representative shall be appointed by the President in case of vacancy of the Cluster Representative position.

Section 5. In the case of vacancy of the Director's position, the Deputy Director shall fill the vacant post. If vacancies simultaneously occur in the Director and Deputy Director positions, the President shall endorse an officer who will be subject to the approval of the Student Assembly.

Section 6. In the case of vacancies of elected positions, the procedures for the replacement of the specific officer shall be followed. For vacancies in appointed positions, the commission shall nominate an officer who will be recommended for appointment of the President. In the case of vacancies of the sector representatives, the internal procedures of the sectors in the selection of the representative shall be followed.

Section 7. In the case of vacancy in the Chief **Justice** position, the Associate **Justices** will choose among themselves the new Chief **Justice**. If the Associate **Justice** will leave the post, the cluster must nominate another Associate **Justice** who shall also pass the Constitutional Examination and interviews.

Section 8 In the case of vacancy of the Council of Class Presidents Chairperson's position, the Internal Vice President shall fill the vacant post. In case the Internal Vice President cannot fulfill the Chairperson's position, the External Vice President shall take over. A permanent vacancy in the Council of Class Presidents Vice President's position shall be filled through an interim officer appointed by the Chairperson. The interim officer must be a class president who is currently a member of the Council. The same shall apply if in case that vacancies in the positions of Secretary-General and **Finance Officer** shall occur.

ARTICLE XVII

Impeachment

Section 1. Any member of the SAMAHAN Central Board, Council of Class Presidents, Student Assembly, Judiciary Branch, Constitutional Commission, and Department may be impeached on the following grounds.

1. Any willful and gross violation of the Constitution and By-laws.
2. Gross neglect of duty which includes:
 - 2.1.1. Habitual negligence of assigned tasks/duties.
 - 2.1.2. Abuse of power, wherein they force other members to do his/her tasks/duties.
 - 2.1.3. Any member who is found guilty in covering up the fault of the member being impeached shall be considered as an accomplice to the misconduct, and shall be put into trial for impeachment as well.
 - 2.1.4. Any such other offenses that the bodies deem as gross negligence.
3. Any disorderly behavior during any session.
4. Malversation of funds.
5. Unexcused absences from the regular meetings of the Constitutional bodies. Excused absences, however, may be accorded by the following format:
 - 5.1. A formal letter must be submitted 24 hours before the regular or prescribed meeting to the offices of the presiding officer. It must be duly approved by the Presiding Officer of the body.

- 5.2. In case of emergency, the Presiding Officer shall have the discretion to consider the validity of such absence. A formal letter is still required to be submitted after the said absence.

6. **Violations of existing laws and the Philippine Constitution.**

7. Any other form of misconduct which undermines the integrity of the SAMAHAN.

Section 2. The membership of the **CCP Chairperson**, if impeached, shall not be withdrawn. Any ground for impeachment shall be dealt with accordingly by the **SAMAHAN Student Court**.

Section 3. The **SAMAHAN Student Court** shall handle the impeachment proceedings and shall be the presiding body for such.

Section 4. The **SAMAHAN Student Court**, therefore, has the following roles for the impeachment proceedings:

1. The Court is in charge of collecting evidence or any information that is relevant for the impeachment. They shall ensure the confidentiality of the information gathered.
2. The Court shall then decide whether to initiate impeachment or recall proceedings or not. Failure to meet the set deadline shall automatically dismiss the complaint.
3. The Court shall be responsible for enforcing necessary sanctions, and all its decisions on matters of impeachment and recall are final.

Section 5. Procedures for impeachment:

1. Any member shall be given at least 7 days of notice of the impeachment hearing from the time they receive the formal written charge. They shall be offered an opportunity to be heard in the impeachment proceedings.
2. Any member of the mentioned bodies has no voting power for the impeachment proceedings.
3. A vote of 50%+1 from the **SAMAHAN Student Court** shall merit the validity of the decision.
4. **Impeachment procedures against an officer shall only occur once per semester.**

ARTICLE XVIII

Resignation

Section 1. Any officer who desires to resign must file a formal letter which must contain the reason for their resignation addressed to the presiding officer **they** may append a report of accomplishments or proposals.

Section 2. The officer must have worked for at least one (1) week before their resignation will be processed.

Section 3. In case of misconduct or impeachment of a **SAMAHAN officer**, the presiding officer must refuse to approve the resignation letter.

Section 4. The resignation of the **Department** Heads under SAMAHAN and **cluster** representatives can only be approved by the SAMAHAN Central Board. However, in case of resignation of a **SAMAHAN Central Board officer**, it **shall be** approved through the votation of the remaining **SAMAHAN Central Board officer** and collective response of the **cluster** representatives to be counted as one vote.

Section 5. All powers and functions, papers, and documents of the resigning officer upon resignation or termination shall be turned over temporarily to the SCB until the said position shall **be** filled, except for **cluster** representatives which will be filled by the current Internal Vice President.

Section 6. After the resignation of the **SAMAHAN officers** and the **cluster** representatives, **the newly assigned officer shall be briefed on their responsibilities.**

Section 7. The **briefing** of the new officer shall be done **within three (3) days after they assumed their responsibilities.**

ARTICLE XIX

Amendments or Revisions

Section 1. Any amendments to, or revision of, this Constitution may be proposed by:

- 1. The SCB, CCP, or Student Assembly, upon a vote of three-fourths of all its members.**
- 2. A Constitutional Convention.**

Section 2. The Student Assembly may, by a vote of two-thirds of all its members, call a Constitutional Convention.

Section 3. Any proposed amendments or revisions shall be approved by 2/3 votes from the delegates in the Constitutional Convention in order for the amendments to proceed to ratification.

Section 4. Amendments to this Constitution may also be proposed by at least 5% of the student body. The Student Assembly shall provide for the implementation of the exercise of this right.

Section 5. No amendments or revisions of this Constitution shall happen one (1) academic year after its ratification.

ARTICLE XX

Transitory Provisions

Section 1. The first elections of officers of the SAMAHAN Central Board under this Constitution shall be held two months before the second-semester ends in the Academic Year 2023-2024. The COMELEC shall determine the date and number of days of the elections.

Section 2. The elected SAMAHAN Central Board officers in the election held in January 2023 shall assume their positions until the end of the second semester of the Academic Year 2023-2024 and shall exercise their powers and responsibilities under this Constitution. Their term of office shall still start on April 1, 2023.

Section 3. All existing Resolutions and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

Section 4. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose and shall supersede all previous Constitutions.