

January 2, 2012

This refers to your letter dated October 11 last regarding the status of US WEKAF. Since it concerns matters about GM Fred Bandalan's similar claim, we requested for his response and comments.

Thusly, upon receipt of Bandalan's response, the issue as to " who is the legitimate or the duly registered WEKAF organization in the US " has been inevitably joined. Corollary issue is the question of " who will represent the country to the International Board?"

Your group (hereinafter referred to as the Jornales group) opined that since you have already registered and incorporated on August 12, 2011, the WEKAF USA WORLD EKSIRIMA KALI ARNIS (WEKAF USA EKA for short), the Jornales group must therefore be declared the legally registered WEKAF USA to the exclusion of other claimant. Particularly that apart from the aforesaid registration, you have been using the name since 1997 as a tax exempt entity. Further arguing that although Bandalan had registered his own WEKAF USA INC. on May 9, 2008, the same was "suspended" as of September 30, 2011.

On the other hand GM Fred Bandalan (Bandalan for brevity) argued that inasmuch as he has "incorporated" and registered WEKAF USA on May 9, 2008 much ahead of that of the Jornales group's organization, he should be declared the rightful owner and claimant to the WEKAF USA both the name and the organization itself, momentary suspension not withstanding, since the same was immediately lifted on September 22, 2011 after he complied the submission of some reportorial requirements. In other words, the short suspension was of no moment and did not alter the established fact that his organization has the prior right and therefore the preferred claim.

Based on the arguments / statements offered by both parties as well as documentary evidence adduced to buttress their position the following have been established :

1. In 1989, the World Eskrima Kali Arnis Federation was organized in Cebu City, Philippines.
2. In 1997, Tom Sipin as Executive Director of WEKAF USA succeeded in getting "non-profit" status for WEKAF USA; and in 1998, GM Bandalan and Max Pallen made the decision to register as a 501 (c) (3) organization.
3. On May 9, 2008, Bandalan had registered and incorporated WEKAF USA, INC. with him as the sole incorporator. This organization was suspended temporarily but was reinstated on September 22, 2011 after complying some required corporate reports.
4. SGM Dionisio Cañete, had asked Bandalan to register and incorporate WEKAF USA, after Tom Sipin and Sonny Napial had rebuffed him by telling the SGM that registration and incorporation was unnecessary because according to them, "having been using the name since 1997, no one else can claim and register the name WEKAF USA".
5. On August 12, 2011, MICHAEL TURK registered and incorporated WEKAF USA WORLD ESKRIMA KALI ARNIS with him as the sole incorporator. Based on this registration, the Jornales group declared that since it is "now" incorporated "we believe we have the right to any usage of the name and ownership of that name for legal purposes"

To better appreciate the issues involved, we state some comparative details of the two contending organizations, which hopefully may also afford the members to comprehend the problem confronting US WEKAF.

- The WEKAF USA WORLD ESKRIMA KALI ARNIS has been incorporated and registered on August 12, 2011 by Michael Turk as sole incorporator, and soon thereafter the Jornales group proclaimed it as the real WEKAF USA. Whereas Bandalan had registered and incorporated WEKAF USA, INC. on May 9, 2008 with him as sole incorporator. That Bandalan's registration was done at the instance of SGM Cañete, who turned to him to do the task after Tom Sipin and Sony Napial refused to heed his advice. Sipin and Napial then maintained that registration was "unnecessary" "because we have been using the name since 1997 no one else can register WEKAF USA". Michael Turk, a Doce Pares Blackbelt joined WEKAF in year 2000, whereas Bandalan, is a reknown Grandmaster a charter/founding member of WEKAF in 1989 and a signatory to the Constitution and By-Laws.
- Michael Turk has never held any position in the International WEKAF neither in the US WEKAF, whereas Bandalan held various directorial and high profile positions in both International and US WEKAF, and attended almost all past World Championships and Congress.
- Bandalan, together with GM Arnulfo Cuesta had organized the "historic" First USA National Eskrima Kali Arnis Championship on October 15, 1988 in San Jose, California. The winners of this event represented the US to the First World Championship on August 11-13, 1989 in Cebu City.
- Bandalan, together with GM Richard Bustillo and GM Cuesta started WEKAF USA in 1989 after their return from the Philippines.
- In 1979, Bandalan travelled to Cebu City to attend the historic First Philippine National Eskrima Arnis Championship, and also in 1981 as guest of the Cebu Eskrima Open Championship.
- In 1975, Bandalan invited SGM Cañete to the US to hold Seminar-Workshop, which event triggered the upsurge of Eskrima followers. It was the SGM's first trip to the US.

With the above background, it is difficult to comprehend, why and how the organization of Michael Turk, can be identified and called as WEKAF USA, instead of that of Bandalan. To answer this question, we may consider the following:

WEKAF USA WORLD ESKRIMA KALI ARNIS is a registered corporation solely owned by Michael Turk. Nowhere in its Articles and By-Laws indicate it is, or it has anything to do with the original WEKAF USA; which clearly mean as what the registration states, a corporation that he incorporated by himself only. Hence, people who join his organization are members of Michael Turk and absolutely NOT WEKAF USA members. If the Jornales group followers want to be members of Michael Turk then they have to fill in application to be such, just as the Directors and Officers previously of WEKAF must need to be, either appointed by Turk or elected, depending on the format of the Board that he may constitute. Without the aforestated necessary corporate formalities, the Directors and Officers who are now trumpeting as his Directors and Officers have no legal personalities. Their assumption that since they were previously Directors and Officers of WEKAF USA, they are now also Directors and Officers of Turk's is highly fallacious if not preposterous and absurd. By no stretch of the imagination can they be considered members of Turk simply because they were WEKAF members.

Their continued assumption on this matter will pose serious legal and tax complications in the future.

The Jornales group should understand that Turk is the sole owner of his corporation and that it is important their followers should be informed they are members of Turk's and not of WEKAF USA, the original organization.

-What's mind-boggling is Turk's thundering silence. He never confirmed nor announced the appointment of his Directors and Officers, neither did he unequivocally declare his corporation to be the same as the original WEKAF USA. Perhaps this can be explained by the fact that WEKAF USA had existed long before he became a member sometime in 2000. As per records WEKAF USA was initiated by Bandalan, Cuesta and Bustillo in late 1989, and was registered as "tax exempt" by Tom Sipin in 1997.

Small wonder for Turk's silence, the obvious reason, it's beyond his wildest dream that he is now being proclaimed, extolled and revered as the sole owner of WEKAF USA with hundreds of members by the Jornales group. Who will of course ever imagine that a virtually unknown and a relatively new member at that, will suddenly emerge as the owner of the WEKAF USA? The big question is, how will the original and senior members take the sudden emergence of Turk as the new and sole owner of WEKAF USA? Whether they like it or not if they want to be members of Turk's, necessarily they have to sign up. Because Turk can't just collect and receive money without the necessary documents, otherwise, tax and legal complications will give him problems in the future. And following the theory and position of the Jornales group, Turk can now claim the funds and whatever properties of WEKAF USA. Is this allowed under the US Law? We only hope that if this happens nobody will end up in a deep hole.

Unfortunately, whatever their good intent, the recognition lacks legal, factual and moral foundation. Which leads to the unavoidable question of why Turk and not Bandalan?. It must be remembered that Bandalan registered the WEKAF USA on May 9, 2008 more than 3 years ahead of Turk's, upon request of SGM Cañete. That was after Sipin and Napial rebuffed the SGM believing that inasmuch as they have been using the name WEKAF USA since 1997, no one can register the same. It is highly absurd to think that the SGM would ask Bandalan to register a different WEKAF other than what he, together with Bandalan and many others had formed in August, 1989 in Cebu City, and which Bandalan had initiated its promotion in the US with GM Bustillo and Cuesta.

The argument by the Jornales group that they have been using the name since 1997 can very well be asserted by Bandalan, who is credited for establishing WEKAF USA in late 1989 with Bustillo and Cuesta. Incidentally, none of the listed Directors and Officers of Turk's was a member of WEKAF then.

For emphasis, Bandalan has registered his WEKAF pursuant to the request of the founder, SGM Cañete, and thereafter announced the selection of the Board of officers to whom he totally entrusted the management of the affairs of WEKAF; whereas no one knows what the interest/motive of Turk on his own WEKAF registration as he remains steadfastly silent and did not even make personal announcement of his Board. What's strange is that his named officers are the ones making all the pronouncements with the deafening silence of Turk raising more questions.

The move of the Jornales group to promote or make it appear that Turk's is the original WEKAF USA by using, adopting and/or affixing/adding the following underscored terms.

- WEKAF USA WORLD ESKRIMA KALI ARNIS formerly referred to as WEKAF USA, or
- WEKAF USA (non-profit) known as WEKAF USA WORLD ESKRIMA KALI ARNIS, or
- By enclosing in parenthesis the words WORLD ESKRIMA KALI ARNIS, thus to read the name of the organization to read as WEKAF USA (WORLD ESKRIMA KALI ARNIS)

Is a futile attempt to continue misleading their members, since the registration documents leave no doubt that the original WEKAF USA is far different from that of Turk's which he, as sole incorporator registered only on August 12,2011.

Michael Turk, a 3rd grade Black Belt of Doce Pares breached discipline and broke elementary courtesy when he registered his WEKAF USA. He knows very well that SGM Cañete, the founder/chair emeritus of WEKAF is the President of Doce Pares and the incumbent President of WEKAF International, Gerald Cañete is the Executive Director of Doce Pares, yet he did not bother to consult nor advise them of his plan. This obviously betray his motivation, particularly that he likewise knew at that time, that a senior ranking Doce Pares, GM Bandalan had already registered WEKAF USA some 3 years back. The mystery of the surrounding circumstances in Turk's registration is confounded by concerns on how the 2 WEKAF USA were accepted for registration, because in the Philippines this will never happen. As precedent, any body in the future can register any WEKAF, such as;

WEKAF USA Filipino Martial Arts
WEKAF USA Olisi Baraw
WEKAF USA Garote

Or say some enterprising minds may register,

McDONALD Burger Chicken
KFC Burger Chicken

Do you think McDonald and KFC won't raise hell to protect their trade names? Well anyway, this is beyond the issue at hand but for the better protection of WEKAF, may somebody please request for clarification from the state?

However, Bandalan and GM Pallen have announced their lack of interest in the declaration of what organization to be declared the rightful WEKAF USA, if it means to preclude some members to remain as such, or to deny them the chance to participate in the 12th World Championships; Because they believe, as what the Jornales group have been saying, the "members just want to compete, not be involved in politics".

And as previously stressed by the SGM, we don't want to decide or conclude who is right or wrong, or where the law, facts and evidence preponderate; what's important is the interest of the general membership. Because, we can say with absolute certainty, without fear of contradiction that all parties involved have done a great service to Eskrima Kali Arnis, and made it as what it is today, a very popular martial art.

IN VIEW OF THE FOREGOING we declare the US as a FREE ZONE, thereby giving all members the opportunity to attend and/or compete in the 12th WEKAF CHAMPIONSHIP, provided they register through either of the two organizations. And imploring all parties to continue explore all possible avenues of reaching a fair and just conclusion to the controversy. Perhaps in the Philippines during the 12th World Championships, we will be able to find the right formula to an amicable settlement that will make all of us winners.

GERALD O. CANETE

(with unanimous concurrence by the Grandmasters, Masters, Directors and SGM Diony Canete)