



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

8/24/2021
08-02124
097.13 DPWH
08-31-2021

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DEPARTMENT ORDER)

NO. 71)

Series of 2021 08/31/21)

**SUBJECT: Reiteration of Policies against
Unauthorized Installation of
Counterfeit or Unlicensed Software in
all Department-owned Devices**

In support of the Intellectual Property Office of the Philippines' campaign against unauthorized installations and usage of counterfeit or unlicensed software, the following policy under Department Order No. 13, Series of 2015 with the subject "Policies and Guidelines on the Use of DPWH ICT Resources" is hereby reiterated:

Section 7.2. Software Policy

Installation or use of unauthorized/unlicensed, non-standard software, including personally owned software, is prohibited. Only software that is licensed to or owned by the Department is to be installed on the Department's computers. It is the Department's policy to abide with all the laws and regulations regarding copyright and Intellectual Property Rights (IPR) Law.

All software (package, programs or applications), data, and data files loaded on the Department's computer systems are the properties of the Department. As such, the Department retains the right to access, copy, change, alter, modify, destroy, delete or erase any of these properties including free-to-use software installed by IMS.

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Downloading and installation of any software, either freeware or shareware, shall not be allowed unless authorized by the IMS. A request form must be accomplished and coursed through the IT Service Desk.

Employees are likewise reminded that the unlawful installation and usage of counterfeit or unlicensed software in all devices procured by DPWH exposes them to civil, administrative, and criminal liabilities under our prevailing laws, including but not limited to the following:

1. **Section 217 of Republic Act No. 8293** otherwise known as the "Intellectual Property Code" as amended, punishable by imprisonment with fine;
2. **Republic Act No. 9239** otherwise known as the "Optical Media Act of 2003" punishable by imprisonment with fine;
3. **Republic Act No. 10175** otherwise known as the "Cybercrime Prevention Act of 2012" punishable by imprisonment or fine;


4. **Section 3 (e) of Republic Act No. 3019** otherwise known as the "Anti-Graft and Corrupt Practices Act" punishable by imprisonment and perpetual disqualification from public office for:

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence (underscoring supplied); and

5. **Administrative liabilities under the Civil Service Rules** for Grave Misconduct, Being Notoriously Undesirable, Conduct Prejudicial to the Best Interest of Service, and Violation of Reasonable Office Rules and Regulations which may warrant dismissal from service and imposition of fines (Rule 10, Revised Rules on Administrative Cases in the Civil Service).

These devices are procured to aid all employees in the efficient discharge of their official functions and ought not to be used as repositories of illegally-acquired software. Any unlawful usage of these devices will be dealt with in accordance with our Department policies and laws.

For strict compliance.



MARK A. VILLAR
Secretary

2.5 MTPC/HSS

Department of Public Works and Highways
Office of the Secretary



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