

OCA CIRCULAR NO. 135-2003, September 23, 2003

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TO:

ALL PRESIDING JUDGES AND CLERKS OF COURT OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT:

GUIDELINES ON THE JUDICIARY COPIES OF THE LEX LIBRIS COMPACT DISCS

These guidelines are issued in relation to the 1,233 sets of CD-ROM units (the Judiciary Discs or JDs) donated by CD Technologies Asia, Inc. (CD Asia) to the Supreme Court, through the Philippine Judicial Academy (PHILJA).

Each set of the Judiciary Discs consists of the Lex Libris titles on (a) Philippine Laws — executive and legislative enactments from 1901 to 2001, and (b) Philippine Jurisprudence — decisions of the Supreme Court from 1901 to 2001.

- Ownership of Judiciary Discs

1.1 The Supreme Court is the owner of the Judiciary Discs donated by CD Asia. PHILJA, acting on behalf and as a component unit of the SC, is authorized to accept the donation.

1.2 The JDs are not for sale or re-sale.

- Responsibility of PHILJA

2.1 PHILJA's responsibility is limited to receiving the donation and overseeing CD Asia's compliance with its undertaking under the Contract of Services, namely, to install the JDs as well as train designated court personnel in the proper use thereof.

2.2 The Supreme Court thru PHILJA shall shoulder the costs of installation of the JDs, the training of designated court personnel, and content updates for Y2001. Payment to CD Asia shall be made upon completion of the activities for installation and training and upon presentation of the proper billing documents, in accordance with auditing rules and regulations.

- Responsibility of OCA

3.1 The Office of the Court Administrator (OCA), vested with the power to exercise administrative supervision over the lower courts, shall issue a circular enjoining all judges and pertinent court personnel to lend their full cooperation to CD Asia as it installs and trains their personnel on the use of the JDs.

3.2 OCA shall shoulder the expenses for the maintenance of the Judiciary Discs distributed to 1,233 trial courts.

- Responsibility of MISO

4.1 The Management Information System Office (MISO), the technology arm of the Court, shall furnish CD

Asia with the list of courts to be provided and installed with the JDs.

4.2 MISO shall determine the validity of the request for reinstallation of the JDs.

- Responsibility of CD Asia

5.1 CD Asia will Install the JDs nationwide, In accordance with an approved timetable.

5.2 CD Asia's representative/s will personally deliver and install the JDs, except in the following instances, where non-personal delivery may be effected:

5.2.a For areas that are normally accessible by regular means of transportation, but are commonly or reasonably believed to be unsafe for travel, especially for non-residents (e.g., in rebel-Infested or crime-ridden areas), the JDs may be delivered by mail and installation may be done by telephone.

5.2.b For areas that are not accessible by regular means of transportation, the JDs may be delivered either by mail or by having a court personnel meet CD Asia's representative/s at a designated place to pick up the JDs. In case of delivery by mail the installation will be done by telephone. If a meeting is opted for, the court personnel shall bring the computer to the meeting place so that the CD Asia representative/s may install the JDs.

5.2.c For areas that are not accessible by regular means of transportation and with no means of outside communication (e.g., no telephone landlines and no access by mobile phones), the JDs may be installed only if the computer is brought by court personnel to a place where the CD Asia representative/s can perform the installation.

5.3 The CD Asia representative/s, upon delivery and installation of the JDs, will require the recipients of the JDs to sign a receipt of the JDs to sign a receipt acknowledging receipt of the JDs.

5.4 The CD Asia technical staff shall train designated court personnel on the proper use of the JDs.

5.4.a Training on the proper use of the JDs will be done either on-site or through seminar-type sessions to be conducted in various cities nationwide.

5.4.b On-site training will be conducted by the CD Asia representative/s upon delivery and installation of the JDs.

5.4.c Seminar-type training will be conducted in areas with a considerable number of courts, or where on-site training may not be viable due to safety and other , considerations, under the following terms.

5.4.C.1 CD Asia will communicate the details of the training sessions by fax, phone and/or mail to the participants, who must confirm their attendance.

5.4.C.2 CD Asia shall provide the facilities for training (e.g., the venue, computers and other equipment, etc.), as well as meals and transportation subsidy (when appropriate) for the participants. Depending on the training schedule, overnight accommodation may likewise be provided.

5.4.C.3 Each court is entitled to send one (1) participant to the training session. Only participants from trial courts in the official list provided by MI SO will be allowed to take part in the training.

5 4.C.4 A recipient-court which sends more than one (1) participant, shall bear all the expenses incurred for the extra participant.

5.4.d All queries regarding the training schedules shall be coursed through CD Asia.

- Distribution of Judiciary Discs

6.1 Trial courts provided with new computers as of June 20D2 shall be recipients of the JDs.

6-2 All queries on the distribution of the JDs shall be coursed through PHILJA.

- Memorandum Receipts (MRs)

7.1 As per requirement of FMBO, the JDs, while considered non-consumable items, shall be covered by MRs, signed by the authorized recipient.

7.2 For accounting purposes, the book value of the JDs is placed at P50,000.00 per set.

7.3 The OCA Property Officer shall send MRs to the Branch Clerk of Court of recipient trial courts which shall be returned duly accomplished to the OCA Property Division.

7.4 A copy of the MR duly accomplished by the Branch Clerk of Court, being the accountable officer, shall be attached to CD Asia's statement of account for purposes of payment.

- Proper Use and Maintenance of the Judiciary Discs

8.. Detailed Instructions on the research features and functions of the JDs are contained in a User's Guide, which may be found in the booklet that accompanies each set of the JDs, inside each plastic case.

8.2. The use of the JDs is governed by a License Agreement with CD Asia, a copy of which is also contained in the accompanying booklet. An electronic copy of the License Agreement may likewise be found in each of the JDs and appears on screen upon installation.

8.3. Strict adherence to and compliance with the provisions of the License Agreement is enjoined. In this connection, all personnel and staff of the recipient-courts are advised as follows:

8.3.a Any act of wholesale reproduction (i.e., copying or duplicating any of the CD-ROM units, or downloading, copying or printing complete files of the Jurisprudence or Laws databases, especially when done in batches) and/or replication of the JDs is strictly prohibited.

8.3.b Any act designed or intended to alter, modify or disassemble the JDs or any of the component software, or any act that may tend to cause or eventually cause the alteration, modification or disassembly thereof, whether in whole or in part, is likewise strictly prohibited.

8.3.C The JDs shall not be applied or dedicated to the operation and/or maintenance of a for-hire research service or any other like or similar venture for business or profit, nor shall the JDs be leased or rented out for such purposes.

8.3.d The JDs or any portion thereof shall not be utilized in any manner for the operation and/or maintenance of any on-line, cable, or wireless service or system.

8.3.e The JDs shall not be installed in a network or used in more than one (1) computer terminal at any time.

8.4 Violation of Section 8.3 above and/or any of the provisions of the License Agreement may result in the confiscation of the JDs assigned to the court committing the violation. This, in turn, shall result in immediate revocation of said court's entitlement to use the JDs and avail of any service or warranty related thereto, in addition to the imposition of sanctions and penalties as may be imposed by OCA.

8.5 The branch clerk of court of the trial court, being the accountable officer at that level, shall have the sole responsibility of complying with the License Agreement. In this respect, the branch clerk of court shall designate in writing the court staff who is/are authorized to use the JDs. Damages resulting from unauthorized use shall be the sole responsibility of the unauthorized user.

8.6 For proper maintenance, the following measures are advised:

8.6.a The JDs must not be exposed to direct sunlight, rain or extreme temperature.

8.6.h Contact of the JDs' silver surface with hard or sharp objects {e.g., pencil points, paper clips, staple wires, etc.) must be avoided.

8.6.C After use, the JDs must be placed in their plastic cases and not left inside the CD-ROM drive or exposed to the elements.

8.6.d The JDs must be kept in a safe and secure place to avoid loss and unauthorized use.

8.6.e Only soft, non-abrasive cloth material must be used in cleaning the JDs. Cleaning must be done regularly, at least once every two (2) weeks.

8.6.f. The JDs must be used only in conjunction with licensed software programs.

- Technical Support

9.1 Technical support on the features and Functions of the JDs, as well as on the proper use thereof, shall be provided by CD Asia.

9.2 For purposes of requesting and receiving technical support., CD ' Asia may be contacted as follows:

In Metro Manila (632) 634-3792 to 93

(632) 638-5237

(632) 634-7140 (fax)

In Cebu (032) 254-5619

(032) 255-2312

In Davao (082) 222-6594

(032) 222-6593

- Reinstallation

10.1 Each set of the JDs may be installed in only one (1) computer, which must be located within the court premises.

10.2 No re-installation of the JDs v/ill be allowed, except under the following terms and conditions:

10.2.a All requests for re-installation shall be coursed through the OCA Property Division Office, in coordination with MISO. to determine validity of such requests.

10.2.b. Re-installation will be done on-site (i.e., a representative of CD Asia will personally visit the court) and only on the designated computer. No re-installation will be done by telephone.

10.2.c Should re-installation be requested as a result of damage or defect in the computer or arty of its components, as well as, damage caused by virus infection, as the case maybe, the OCA shall bear the cost of re-installation.

10.2.d. Should re-installation be requested doe to damage caused by the misuse of the end users,. including but

not limited to the unauthorized tampering, copying or re-installation in another computer unit of the JD software, the trial court shall bear the cost of reinstallation.

10.2.f. With respect to courts situated in Metro Manila, Metro Cebu and Metro Davao, the first instance of re-installation shall be free of charge, Subsequent requests for re-installation shall be evaluated individually and will assessed nominal fees to be paid by the OCA which is responsible for maintenance.

10.2.g. All re-installation requests in Metro Manila Metro Cebu and Metro Davao shall be subject to the availability of CD Asia personnel assigned to the aforementioned areas.

10.2.h Re-installation will be effected only after delivery and installation of the JDs to and in all trial courts identified in the list of MISO shall have been accomplished.

for information and guidance.

__23__ September 2003.

PRESBITERO J. VELASCO, JR.

Court Administrator

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