

THE SOLDIER AND THE LAW

by Judge F. Ma. Chanco

SOLDIERS are people, and as such, they are subject to the laws of the land, just like any civilian. The laws that govern the domestic relations of a civilian are the same as those of the man in uniform. Most of the members of our armed forces being married people, it would interest them to know the law that governs the marital relations of the husband and the wife. For the bachelors, the said law will serve them as a future reference.

The husband and the wife are obliged to live together and that the husband shall fix the residence of the family. This provision of the law seems to apply more to a civilian than to a soldier because in most cases it is the top military authorities that "select" where a serviceman should reside because it is in their power to determine where he is to be assigned for duty. But this particular provision of the law may be applied when the member of the armed forces has been already assigned, in a certain sector

or place. Once thus assigned, and he is allowed to reside outside of the camp, he as head of the family is to reside, and the wife has to abide by his decision. The law says, however, that the wife may be exempted from living with the husband if he should live abroad unless in the service of the Republic. A soldier in active duty, therefore, can always compel his wife to go with him abroad, because it is understood that once he makes a trip outside of the Philippines he is on duty and therefore in the service of the Republic, either as an attache to a diplomatic foreign office or on a special mission abroad.

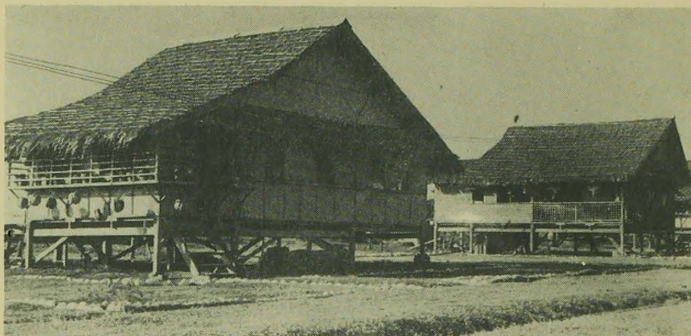
For a soldier-husband who is assigned to a place away from his home and wife, it would benefit him to know that provision of the law which says that the husband and the wife should observe mutual respect and fidelity, and render mutual help and support. Speaking of support, the law states that the husband is responsible for the support of the

wife and the rest of the family. (Family here does not necessarily include in-laws, especially mothers-in-law). So, the expenses for the family expense should come first from the earnings of the soldier-husband. This does not mean however that he alone should shoulder the family burden. Thus, if the wife is earning, say as a teacher, she is also required by the law to contribute *pro rata* to the family budget. A member of the armed forces who should be remiss in his duties to sheel out his salary to the little woman every pay day, should not feel it hard if he will be forced by his superior officer to part with his

income, and even going to the extent of ordering the disbursing officer to garnish his salary, because this is the law. The husband, if he is not earning anymore, like a retired soldier, is required just the same to support the family by finding recourse to his own capital. A husband's capital, among others, is a property which he has inherited from his parents. The husband's capital can only be touched however, if the wife does not earn at all, or if she earns, her income is not enough to support the family. It is only in cases therefore where the husband and the wife do not earn, and the husband has

The money for the family's needs should come from the earnings of the soldier-husband. However, if the wife is earning, she is also required by the law to contribute pro rata to the family budget.





If a member of the armed forces has been assigned to a certain sector or place, he is allowed to reside with his family outside the camp if no quarters is provided them. The dwelling shown above is typical of these "quarters."

no capital of his own, that it is the wife's paraphernal property that should answer for the family support. An example of a paraphernal property is an inheritance of the wife from her parents.

Now, what is the meaning of support? Many a soldier believes that once they have given their family the amount to buy the daily chow they have performed their obligation to support their family. The law, however, provides that support mean not only sustenance of food, but also dwelling, clothing and medical attendance, according to the social position of the family. Support also includes the education of the person entitled to be supported until he completes his education or training for some profession, trade or vocation, even beyond the age of majority. A soldier-husband therefore is required to give

the amount necessary to support his family according to his social position. In short, a member of the armed forces is required to give part of his salary in proportion to the amount he is receiving. A top brass is required to give more to his family than a buck private. A wife therefore who comes from a rich family cannot legally insist that her husband, who is only a non-commissioned officer, should give her the luxuries that she was accustomed to. She cannot therefore report her husband to his superior officer by saying that she is not provided with cheese and butter during breakfast.

Of interest to the soldier-husband is the fact that he is not required by law to give his hard-earned salary to his wife for her to play mahjong. Expenses for gambling is not considered a support for the family. A wife has

no legal right also to insist on such luxuries as jewelries and expensive clothing. She is entitled however to indulge in such pastimes as going to the show, attending club meetings and spending therein amounts of money commensurate to the income and social standing of the family.

A military man's wife has no right therefore to report her husband to headquarters if she is not provided with funds to finance her mahjong sessions. How- his obligations to give the neces-

ever, if the husband will fail in sary support to the family, then it is the opportune time for her to do her reporting. She can even go to the court of justice and sue her husband for non-support. However, this takes more time to thresh out than by going to the top army brass for succor. There is a saying that there are only two sure things on earth, and they are, death and taxes. We may add however another one, and that is, support of the family.

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