

****Title:** Testate Estate of C. O. Bohanan**

****Facts:****

C. O. Bohanan, a U.S. citizen, executed a last will on April 23, 1944, which was admitted to probate in the Philippines on April 24, 1950. The probate court found Bohanan to be a citizen of Nevada, thus his will conformed to Nevada laws. The will appointed the Philippine Trust Company as executor.

The Project of Partition, dated January 24, 1956, proposed the following distributions:

1. Half of the residuary estate to Farmers and Merchants National Bank, Los Angeles, in trust for Bohanan's grandson, Edward George Bohanan (P90,819.67 in cash and half of the shares of several mining companies).
2. The other half to Bohanan's brother F.L. Bohanan and sister Mrs. M.B. Galbraith, equally.
3. Legacies of P6,000 each to Bohanan's children, Edward Gilbert Bohanan and Mary Lydia Bohanan, to be paid in three yearly installments.
4. Legacies to various individuals including Clara Daen (P10,000), Katherine Woodward (P2,000), Beulah Fox (P4,000) and Elizabeth Hastings (P2,000).

Magdalena C. Bohanan, the testator's former wife, and his children contested the partition, claiming deprivation of their legitime under Philippine law. The lower court dismissed the objections and approved the partition, stating Nevada law allowed the testamentary disposition.

****Issues:****

1. Whether the Philippine court should recognize the Reno divorce obtained by C. O. Bohanan.
2. Whether the will's distribution, favoring foreign beneficiaries over the testator's children, contravened Philippine law regarding compulsory heirs.
3. Whether the application of Nevada law was proper in determining the validity of the testamentary dispositions.

****Court's Decision:****

1. ****Recognition of Reno Divorce:****

- The lower court held that the Reno divorce was valid under Nevada law, which governs the disposition of the testator's estate. Since the testator was a Nevada citizen at his death, and Nevada law permits full testamentary disposition without reserving a share for the spouse, the divorce was recognized.

- The decision was not appealed, making it final. Furthermore, Magdalena C. Bohanan's subsequent remarriage and lack of conjugal property with the testator affirmed that she had no legal claim.

2. ****Distribution under the Will:****

- The Court found that the testamentary distribution to the children (legacies of P6,000 each) was valid under Nevada law and that there was no requirement to preserve the Philippine legitime.

- The Supreme Court held that since the testator was domiciled in Nevada, his national law at the time of death governed the disposition of personal property. Article 10 of the Old Civil Code (same as Art. 16 of the New Civil Code) stipulates that succession rights are governed by the national law of the decedent.

3. ****Application of Nevada Law:****

- The Court accepted Nevada law as judicially noticed given that it was previously introduced and uncontested in earlier proceedings.

- Section 9905 of the Nevada Compiled Laws permitted the testator to dispose of his entire estate via his will.

Thus, the Court approved the Project of Partition under Nevada law in accordance with the testator's will.

****Doctrine:****

The case reinforces that the national law of the testator, particularly for personal property, governs testamentary dispositions if the testator is a foreign national. Article 10 of the Old Civil Code applies, allowing foreign laws to dictate the terms of succession against Philippine norm for legitime.

****Class Notes:****

- ****Article 10, Old Civil Code:**** Successional rights governed by the national law of the decedent.

- ****Compulsory Heirs (Philippine Law):**** Legitim portions not applicable if decedent's national law permits full testamentary freedom.

- ****Recognition of Foreign Divorce (Philippine context):**** Valid if recognized by the decedent's national law and the relevant conditionals are satisfied.

- ****Proving Foreign Law:**** Foreign laws must be properly evidenced under Rule 123 of the

Rules of Court, but may be judicially noticed if appropriately introduced previously.

****Historical Background:****

This case arose post-World War II, a period marked by complex international legal relationships. The involvement of an American expatriate married to a Filipino and residing in the Philippines highlights the intricacies of cross-jurisdictional issues in inheritance law. The probate and testamentary dispositions reflect the global movements and legal conflicts typical of the era, further complicated by differing concepts of marital regimes and inheritance rights between American states and the Philippines.