



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6783



Introduced by
REPRESENTATIVE PANTALEON D. ALVAREZ

AN ACT
REMOVING CANNABIS AND ANY FORM OR DERIVATIVE
THEREOF FROM THE LIST OF DANGEROUS DRUGS AND
SUBSTANCES UNDER EXISTING LAWS, AMENDING FOR THE
PURPOSE SECTIONS 3 (J), 11, AND 16 OF REPUBLIC ACT NO. 9165,
OTHERWISE KNOWN AS THE COMPREHENSIVE DANGEROUS
DRUGS ACT OF 2002, AS AMENDED

EXPLANATORY NOTE:

“Marijuana,” known as weed, pot, ganja, and Mary Jane, among others, is the flower of the Cannabis plant. It is currently listed as a “dangerous drug” in the Comprehensive Dangerous Drugs Act of 2002.

The history of Marijuana, and how it ended up misclassified as a “dangerous drug,” despite its worst side effect documented as merely making people either hungry and/or sleepy - while governments allow the public to consume alcohol (a far more dangerous substance leading to countless incidence of violence, injury, health problems, and deaths) - has an interesting background.

Marijuana was categorized as an illegal substance by the USA under the Comprehensive Drug Abuse Prevention and Control Act, signed by President Richard Nixon, delivering on his promise of “War on Drugs.” President Nixon believed that drug abuse was a cause for national

emergency and even said that drug abuse was “public enemy number one.” ^[1]

His position is understandable, given the detrimental effects of certain drugs upon people and societies. Unfortunately, marijuana was included in the hasty dragnet despite the fact that, compared to other truly dangerous drugs such as Methamphetamine (or “shabu”), among others, the worst effects of marijuana are benign and – as later research would show – its beneficial effects for health are overwhelming.

Soon after President Nixon’s crusade against drugs, other countries followed suit in lumping marijuana together within the same classification as other truly dangerous drugs. In the Philippines, it was first categorized as a “prohibited drug” in the Dangerous Drugs Act of 1972, the precursor to the Comprehensive Dangerous Drugs Act of 2002.

Laws are enacted based on facts, and they are discarded or changed based on new facts, and new knowledge, that are thereafter discovered and learned. Since it was first classified as dangerous drug, many scientific researches have shown that marijuana is not as harmful as it was first thought out to be. Its benefits, as it turns out, far outweigh the supposed harms it poses. Change, therefore, is needed to remedy the misclassification of marijuana as a dangerous drug.

The paradigm shift has already begun. For example, in 2012, the States of Colorado and Washington made history as they legalized marijuana for recreational purposes. Other countries like Uruguay and Canada soon followed. As of 2022, a total of 56 countries have allowed the use of marijuana—48 countries for medical use, and eight countries for both medical and recreational purposes. ^[2] The Philippines must not be blind to these reforms which our neighbors have implemented based on sound science and with the public good in mind.

Presently, although the Philippine Food and Drugs Administration (FDA) grants a special permit to use marijuana for medical purposes pursuant to Administrative Order No. 4, s. 1992, it is still listed as a

¹ Vulliamy, E. (2011, July 24) Nixon's 'war on drugs' began 40 years ago, and the battle is still raging. *The Guardian*. www.theguardian.com/society/2011/jul/24/war-on-drugs-40-years

² National Academies of Sciences, Engineering, and Medicine. 2017. *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research*.

dangerous drug in the Comprehensive Dangerous Drugs Act of 2002, and selling and possession of a prescribed amount could land someone in jail for a minimum imprisonment of 12 years. Worse, the special permit is practically impossible to acquire and therefore effectively inaccessible to those who would benefit from marijuana. This group includes, but is not limited to, cancer patients.

Restrictions in usage, even for medical purposes, under the premise of preventing public harm, makes no sense at all. In a 2017 report led by doctors at the Harvard T.H. Chan School of Public Health, it was found that there was no or insufficient evidence to support or refute deaths due to cannabis usage.^[3] And yet, while marijuana has not been proven fatal even if consumed excessively, another substance – alcohol – which can kill a person through alcohol poisoning, is allowed by government to be sold to the public. Let us finally correct this policy that lacks common sense. If alcohol, a far more harmful product with little to no health benefits is allowed by the government, why should marijuana – with benefits that outweigh its supposed harms - be illegal?

Advocates are pushing lawmakers to pass a bill legalizing marijuana to open its use for medical properties. Studies have shown that marijuana is effective in helping treat a variety of medical conditions, including cancer, chronic pain, and anxiety. In addition, marijuana helps improve appetite and sleep quality for people who are suffering from certain medical conditions.

Another reason why marijuana should be legalized is for economic, and also tax, purposes. Removing marijuana from the list of dangerous drugs creates a massive economic opportunity for new businesses, jobs, and further revenue generation for the country which can be used to fund social programs. This claim is not unfounded. Legalizing the production, sale, and use of marijuana will potentially create markets worth billions. Canada, for example, a country that legalized the use of recreational marijuana since 2018, boasted a market value of \$5.7 Billion in that same year alone.^[4]

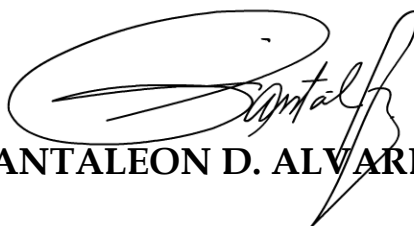
³ Wallace, P. (2022, October 31) Legalize Marijuana. *Inquirer.net*. opinion.inquirer.net/158300/legalize-marijuana#ixzz7kgWT5Lz5

⁴ Evans, Pete (2018, January 25) Canadians spent \$5.7B on marijuana last year, StatsCan estimates. *CBC News*. www.cbc.ca/news/business/marijuana-industry-1.4503152

Moreover, by allowing the government to regulate the market for marijuana, it ensures that marijuana being sold are also deemed safe and high in quality. This would protect consumers from potentially harmful counterfeit products, some laced with other drugs classified as dangerous. As for revenues generated, taxes collected could be used for social programs: housing, schools, hospitals, roads, bridges, and markets. The additional revenue could also assist in helping pay for the country's worrisome debts

Given the foregoing, this bill seeks to simply amend Sections 3 (j), 11, and 16 of Article III of the Comprehensive Dangerous Drugs Act of 2002, by removing marijuana from the list, in effect decriminalizing the production, sale, and use of marijuana within Philippine jurisdiction.

Hence, the passage of this bill is earnestly and fervently sought.



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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Subsection letter (j.) of Section 3 of Article I, Definition of Terms, of the Comprehensive Dangerous Drugs Act of 2002 is herein amended to read as follows:

“(j) Dangerous Drugs. – Include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances as enumerated in the attached annex, **BUT EXCLUDING CANNABIS AND CANNABIS RESIN AND EXTRACTS AND TINCTURES OF CANNABIS FROM SAID LISTS AND SCHEDULES**, which is an integral part of this Act.”

SECTION 2. ARTICLE II, Section 11. of the Comprehensive Dangerous Drugs Act of 2002 is hereby amended to read as follows:

“Section 11. *Possession of Dangerous Drugs.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess any dangerous drug in the following quantities, regardless of the degree of purity thereof:

- (1) 10 grams or more of opium;
- (2) 10 grams or more of morphine;
- (3) 10 grams or more of heroin;
- (4) 10 grams or more of cocaine or cocaine hydrochloride;
- (5) 50 grams or more of methamphetamine hydrochloride or "shabu";

~~[(6) 10 grams or more of marijuana resin or marijuana resin oil;]~~

~~[(7) 500 grams or more of marijuana; and]~~

~~[(8)]~~ (6) 10 grams or more of other dangerous drugs such as, but not limited to, methylenedioxymethamphetamine (MDA) or "ecstasy", paramethoxyamphetamine (PMA), trimethoxyamphetamine (TMA), lysergic acid diethylamine (LSD), gamma hydroxyamphetamine (GHB), and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements, as determined and promulgated by the Board in accordance to Section 93, Article XI of this Act.

Otherwise, if the quantity involved is less than the foregoing quantities, the penalties shall be graduated as follows:

(1) Life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantity of methamphetamine hydrochloride or "shabu" is ten (10) grams or more but less than fifty (50) grams;

(2) Imprisonment of twenty (20) years and one (1) day to life imprisonment and a fine ranging from Four hundred thousand pesos (P400,000.00) to Five hundred thousand pesos (P500,000.00), if the quantities of dangerous drugs are five (5) grams or more but less than ten (10) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, ~~[marijuana resin or marijuana resin oil]~~, methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity possessed is far beyond therapeutic requirements; ~~[or three hundred (300) grams or more but less than five (hundred) 500) grams of marijuana;]~~ and

(3) Imprisonment of twelve (12) years and one (1) day to twenty (20) years and a fine ranging from Three hundred thousand pesos (P300,000.00) to Four hundred thousand pesos (P400,000.00), if the quantities of dangerous drugs are less than five (5) grams of opium, morphine, heroin, cocaine or cocaine hydrochloride, [marijuana resin or marijuana resin oil], methamphetamine hydrochloride or "shabu", or other dangerous drugs such as, but not limited to, MDMA or "ecstasy", PMA, TMA, LSD, GHB, and those similarly designed or newly introduced drugs and their derivatives, without having any therapeutic value or if the quantity

possessed is far beyond therapeutic requirements~~[.]~~. ~~[or less than three hundred (300) grams of marijuana.]~~”

SECTION 3. ARTICLE II, Section 16. of the Comprehensive Dangerous Drugs Act of 2002 is hereby amended to read as follows:

“Section 16. *Cultivation or Culture of Plants Classified as Dangerous Drugs or are Sources Thereof.* – The penalty of life imprisonment to death and a fine ranging from Five hundred thousand pesos (P500,000.00) to Ten million pesos (P10,000,000.00) shall be imposed upon any person, who shall plant, cultivate or culture ~~[marijuana,]~~ opium poppy or any other plant regardless of quantity, which is or may hereafter be classified as a dangerous drug or as a source from which any dangerous drug may be manufactured or derived: *Provided,* That in the case of medical laboratories and medical research centers which cultivate or culture ~~[marijuana,]~~ opium poppy and other plants, or materials of such dangerous drugs for medical experiments and research purposes, or for the creation of new types of medicine, the Board shall prescribe the necessary implementing guidelines for the proper cultivation, culture, handling, experimentation and disposal of such plants and materials.”

SECTION 4. *Separability Clause.* If any part of provision of this Act be considered as unconstitutional, the remaining parts not affected shall remain valid and in full effect.

SECTION 5. *Repealing Clause.* All laws, decrees, orders, issuances, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,